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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Richland County

Honorable George M. McFaddin, Circuit Court Judge

TRENTON M. BARNES,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001267

APPENDIX

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1 THE WITNESS: Mary Ellen Swain.

2 DIRECT EXAMINATION:

3 BY MS. SIMPSON:

4 Q Ms. Swain, where are you employed?

5 A Richland County EMS.

6 Q And how long have you been with Richland County
7 EMS?

8 A Almost 11 years.

9 Q And what is your position there?

10 A A senior paramedic.

11 Q And as a senior paramedic, describe for the jury
12 what you do?

13 A Basically I respond to emergency calls, provide
14 patient care based on the type of call, transport to
15 the hospital. I also oversee other crews and other
16 units on the street as a first line direct supervisor
17 on the street.

18 Q And back on July --- the early morning hours of
19 July 1, 2013, did you receive a call to respond to 93
20 Tommy Circle?

21 A I did.

22 Q Can you tell the jury about that?

23 A We received a call to respond out, and our
24 original call out was for a gunshot wound.

25 Q And when you arrived were officers already on the

1 scene?

2 A Yes.

3 Q And once you arrived did they give you some
4 additional information about where the victim may be?

5 A All we were told when we arrived on the scene ---
6 there were several officers on the scene. They had
7 actually already roped off the outside of the
8 building, and the law enforcement officer that I came
9 in contact with said that there was a victim inside
10 the building, just one.

11 Q And did you then proceed inside?

12 A I did.

13 Q What did you observe and what actions did you
14 take?

15 A I walked inside. I had my cardiac monitor. I
16 found a female victim laying under a table, a large
17 pool of blood up underneath her head. There was no
18 response. There was no pulse, she was not breathing.
19 I placed her on the cardiac monitor and confirmed that
20 she was in fact deceased.

21 Q And with respect to, I guess, your movement of
22 the body, when you approached it, did you remove
23 clothing or did you turn the body over? What did you
24 do?

25 A No. When I observed the body and being that it

1 was a potential crime scene, we do not touch anything
2 or disturb anything that would be considered potential
3 evidence. We basically just take a clear path, and
4 anything that was on the floor --- there were several
5 kitchen utensils, mixing bowls on the floor. We left
6 them as is. The only placement or touching of the
7 body that I did was place my leads for my cardiac
8 monitor on there. I did not turn the body, move the
9 body, anything. We do not do that.

10 Q And once you determined that the deceased female
11 was unresponsive, who did you notify what you did?

12 A I called my dispatch over the radio and notified
13 them that I did have one patient that is deceased and
14 they are responsible for notifying the coroner. Once
15 I did that, I gathered my equipment that I had, took
16 the direct path that I had inside and left the scene,
17 left the building.

18 Q So the victim's body was actually left there,
19 there was no transport?

20 A No transport. We do not transport.

21 Q So she was essentially deemed dead on arrival?

22 A Yes.

23 Q I know it's been awhile. Do you recall what time
24 you were dispatched to the location?

25 A I know that it was early in the morning. I don't

1 remember exactly what time it was. I know it was
2 after --- it was after two, two o'clock in the morning
3 or so. I'm not sure exactly what time.

4 Q And you've responded to a number of calls since
5 that time?

6 A Oh, yes.

7 Q Would it assist you if I showed you a copy of
8 your report?

9 A Yes, that would be great. Thank you.

10 Q What is the date and time dispatched on that?

11 A The date was July 1, 2013, and we were dispatched
12 at 03:55 A.M.

13 Q And who was the victim listed on there?

14 A Kelly Hunnewell.

15 MS. SIMPSON: Thank you, Ms. Swain.

16 THE WITNESS: Thank you.

17 THE COURT: Is that it?

18 MS. SIMPSON: Yes, Your Honor.

19 THE COURT: I'm sorry. I didn't hear you.

20 Cross?

21 MR. KRZYSTON: I have no questions for this
22 witness, Your Honor.

23 THE COURT: Thank you, sir.

24 Mr. Schnee.

25 MR. SCHNEE: No questions.

1 THE COURT: Great. Thank you very much. Have a
2 nice day.

3 THE WITNESS: Thank you.

4 THE COURT: Call your next witness.

5 MS. SIMPSON: The State calls Adam Lostettler.

6 THE COURT: Adam who?

7 MS. SIMPSON: Lostettler. I apologize for my
8 pronunciation.

9 ADAM LOSTETTLER,
10 after being duly sworn, testified as follows:

11 THE CLERK: Have a seat and state your full name
12 for the record.

13 DIRECT EXAMINATION:

14 BY MS. SIMPSON:

15 Q Can you state your full name for the record?

16 A Adam Lostettler.

17 Q Mr. Lostettler, where do you work?

18 A Columbia Fire Department.

19 Q What do you do there?

20 A I'm a captain on engine 11.

21 Q As a captain on engine 11, what are your duties?

22 A I'm over my truck. I have three other people I'm
23 direct supervisor over.

24 Q And you respond to emergency calls from law
25 enforcement people, individuals, things of that

1 nature?

2 A Correct.

3 Q I want to turn your attention back to --- first,
4 how long have you been with the Columbia Fire
5 Department?

6 A Approximately 13 years.

7 Q Thirteen years. Turning your attention back to
8 July 1st of 2013, did you receive a call to respond to
9 93 Tommy Circle?

10 A We did.

11 Q Tell the jury about that call and what you did.

12 A I got turned out --- that's how they alert us for
13 a call for a gas leak, and we had a response for a gas
14 leak. We arrived on the scene, talked to the police
15 officers that were on the scene. They told us they
16 just needed the stove and I think it was another
17 appliance cut off, the gas. We went inside, cut the
18 gas off to those appliances, came back outside, and I
19 advised my chief that it wasn't an actual gas leak.
20 It was just the police department needed the gas cut
21 off to the appliances and we cleared the scene.

22 Q So the establishment when you arrived --- what
23 was the temperature like inside, if you recall?

24 A I don't recall.

25 Q When you said there was no gas leak, did you go

1 to the direct appliances and turn them off?

2 A Right, each appliance had the cut off behind it.
3 Instead of just using the knobs, we cut it off at the
4 actual cut off behind the appliance.

5 Q With respect to the scene, when you go to the
6 appliances, are you cautious and aware of where you go
7 so as not to contaminate the scene in any way?

8 A Correct. We go straight to the appliance. We're
9 careful not to mess with anything other than the
10 appliances.

11 Q Once you turned off the appliances, was that the
12 extend of your involvement? Did you then leave?

13 A It was.

14 Q Thank you.

15 THE COURT: Cross?

16 MR. KRZYSTON: No questions, Your Honor.

17 THE COURT: All right.

18 MR. SCHNEE: No questions.

19 THE COURT: Thank you very much, captain.
20 Have a nice day.

21 THE WITNESS: Thank you.

22 THE COURT: Call your next witness.

23 MS. GARFIELD: Judge, there are some scheduling
24 issues, so we're going to call a witness out of order.
25 At this time, the State would call Adam Blauch,

1 B-L-A-U-C-H.

2 (WHEREUPON, State's Exhibit Number 395 was marked
3 for identification only.)

4 MR. KRZYSTON: Judge, can we approach?

5 THE COURT: Sure.

6 (WHEREUPON, a bench conference was held in the
7 presence, but not within the hearing of the
8 jury.)

9 ADAM BLAUCH,

10 after being duly sworn, testified as follows:

11 THE CLERK: Please have a seat. State your full
12 name.

13 THE COURT: All right. Go ahead, Ms. Garfield.

14 MS. GARFIELD: Thank you, Your Honor. May it
15 please the Court.

16 DIRECT EXAMINATION:

17 Q Mr. Blauch, where are you employed?

18 A I am employed with AT&T.

19 Q What is your duties with AT&T?

20 A I am employed as a custodian of records to appear
21 in court on behalf of AT&T.

22 Q Is that pursuant to receiving search warrants and
23 subpoenas for phone records?

24 A We receive search warrants and subpoenas to
25 produce phone records and then we receive subpoenas to

1 appear in court as well.

2 Q And that's why you're here today?

3 A Yes.

4 Q And did you receive a search warrant for a phone
5 number of 803-748-0352?

6 A Yes, we did.

7 Q Can you tell the jury what that phone number ---
8 or who it's registered to or an address it's
9 registered to?

10 A The phone is actually registered to a reselling
11 company called Budget Phone Incorporated, but the
12 service address for that phone number is 2849 Lucille
13 Drive, Columbia, South Carolina 29204.

14 Q Is that cell line or a land line?

15 A A land line.

16 MR. KRZYSTON: Judge, there's a matter of law we
17 need to discuss.

18 THE COURT: All right. Ladies and gentlemen.
19 Take off to your jury room. Do not discuss the case.
20 Keep an open mind. We'll be back with you in just a
21 few moments.

22 (WHEREUPON, the jury left the courtroom at 2:55
23 P.M.)

24 THE COURT: All right.

25 MR. KRZYSTON: May it please the Court, Your

1 Honor. I've been handed what is listed as a State's
2 Exhibit 395. It is a binder with --- on the front
3 there is a label --- it's labeled as AT&T land line
4 and lists the phone number. Similar thing on the
5 side. My objection to this exhibit is the very first
6 page is a fax from the Columbia Police Department. I
7 would argue that is inadmissible hearsay.

8 The second --- the next few pages that follow are
9 a copy of the search warrant itself. Specifically it
10 deals with similarly, all the affidavits I think you
11 reviewed for search warrants for homes. It lists part
12 of the investigation, statements by Troy Stevenson
13 who --- various statements dealing with the probable
14 cause for the search warrant itself. I'd ask that all
15 those documents be removed from this as it's not a
16 proper exhibit. I have no objection to the phone
17 records themselves, but the cover sheet from the
18 police department, we do object to.

19 THE COURT: Let me see it.

20 MS. GARFIELD: Judge, we agree. I inadvertently
21 put it in there. I realized it when Mr. Krzyston
22 looked it. These aren't being published to the jury
23 at this time. I was going to remove it after. I just
24 didn't want the jury to see me remove something from
25 it.

1 THE COURT: So the search warrant and the fax
2 cover sheet are coming out. I assume there is no
3 objection to that.

4 MR. KRZYSTON: No, Your Honor.

5 THE COURT: So you're okay as long as the search
6 warrant and the fax cover sheet come out?

7 MS. GARFIELD: They're out.

8 MS. CAMPBELL: Judge, while jury is out, can I
9 check the pictures for the next witness as far as
10 what's coming in versus ...

11 THE COURT: Yes.

12 (Pause.)

13 MS. CAMPBELL: Thank you, Judge.

14 THE COURT: Okay. Mr. Dye.

15 (WHEREUPON, the jury entered the courtroom at
16 2:58 P.M.)

17 THE BAILIFF: The jury is seated, Your Honor.

18 THE COURT: Thank you very much, Mr. Dye.
19 Welcome back, ladies and gentlemen. Ms. Garfield, you
20 may continue.

21 MS. GARFIELD: Thank you, Your Honor.

22 BY MS. GARFIELD:

23 Q Mr. Blauch, I'm going to show you what's being
24 marked as State's Exhibit 395. Are those the phone
25 records pertaining to that Lucille Drive phone number?

1 A Yes.

2 Q What are the dates of those phone records?

3 A AT&T pulled the dates of June 26, 2013, until
4 July 6, 2013.

5 Q And those are accurate in their true form?

6 A Correct.

7 MS. GARFIELD: Your Honor, at this time I'd like
8 to introduce State's Exhibit Number 395 into evidence.

9 MS. PINNOCK: No objection.

10 MR. SCHNEE: No objection.

11 THE COURT: All right. Thank you very much.
12 Without objection.

13 (WHEREUPON, State's Exhibit Number 395 was
14 admitted into evidence.)

15 MS. GARFIELD: No further questions.

16 THE COURT: Cross-examination?

17 MS. PINNOCK: No questions, Judge.

18 MR. SCHNEE: Very briefly.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION:

21 BY MR. SCHNEE:

22 Q Do you remember when you received the request for
23 those phone records?

24 A My office received it. I did not receive it
25 personally.

1 Q Okay. Would you know when your office received
2 that request?

3 A I was not given that information for this.

4 Q Okay. If I show you the first page, can you tell
5 me when this report was actually generated?

6 A It was generated on February 1st, 2014.

7 Q Okay. Do you believe that your office or anyone
8 else would have waited six months on that request or
9 is that something that is normally done very quickly?

10 A It depends on the backlog. We could be several
11 weeks behind. Several meaning two to ten weeks
12 behind.

13 Q So the request wasn't made say July 8th.
14 Obviously it was made later than that?

15 A I couldn't say when. I really don't know exactly
16 when it was made.

17 Q But it was printed out on actually --- you said
18 February?

19 A February 1st of 2014.

20 Q Thank you.

21 THE COURT: Redirect?

22 MS. GARFIELD: No, sir.

23 THE COURT: Have a nice day.

24 THE WITNESS: Thank you.

25 THE COURT: Call your next witness.

1 MS. CAMPBELL: The State would call Investigator
2 George Wise.

3 INVESTIGATOR GEORGE WISE,
4 after being duly sworn, testified as follows:

5 THE CLERK: Please have a seat. State your full
6 name for the record.

7 THE WITNESS: My name is George Wise. Wise,
8 W-I-S-E.

9 DIRECT EXAMINATION:

10 BY MS. CAMPBELL:

11 Q Investigator Wise, where are you employed?

12 A City of Columbia Police Department.

13 Q What do you do there, sir?

14 A I'm a crime scene investigator.

15 Q As a crime scene investigator, what do your
16 duties include?

17 A Some of my duties are to respond to a crime scene
18 and once the scene is secure, my job is to go in and
19 take a videotape or photograph the crime scene and
20 collecting evidence and placing that evidence into the
21 evidence room.

22 Q And do you have any training or education in the
23 area of crime scene investigation?

24 A Most of my crime scene training has been on-the-
25 job training. I do have training in fingerprint

1 comparison, palm print comparison, and a two-day class
2 in crime scene photographing.

3 Q Have you ever been qualified before as an expert
4 as far as processing crime scenes?

5 A Yes.

6 Q Approximately how many times have you been
7 qualified, do you know?

8 A I believe one time.

9 MS. CAMPBELL: Your Honor, at this time we'd
10 offer him as an expert in crime scene investigation.

11 THE COURT: Voir dire?

12 MS. CAMPBELL: As far as evidence collection.

13 THE COURT: Voir dire?

14 MS. BAMBACH: Your Honor, can we approach?

15 THE COURT: Sure.

16 (WHEREUPON, a bench conference was held in the
17 presence, but not within the hearing of the
18 jury.)

19 THE COURT: Voir dire?

20 MS. PINNOCK: Briefly, Judge.

21 THE COURT: Sure.

22 MS. PINNOCK: Investigator Wise, how many scenes
23 have you processed?

24 THE WITNESS: I've been with crime scene now four
25 years. I would say, just to give an estimate,

1 probably over 100 ---

2 MS. PINNOCK: Okay.

3 THE WITNESS: --- crime scenes, but that's
4 including burglary, auto breaking. Is that what
5 you're including, ma'am?

6 MS. PINNOCK: Yes.

7 THE WITNESS: Okay.

8 MS. PINNOCK: And with this case when you
9 responded on July 1st, you said you did arrive and the
10 purpose of your arriving was to document?

11 THE WITNESS: Yes, to document the scene.

12 MS. PINNOCK: Either video, photograph,
13 collecting certain evidence.

14 THE WITNESS: Yes, ma'am.

15 MS. PINNOCK: And after you performed those
16 duties, you submitted it for evidence, right?

17 THE WITNESS: Yes, ma'am.

18 MS. PINNOCK: Anything you collect that point,
19 you submitted to evidence?

20 THE WITNESS: Yes, ma'am. Normally, I believe at
21 that point in time for this case, we actually put it
22 in our crime lab for security purposes and we're able
23 to place it into the evidence room.

24 MS. PINNOCK: And when you processed the scene,
25 you dusted for prints, correct?

1 THE WITNESS: At that point in time, I did not
2 dust for prints for this scene.

3 MS. PINNOCK: Okay. You took photographs?

4 THE WITNESS: Yes.

5 MS. PINNOCK: Did you collect the shell casings
6 or did somebody else collect the shell casings?

7 THE WITNESS: I was there. I had assistance from
8 another crime scene officer who was actually in
9 training at the time. He assisted me when I was
10 there, but he collected the shell casings.

11 MS. PINNOCK: Okay.

12 THE WITNESS: And we were both there at the same
13 time.

14 MS. PINNOCK: As far as training, you said you've
15 been qualified as an expert once before.

16 THE WITNESS: I believe I may have testified in
17 federal court in a murder case back then. I believe
18 it was this year. If I recall, I think the lawyers
19 worked out where I was to testify as an expert
20 witness.

21 MS. PINNOCK: Okay. But you were not prepared to
22 testify as an expert when you first got there? They
23 had worked something out.

24 THE WITNESS: I assume so, ma'am, but I cannot
25 recall.

1 MS. PINNOCK: And what were you actually
2 qualified in?

3 THE WITNESS: This crime scene.

4 MS. PINNOCK: Nothing specific.

5 THE WITNESS: No, ma'am, nothing specific.

6 MS. PINNOCK: Beg the Court's indulgence.

7 (Pause.)

8 MS. PINNOCK: I have nothing further at this
9 point, Your Honor.

10 THE COURT: Mr. Schnee?

11 MR. SCHNEE: Judge, I have ---

12 THE COURT: As to clarification?

13 MR. SCHNEE: Judge, I have no objection to him
14 being qualified as an expert in evidence collection.
15 However, if he is going to render any opinions as to
16 anything subsequent to that based on whatever was
17 found, I would object to that and would require
18 additional foundation.

19 MS. CAMPBELL: He is going to talk about evidence
20 collection and his observations at the scene.

21 THE COURT: All right. Ladies and gentlemen,
22 this witness is going to be qualified as an expert in
23 the area of evidence collection and what he did from a
24 crime scene standpoint. Normally a person cannot give
25 opinion testimony.

1 Normally when a person testifies, they have to
2 testify as to what they saw, heard, did smelled,
3 something like that. However, there is an exception
4 when someone is qualified because of their education
5 or experience, they are permitted to give opinion
6 testimony in certain areas if they get qualified in
7 that way, so this witness will be qualified as an
8 expert in the area of crime scene collection. He will
9 be allowed to give opinion testimony in that area.
10 That doesn't mean you would have to accept his
11 opinion, but it is evidence for you to use in any way
12 you see fit and give it the weight and credibility
13 that you believe it deserves, as you are required to
14 do with each and every witness that appears before
15 you. Thank you.

16 Ms. Campbell.

17 MS. CAMPBELL: Thank you, Your Honor.

18 BY MS. CAMPBELL:

19 Q Investigator Wise, back on July 1st, 2013, were
20 you working that morning or evening, I guess I should
21 say?

22 A No, ma'am, I was actually called out to the
23 scene. I was called out.

24 Q So you were actually on call?

25 A Yes, ma'am.

1 Q Did you get a call that morning to respond to an
2 address on Tommy Circle?

3 A Yes.

4 Q And what was the address you were responding to
5 that morning?

6 A It should be 93 Tommy Circle.

7 Q And what kind of call were your responding to?

8 A I was responding to a shooting. If I recall the
9 information I received early that morning, there was a
10 shooting. I was not aware that it was actually a
11 homicide.

12 Q At this point?

13 A At that point.

14 Q Once your got to the scene what did you observe?

15 A Once I got on the scene, I came in contact with
16 an on-the-scene supervision, Sergeant Smalls. He
17 provided me with information that there had been a
18 shooting and that a person had been shot and had died
19 from her injuries. As I arrived on the scene, I found
20 it to be inside of a building, like I guess you would
21 say, a kitchen area. The door was open.

22 As I proceeded in, I see several areas where the
23 on-the-scene officers had placed traffic cones out to
24 mark --- sometimes officers will assist in finding
25 shell casings, projectiles, things that we could

1 locate and they do what they can to assist and keep it
2 located.

3 Q Let me stop you right there. You said there are
4 cones, right, to help keep you located. Is that also
5 to make sure that nobody moves any of the evidence
6 there at the crime scene?

7 A Yes, ma'am, we put that there so no one else
8 would interfere with that.

9 Q And that's not unusual in a scene such as a
10 shooting?

11 MR. SCHNEE: Objection, leading.

12 THE COURT: Overruled.

13 MS. CAMPBELL: Thank you.

14 BY MS. CAMPBELL:

15 Q Is that unusual?

16 A No.

17 Q Once --- you mentioned also that there were other
18 police officers there, is that correct?

19 A Yes.

20 Q And who did you actually make contact with to get
21 some information?

22 A It was an on-scene supervision, Sergeant Smalls.

23 Q And what's the purpose of you trying to get that
24 information before you enter a crime scene?

25 A Basically to see what situation I have or what

1 course of action I need to do. I need some
2 information before I walk into the scene to see what I
3 have.

4 Q Once you went inside the scene, I believe that's
5 what you were testifying about and seeing the cones
6 marking certain pieces of evidence. What type of
7 evidence were the cones kind of pointing out to
8 people?

9 A Empty shell casing, empty shell casing, and some
10 projectile, and a projectile is a bullet.

11 Q You talk about the word projectile and empty
12 shell casings that you observed on your initial
13 assessment of the scene. What does that mean to
14 someone like me, a lay witness that doesn't have a gun
15 necessarily themselves?

16 A A shell casing basically is a --- something that
17 has been ejected from a weapon. It has been fired and
18 then you have an empty shell casing that lands on the
19 ground as a fired bullet. It's an empty shell casing
20 like it's been fired from a weapon.

21 Q And what part of the weapon would a shell casing
22 come from when ejected versus the projectile?

23 A I'm sorry?

24 Q What part of the weapon would the shell casing
25 come from versus where the projectile would come? Can

1 you explain that?

2 A The shell would come out the exiting point of a
3 weapon. Once the weapon is fired, it exits out of the
4 exit point.

5 Q Okay. You used the term projectile. What part
6 of the weapon does that come out of?

7 A That comes out the barrel.

8 Q So that's what I would call the bullet that comes
9 out at the end of the barrel?

10 A Yes.

11 Q And then the shell casing is that part that's
12 shed off that bullet as it goes through the gun?

13 A Yes.

14 Q You noted that there were several of those
15 around. Did you also observe anybody there at the
16 scene?

17 A The victim.

18 Q And where was the victim located when you got
19 there?

20 A The victim was actually laying under a same area.
21 As you walked through the door, you would look to the
22 right area. There is a sink area alongside the wall
23 where the victim was actually laying at, up under the
24 sink.

25 Q Did you note any areas that indicated there may

1 have been some type of struggle involved in that area
2 that night?

3 A From what I observed, there were several pots
4 that had been knocked off a table onto the floor, and
5 a shelf had been pushed, knocked off several items
6 onto the floor, and it looked like basically a
7 struggle.

8 Q Once you did your walk through, what did you do
9 next?

10 A At that point in time I went ahead and removed
11 the cones and began marking the yellow markers, as
12 numbered markers, and began marking the shell casing
13 projectile and once they were marked, I began to
14 photograph them.

15 Q Did you notice if there is any kind of recording
16 system there at the scene that night?

17 A Later on, as we continued looking through the
18 area of the crime scene, that's when we went through a
19 storage area. I noticed a DVR, and I also noticed
20 there was a light on showing that it was operational,
21 basically that it was on. But there was not a monitor
22 to see if it was actually recording.

23 Q Is that something you typically look for that may
24 give you some information as to what happened that
25 night?

1 A Yes.

2 Q And what, if anything, did you do when you saw
3 the recording DVD that night?

4 A Once we saw the DVR --- once I saw that the
5 operation light was on and all, I went ahead and
6 collected the DVR.

7 Q And I show you what's been marked --- hold on.
8 (Pause.)

9 You mentioned that the first thing you do is go
10 through and photograph things; is that correct?

11 A Yes.

12 Q Is that prior to you collecting any actual
13 evidence in the case?

14 A Yes, we photograph it first so we can mark the
15 location of each piece of evidence and where it's
16 located at.

17 Q And I want to show you first --- did you
18 memorialize just the exterior of the building that you
19 were --- in State's Exhibit 8, that you were looking
20 at that night?

21 A Yes. This is the photograph here.

22 THE COURT: Whoa, whoa, whoa. Don't show it to
23 the jury yet.

24 THE WITNESS: I'm sorry.

25 BY MS. CAMPBELL:

1 Q Is that fair and accurate?

2 A Yes.

3 Q Is that the photograph that you actually took?

4 A Yes.

5 MS. CAMPBELL: Your Honor, at this time we'd
6 offer State's Exhibit 8 into evidence.

7 MS. PINNOCK: No objection.

8 MR. SCHNEE: No objection.

9 (WHEREUPON, State's Exhibit Number 8 was admitted
10 into evidence.)

11 MS. CAMPBELL: Your Honor, in order to expedite,
12 I believe, on the next --- State's Exhibit 9 through
13 State's Exhibit 140, we would offer all of those
14 subject to your previous rulings excluding number 21,
15 22, 23, 49, 124 and 122, am I correct?

16 MS. PINNOCK: I'm sorry. Say the numbers
17 excluded again.

18 MS. CAMPBELL: Number 21, 22, 23, 49, 122 and
19 124.

20 THE COURT: 124? Is that the last one?

21 MS. CAMPBELL: Yes, sir. Is that what your
22 records reflect?

23 MS. PINNOCK: Yes, Your Honor.

24 MR. SCHNEE: I certainly agree those were agreed
25 to not be, but I haven't seen what the rest of those

1 are so...

2 THE COURT: Okay. Show them to Mr. Schnee.

3 MS. CAMPBELL: He's had the opportunity to view
4 them on multiple occasions.

5 MR. SCHNEE: I object to that, Judge. That's
6 ridiculous.

7 THE COURT: Calm down. Show them to Mr. Schnee.
8 (Pause.)

9 MR. SCHNEE: Judge, may we approach?

10 THE COURT: Yes.

11 Stand up, stretch your legs, talk amongst
12 yourselves while he looks at the photos. It's okay.

13 (WHEREUPON, a bench conference was held in the
14 presence, but not within the hearing of the
15 jury.)

16 THE COURT: Ms. Campbell, you may continue.

17 BY MS. CAMPBELL:

18 Q There were a number of photographs taken,
19 starting with State's Exhibits 8 through 140 that
20 night. You've had an opportunity to review these on a
21 prior occasion, correct?

22 A Yes.

23 Q Do these photographs that were taken that night
24 fairly and accurately depict the scene as you found it
25 that night?

1 A Yes.

2 Q Some of them have multiples and some don't; is
3 that correct?

4 A That's correct.

5 MS. CAMPBELL: Your Honor, at this time we would
6 offer State's Exhibits --- 8 is already in. We would
7 offer State's Exhibits 9 through 140.

8 THE COURT: All right. So 21, 22, 23.

9 MS. CAMPBELL: Forty-nine.

10 THE COURT: 122, 124 are out per order of the
11 court.

12 MS. CAMPBELL: With those exceptions.

13 THE COURT: Mr. Barnes objects to 57, 59, 98, 99,
14 100, 101, 102, 112 and 134 and those will be admitted
15 over defense objection.

16 MS. CAMPBELL: Thank you, Your Honor.

17 MS. PINNOCK: Your Honor, I would just like to
18 renew my previous objections for 125 and 123.

19 THE COURT: 125 and 123?

20 THE COURT: Have I seen those already?

21 MS. CAMPBELL: Yes, sir.

22 THE COURT: All right. Those are admitted over
23 defense objection.

24 MS. CAMPBELL: Thank you, Your Honor.

25 (WHEREUPON, State's Exhibit Numbers 9-20, 24-48,

1 50-121, 123, and 125-140 were admitted into
2 evidence.)

3 MR. SCHNEE: Judge, I'm also renewing my
4 objections of those for the record.

5 MS. CAMPBELL: Your Honor, may the witness step
6 down?

7 THE COURT: Investigator Wise, keep your voice up
8 so that jurors in the back corner can hear you and the
9 court reporter can hear you. Okay?

10 THE WITNESS: Yes, sir.

11 BY MS. CAMPBELL:

12 Q You can come over on this side. Face this way.

13 I'm going to show you some general overviews,
14 State's Exhibits 9 and 10, what area of the bakery do
15 those show, sir?

16 A This would be where you would walk through. The
17 main entrance would be to the far right side.

18 Q To the far right side?

19 A Yes, ma'am.

20 Q Then in State's Exhibits 11 and 12, what area
21 does this show?

22 A This area right here as you walk through the main
23 door, which is right here, you take a few steps. This
24 is actually to the left side of the room.

25 Q To the left side as you walk in the front door?

1 A Yes, but you have to take a few steps. It's like
2 an L shape.

3 Q And moving on around to State's Exhibits 13 and
4 14, what areas do those show?

5 A These areas actually show toward the sink area.

6 Q The sink area?

7 A The sink area where the victim would be located
8 at.

9 Q Where was the sink located as you walked through
10 the front door, which area which you look to?

11 A It would actually be to your right side.

12 Q Back towards the corner?

13 A Yes.

14 Q And another area, which is State's Exhibit
15 Number 16, what does that show, sir?

16 A That should be to the far right corner.

17 Q And State's Exhibit Numbers 17 and 18 show what
18 area?

19 A Then again, this is as you walk through the main
20 entrance, you have to take a few steps and this would
21 be to your far left.

22 Q And this item right here that's standing alone,
23 what is that?

24 A That would be the freezer area.

25 Q And finally looking at State's Exhibit Number 20,

1 this is looking into what specific area?

2 A If I recall, I think that's part of that, maybe a
3 storage area.

4 MS. CAMPBELL: Your Honor, permission to publish.

5 THE COURT: Yes, ma'am.

6 MS. CAMPBELL: Thank you.

7 BY MS. CAMPBELL:

8 Q And you mentioned a sink area is where the victim
9 was. That's where that was located; is that correct?

10 A Yes.

11 Q I want to show you what's been marked as State's
12 Exhibits 24 and 25, is a closer up photo. Is there
13 anything of significance that you noticed in State's
14 24 and 25 above that sink?

15 A Yes, there's actually two areas. You could see
16 in this location here what appears to be possibly
17 where a bullet had struck the sink area. Also to the
18 upper right side you can see where a bullet possibly
19 struck the wall.

20 Q The wall area?

21 A Yes.

22 Q I show you State's Exhibit Number 26, which is
23 over toward the left of the --- is there anything of
24 significance there?

25 A Yes. The possibility of where a bullet may have

1 struck the wall area.

2 Q Right next to that silver ---

3 A Yes, like an indentation on the wall.

4 Q Involving impact points, the sink area where the
5 victim was located, this is cropped off, but the
6 victim's body had been located below this?

7 A Yes.

8 Q In State's Exhibit Number 27, however, does it
9 show again, an impact area?

10 A Yes, actually two impact areas on this.

11 Q And one is here?

12 A Yes.

13 Q And where is the second one?

14 A The second one would be a possibility of right
15 here where a bullet may have struck the sink area.

16 Q And again, when you're making these observations,
17 this is how it appears to you and that's why your
18 documenting this?

19 MR. SCHNEE: Objection leading.

20 THE COURT: Sustained.

21 BY MS. CAMPBELL:

22 Q Why are you documenting this?

23 A Just to document the areas of damage that the
24 bullets may have caused.

25 Q Finally, State's Exhibit Number 28, what does

1 that show, sir?

2 A Again, another area where a bullet may have
3 struck the sink area.

4 Q And State's Exhibits 29 and 30, where --- is that
5 a close up of that?

6 A Yes. And again, that's where possibly a bullet
7 may have struck the wall, which is right above the
8 sink.

9 Q And finally State's Exhibit 31?

10 A Yes, another location.

11 Q And in State's Exhibits 32 and 33, this series of
12 photographs, how are they different from the ones we
13 just saw? Like a close up here and 34 ---

14 A Yes.

15 Q --- was present?

16 A That's just a, you know, close up of the
17 projectile struck. That's just a measurement that
18 would show the size of the hole.

19 Q That's to scale?

20 A Yes, to scale.

21 Q And that's actually present here. Who would have
22 put that scale there? That wasn't there when you got
23 there, was it?

24 MR. SCHNEE: Objection. Leading again.

25 THE COURT: Overruled.

1 THE WITNESS: I put the scale there.

2 BY MS. CAMPBELL:

3 Q And again, on 35 and 37?

4 A Again, this is a --- basically a far picture and
5 a close up picture.

6 Q Next to the sink area, what was over next to the
7 sink area, do you recall?

8 A It's kind of like an area, I guess, they call it
9 a hood over your oven, there was a hood over the main
10 stove area.

11 Q I show you State's Exhibit 38. Is that what
12 you're talking about?

13 A Yes.

14 Q And this would have been where in connection with
15 the sink area?

16 A It would actually be, as you're looking to the
17 sink, the left side of the sink.

18 Q And, again, did you notice some possible points
19 of impact here in 38 and 40?

20 A Yes.

21 Q And, again, State's Exhibits 41 and 42?

22 A Again, we're showing the hood that's over the
23 oven area where possible points of impact from a
24 bullet strike.

25 Q Is there something next to the points of impact

1 there?

2 A Yes, at this location here is where I scaled it,
3 where the hole actually breached.

4 Q I believe that's going to be State's Exhibits 43
5 and 44, are close ups of the scale?

6 A Yes.

7 Q Okay. I want to show you State's Exhibit 45 and
8 a closer up of 46. What does that show?

9 A That is area to the right side of the sink.

10 Q And was there anything of significance back
11 behind this area as shown in State's Exhibit 47?

12 A Yes, there is --- there's like a piece of a
13 projectile that was located between --- right beside
14 the wall area.

15 Q And I believe State's Exhibit 48 is a close up of
16 that?

17 A Yes.

18 Q And was that later collected?

19 A Yes.

20 Q And this doesn't have any referencing points.
21 It's State's Exhibit Number 50. What is that, sir?

22 A I took a photograph of that just to document the
23 location of it before I was to move it, but once I
24 looked at it, it is what appears to be a lead part of
25 the bullet.

1 Q Moving on to other areas, what part of the
2 kitchen was this located in?

3 A That should be back in the storage area or break
4 area that we moved into and examined.

5 Q And in the break area, did you collect certain
6 items?

7 A Yes. If I recall, there was a time card and a
8 set of keys and then in one location a DVR.

9 Q I show you State's Exhibit Number 54. Is that
10 what you're talking about?

11 A Yes.

12 Q And you indicated earlier in your testimony that
13 it had a light on it that indicated it might be
14 working?

15 A Yes. It had like a little power light on it,
16 because like I said, there was no monitor, nothing
17 hooked to it.

18 Q I show you State's Exhibit Numbers 57, 58 and 59.
19 Do you recognize these?

20 A Yes.

21 Q And what area does this show?

22 A That is kind of like the main area, but that is
23 as you're walking into the door is what you see.

24 Q As you're walking in the door in State's Exhibit
25 Number 57, can you actually see something there in the

1 background? What is this area?

2 A The sink area.

3 Q That's the sink area?

4 A Yes.

5 Q And then located beneath the sink is what?

6 A The victim.

7 Q And this photograph, again, was taken from which
8 vantage point?

9 A The main entrance, the main entrance as you walk
10 through the front door

11 Q Also, I show State's Exhibit Numbers 62 and 60.
12 What area does that show, sir?

13 A That should be the area to the right as you walk
14 through the door.

15 Q Again, when you're out and you're out on the
16 scene, do you know immediately what may or may not be
17 relevant as far as the investigation in the case?

18 A No.

19 Q What do you try to do to make sure you can go
20 back and look at things that may become necessary or
21 important later?

22 A Photos, videos, anything that we may --- like I
23 said, have investigations look at it, and see if we
24 missed anything or even that may need to go back.

25 Q I'm going to show you State's Exhibit Number 64.

1 Do you recognize that area?

2 A Yes, this is the far right corner.

3 Q Were you aware of whether or not the Columbia
4 Fire Department, as well as EMS, had they already been
5 there when you got there that day or did they come
6 after you? Do you recall?

7 A Before. Before I got there.

8 Q Specifically, is that State's Exhibit Number 66?

9 A Yes, that was an item we saw. I'm not sure what
10 it was, but it was photographed and collected.

11 Q And then State's Exhibit Number 67 just shows
12 what area?

13 A A fan right at the door entrance.

14 Q What was the temperature like that night when you
15 got there?

16 A It was pretty warm. Because if I recall in the
17 far right corner, the oven was actually on. She had
18 the stove on, and I think she was actually cooking
19 something there in a large pot, so it was very warm
20 inside.

21 Q Let me show you State's Exhibits 68 and 69. You
22 mentioned earlier some signs that there may have been
23 a struggle?

24 A Yes.

25 Q Is that what you're talking about in State's

1 Exhibits 68 and 69?

2 A Yes.

3 Q I'm going to show you State's Exhibits 72 and 73.
4 You can actually see it better. What is that item
5 that's located there on the shelf?

6 A That is a cell phone.

7 Q And were you able to later determine whose phone
8 that was?

9 A We recovered that. If I recall, I believe that
10 would have been the victim's cell phone.

11 Q Moving on to State's Exhibits 76, 77 and 68.
12 What area does this show?

13 A Those areas should be the storage area or break
14 room area.

15 Q These photographs just document how it appeared
16 that night?

17 A Yes.

18 Q Additionally, another angle, State's Exhibits 81
19 and 82?

20 A That would be the break room area there.

21 Q As well as looking into State's Exhibit 83?

22 A That's walking into another storage area.

23 Q Finally, State's Exhibits 84 and 85 just document
24 what area?

25 A Yes, ma'am. This just documents the bathroom.

1 Q Once you had done your general overview of
2 documenting things both with scale and without scale,
3 did you then go back and place the markers in certain
4 areas?

5 A No. The markers are immediately placed before I
6 take the photographs.

7 Q Okay. Before your take the photographs?

8 A Yes.

9 Q You mentioned there were a number of shell
10 casings and projectiles that you collected that night?

11 A Yes.

12 Q I show you what's been marked as State's Exhibit
13 Numbers 87 and 88. What area does that show?

14 A That is as you walk through the door, that's
15 basically the first thing you will see.

16 Q And with a different angle, State's Exhibit 89.
17 Can you actually see the door we're talking about
18 here?

19 A Yes, yes. As I walked in and I turned, I
20 photographed each one.

21 Q And again, in State's Exhibit Number 90, is that
22 another one?

23 A Yes.

24 Q By that same doorway?

25 A Yes.

1 Q In State's Exhibit Number 93, is that a close up
2 of 91?

3 A Yes.

4 Q And what does that show that are marked (1) and
5 (2) there?

6 A That would be --- (1) should be --- if I may.

7 Q You can get yours.

8 A Oh, Marker number (1) should be a 45 GAP shell
9 casing.

10 Q When you say it's a 45 GAP shell casing, how were
11 you able to determine that there on the scene that
12 night?

13 A There's a marking on the back of the shell casing
14 to tell you what caliber it is.

15 Q That was actually documented here at Marker
16 number (1); is that correct?

17 A Yes.

18 Q And Marker number (2), what is that?

19 A Marker number (2) would be a projectile or
20 bullet, a fired bullet.

21 Q And you said you were able to determine with the
22 shell casing what the make and model is. Were you
23 able to do that with the projectile?

24 A No.

25 Q And that's where they were located when you got

1 there that night?

2 A Yes.

3 Q And when you go through and mark these ---
4 because we go from one, two, three, four, and five, do
5 you put them in any order or do you have any idea
6 which one got where first?

7 A It's not really a set order. It's just when I
8 come upon them first, I just go ahead and start
9 marking them as one, two, three, four, five.

10 Q And State's Exhibit Number 95, that's Marker (1)?

11 A Yes. That is an empty shell casing.

12 Q And then Marker number (2) is a close up of
13 State's 97 shows ---

14 A That would be the fired bullet or projectile.

15 Q Moving on with some distance shots on State's
16 Exhibit Numbers 98 and 99, is that your --- what
17 number marker is that?

18 A That would be Marker number (3).

19 Q What item did you find at Marker number (3)?

20 A Marker (3) would be a 45 caliber shell casing,
21 empty shell casing.

22 Q And then State's Exhibit Number 104. Is that a
23 close up of that?

24 A Yes.

25 Q Do you also use Marker number (4)?

1 A Yes.

2 Q Okay. So is this --- you can't miss the number
3 here. State's Exhibit Number 106 is that what's
4 located?

5 A Yes.

6 Q You can see it better with State's Exhibit Number
7 107.

8 A Yes.

9 Q And what item did you mark at number (4) that's
10 shown in State's Exhibits 108, 109?

11 A Number (4) would be a 45 empty shell casing.

12 Q Continuing with the markers, what's the next
13 marker?

14 A It should be Marker number (5).

15 Q And in this, I think there are actually two
16 markers on State's Exhibit 110?

17 A Yes, (5) and (6).

18 Q Okay, (5) and (6). And what items did you find
19 at Markers (5) and (6)?

20 A (5) would be 45 empty shell casing. (6) would be
21 a 40 caliber empty shell casing.

22 Q You mentioned there was a 40 caliber shell
23 casing?

24 A Yes.

25 Q As well as a 45?

1 A Yes.

2 Q I show you State's Exhibit Number 111 and then a
3 close up of 113, and what is number (5)?

4 A Number (5), again, is a 45 empty shell casing.

5 Q Marker number (6), where was it located?

6 A In the kitchen by the freezer.

7 Q And I believe if you're looking --- from what
8 area of the kitchen would you be looking for to see
9 number (6)?

10 A You're actually looking from the --- kind of like
11 you walk through the door area to the far left.

12 Q A close up of that, State's Exhibit Number 117.
13 What item again was number (6)?

14 A Number (6) was a 40 caliber empty shell casing.

15 Q And that's shown in State's Exhibit Number 120?

16 A (Unintelligible.)

17 THE COURT: Please keep your voice up. Can you
18 respond again for us or ask the question again,
19 Ms. Campbell?

20 (WHEREUPON, State's Exhibit Number 397 was marked
21 for identification only.)

22 BY MS. CAMPBELL:

23 Q What was --- was it a 40 caliber?

24 A Yes.

25 THE COURT: Thank you very much.

1 BY MS. CAMPBELL:

2 Q Did you also use Marker number (7)?

3 A Yes.

4 Q And what area of the bakery was that?

5 A That actually should be near the victim in the
6 sink area.

7 Q Near the victim in the sink area?

8 A Yes.

9 Q What item did you find if I show you 127, 128?

10 A That would be a 40 caliber empty shell casing.

11 Q And this over here, what is that? Do you know?

12 A The victim.

13 Q So this would be actually part of the victim's
14 body here?

15 A Yes.

16 Q Did you use Marker number (8)?

17 A Yes.

18 Q And then 129 and 130, does that show a close up
19 there?

20 A Yes.

21 Q What is this item, sir?

22 A Number (8) would be a fired bullet or projectile.

23 Q And where was that located in the bakery that
24 night?

25 A That was located right beside the victim.

1 Q Did you also use a number (9) that night?

2 A Yes.

3 Q I show you State's Exhibit Number 132. Does that
4 show Marker number (9)?

5 A Yes.

6 Q What area of the bakery is this?

7 A That is to the right side of the sink area.

8 Q And what item did you recover there?

9 A Number (9) would be --- is a piece of a fired
10 bullet, almost like a piece of metal.

11 Q I show you 135 and 136. Is that what you
12 recovered?

13 A Yes.

14 Q This is the same picture, just one a little
15 closer up, correct?

16 A Yes.

17 Q State's Exhibit Number 134, I believe shows the
18 sink area again?

19 A Yes.

20 Q And that's where the number (9) is?

21 A Yes.

22 Q So that would be a few feet away from where she
23 was found?

24 A Yes.

25 Q Marker number (10), did you use Marker number

1 (10)?

2 A No.

3 Q Why not?

4 A I didn't use Marker number (10). Again, that was
5 an item that I saw and photographed it, documented
6 where it was at, but once I realized what it was ---
7 it appeared to be a piece of lead that was possibly a
8 part of the bullet, but it was photographed and
9 collected.

10 Q And that's a piece of lead that we referred to
11 earlier?

12 A Yes.

13 Q But there's a photograph already in? And then
14 finally, Marker number (11), State's Exhibit Numbers
15 137, 138, what does that show, sir?

16 A Marker number (11) is a fired bullet of a
17 projectile.

18 Q Where was this located?

19 A It was located in the sink.

20 Q Is this the same sink under which the victim's
21 body was found?

22 A Yes.

23 Q And State's Exhibit Number 140 is a close up of
24 that?

25 A Yes.

1 Q Before you sit down, did you make a diagram of
2 the bakery area?

3 A Yes, I did.

4 Q I want to show you what's been marked as State's
5 Exhibit Number --- could be a two or it could be a
6 seven.

7 This is marked as 397, is this a blow up of a
8 diagram you actually prepared?

9 A Yes.

10 Q It's not drawn to scale, but other than that, is
11 it just a representative area of where you found the
12 projectiles and shell casings in this case?

13 A Yes.

14 Q And you actually prepared this?

15 A Yes.

16 MS. CAMPBELL: Your Honor, at this time we offer
17 397 into evidence.

18 MR. SCHNEE: I'd like to look at it first, Judge.

19 THE COURT: Okay. All right.

20 MR. SCHNEE: Judge, there's a matter of law we
21 need take up.

22 THE COURT: Now, is a good time to take a break,
23 ladies and gentlemen. Retire to your jury room. Do
24 not discuss the case. Keep an open mind. We'll be
25 back with you in just a few minutes. Stay seated

1 while the jury exits the room.

2 (WHEREUPON, the jury left the courtroom at 3:58
3 P.M.)

4 THE COURT: Yes, sir.

5 MR. SCHNEE: Judge, I don't have a problem with
6 the diagram of the kitchen itself. The problem I have
7 is the legend. It is including his own opinions as to
8 what the items are. Those are hearsay statements and
9 they are --- just like his own report would not be
10 admissible, his own personal list of those items that
11 he has already testified to, that would not be
12 admissible. I don't believe the legend is either.
13 Additionally, what is written on the legend is not
14 actually what is written in his report, so I object to
15 the content of all of that.

16 MS. PINNOCK: And, Your Honor, we would be
17 joining in that objection.

18 MS. CAMPBELL: They want me to cut out the
19 legend? What is it you're alleging is different from
20 his own report?

21 MR. SCHNEE: From his own report, he lists 45
22 caliber empty shell casings. He doesn't even show
23 them as GAPS. He didn't even testify that they were
24 45 GAP rounds. To list them on the legend that all of
25 them are 45 GAP is inappropriate.

1 MS. CAMPBELL: Well, the evidence itself is
2 coming in.

3 MR. SCHNEE: That's fine. That's what the jury
4 can look at. They can compare numbers and do what
5 they need on their own, but to use that summary is to
6 use his own report, which is not admissible and never
7 would be, so ---

8 THE COURT: Did you make this?

9 THE WITNESS: Yes.

10 THE COURT: Did you make the legend?

11 THE WITNESS: Yes.

12 THE COURT: You drew it up based on your notes
13 and observations?

14 THE WITNESS: Yes.

15 THE COURT: You created that?

16 THE WITNESS: Yes, sir.

17 THE COURT: Okay. It's in. All right. Over
18 defense objections.

19 (WHEREUPON, State's Exhibit Number 397 was
20 admitted into evidence.)

21 (WHEREUPON, State's Exhibit Numbers 396, 398, 399
22 were marked for identification only.)

23 THE COURT: Ten minute break.

24 (WHEREUPON, a short break was taken.)

25 MS. CAMPBELL: Just for scheduling purposes, we

1 have this witness and I believe four or five.

2 THE COURT: Okay.

3 MS. CAMPBELL: Two that have to go that are short
4 and then just three or four more that are available.

5 THE COURT: Okay.

6 MS. CAMPBELL: Is that good?

7 THE COURT: Yes.

8 MS. CAMPBELL: Thank you, sir.

9 Is everybody else ready?

10 MR. SCHNEE: Yes, Your Honor.

11 MS. BAMBACH: Yes, Your Honor.

12 THE COURT: All right. Now, where is
13 Mr. LeBlanc? Okay. Keep your seat. He has
14 permission, Mr. Dye, because he is with the State
15 newspaper and they requested permission to have
16 things. He is okay. Anybody else --- if you're not
17 with the media, and my media people are from
18 Mr. LeBlanc over, I don't even want to see a cell
19 phone, okay. Don't get it out. Don't text on it.
20 Don't think you can take a picture in my courtroom
21 because you can't. If you're dressed inappropriately
22 and the bailiffs will decide that, you're not going to
23 be allowed in if you're dressed appropriately. Don't
24 even get out your phone, don't text, don't email,
25 whatever you may be doing. If somebody sees it, it's

1 gone. If I hear it, it's gone and there is more than
2 likely a monetary fine attached to it. Okay? But
3 Mr. LeBlanc and these news media people have given the
4 proper forms and orders to be allowed to be in here
5 with that equipment. They know I don't want to hear
6 it. They have done very well so far this week at
7 following the court's orders, so they're fine. Okay.

8 Okay, bring in the jury.

9 (WHEREUPON, the jury entered the courtroom at
10 4:17 P.M.)

11 THE BAILIFF: Thank you, Your Honor.

12 THE COURT: You may continue.

13 MS. CAMPBELL: May the witness step down one more
14 time?

15 THE COURT: Okay. Just keep your voice up,
16 Investigator.

17 BY MS. CAMPBELL:

18 Q I'm going to show you State's Exhibit 397, which
19 was admitted. If you come up on this side. Don't run
20 into Mr. Dye.

21 Basically, this shows the interior of the bakery;
22 is that correct?

23 A Yes.

24 Q And all this is approximate, is it not? It's not
25 to scale?

1 A Yes, that's correct.

2 Q And then over here this legend, what is that?

3 A This gives an idea of what we're looking at over
4 here, as far as numerics, number and what they
5 represent.

6 Q Like number (1) says what?

7 A Shell casing, 45 caliber GAP.

8 Q And that would correspond with what you have on
9 this diagram?

10 A Yes.

11 Q And then (2), again, will be the same number,
12 right?

13 A Yes.

14 Q With the projectile and things of that nature.
15 Where is the front door, generally, that you would
16 walk into that night?

17 A It would be in this location here.

18 Q And then the first two projectiles or shell
19 casings that you recovered were right here?

20 A Yes.

21 Q And then you went over and found (3)?

22 A Yes.

23 Q And (4)?

24 A Yes.

25 Q (5)?

1 A Yes.

2 Q (6)?

3 A Yes.

4 Q (7), (8), (9), (10) and (11)?

5 A Yes.

6 Q And this figure right here, what does that
7 represent?

8 A That is the location of the victim.

9 A As you walk in right here to the right, what is
10 this small area right here?

11 A That right there is a storage room.

12 Q And then right next to it when you walk in is
13 what?

14 A Bathroom.

15 Q And then as you keep coming in, there's these
16 tables in the middle; is that right?

17 A Yes.

18 Q And over here, what is that area?

19 A That's the sink area. That's the location that
20 the victim was located at.

21 Q What is this here in the corner?

22 A That right here in the far right corner, that
23 would be the large oven.

24 Q You indicated --- you mentioned earlier in your
25 testimony that you saw some dents or some possible

1 points of impact on a hood?

2 A Yes.

3 Q Where was that located?

4 A That should be right here between the sink and
5 the large oven and would be in this location right
6 here.

7 Q Right in here?

8 A Yes.

9 Q Again, as you walk through, is there another area
10 back in the back that has blood in it?

11 A The freezer --- or refrigerator.

12 Q Refrigerator? And what is this in the middle?

13 A A table.

14 Q And the refrigerator would have been somewhere
15 down in here?

16 A Yes, there's some on the wall at this location.

17 Q Just to orient me and everyone else, here is ---
18 what are these?

19 A These are walk-in freezers with the entrance
20 right here, which was a closed door.

21 Q You also testified earlier about some additional
22 storage areas; is that correct?

23 A Yes.

24 Q And that here --- is there an entrance to that
25 from the outside or is that ---

1 A Yes, that was actually a locked door.

2 Q A locked door, but you can't enter that --- in
3 this area right here, what is that?

4 A Yes, that's the break room and then the two
5 storage rooms.

6 Q And you also mentioned that y'all retrieved some
7 video --- and let me get back to that in a minute, but
8 that was all on the interior; is that correct, that
9 video that you retrieved that night?

10 A Yes.

11 Q Again, this is something prepared by you to kind
12 of orient you where the projectiles and shell casings
13 were found?

14 A Yes.

15 Q Thank you, sir. You can take the stand. Once
16 you had photographed the area, did you then go about
17 collecting certain evidence while you were there
18 initially at the scene?

19 A Yes.

20 Q And you mentioned some personal items belonging
21 to the victim that were collected; is that correct?

22 A Yes.

23 Q And I want to show you what's been marked as
24 State's Exhibit 327. First, don't show it to anybody
25 yet, but did you recognize that?

1 A Yes.

2 Q What is that, sir?

3 A That is victim's time card.

4 Q Where did you find that?

5 A That was located somewhere in the break room
6 area.

7 Q I want to show you 328. What is that?

8 A That is the victim's car keys.

9 Q And where were those located, sir?

10 A Also in the break room.

11 Q And State's Exhibit Number 330?

12 A It was two keys on a key ring.

13 Q And where was that located?

14 A Break room.

15 Q The break room, as well?

16 A Yes.

17 Q And finally 329?

18 A And this was the victim's cell phone.

19 Q And again was that shown in the photographs where
20 you found that?

21 A Yes, it was kind of like on a bakers rack.

22 Q Out in the general area?

23 A Yes.

24 Q Thank you, sir.

25 MS. CAMPBELL: Your Honor, at this time we would

1 offer these into evidence as State's Exhibit Numbers
2 329, 330, 328 and 327.

3 MS. PINNOCK: No objection, Your Honor.

4 MR. SCHNEE: Judge, can we approach?

5 THE COURT: Yes, sir.

6 (WHEREUPON, a bench conference was held in the
7 presence, but not within the hearing of the
8 jury.)

9 THE COURT: All right. 327, 328, 329 and 330
10 admitted over defense objection.

11 (WHEREUPON, State's Exhibit Numbers 327-330 were
12 admitted into evidence.

13 BY MS. CAMPBELL:

14 Q The shell casings that you photographed that
15 night, did you then collect them?

16 A Yes.

17 Q And when you're collecting items of evidence,
18 what precautions do you take to make sure that the
19 evidence is kept from being contaminated in any way?

20 A I wear gloves.

21 Q Okay. And that was done in this case?

22 A Yes.

23 Q And I want to show you State's Exhibits 331, 332,
24 333, 334, 335 and 336 and ask you if you recognize
25 those?

1 A Yes, these are items that I collected from the
2 scene.

3 Q Those are the actual shell casings you collected
4 from the scene?

5 A Yes.

6 Q They are shown in the photographs that have
7 already been published to the jury?

8 A Yes.

9 MS. CAMPBELL: Your Honor, at this time we would
10 offer State's Exhibits 331, 332, 333, 334, 335 and
11 336.

12 MS. PINNOCK: Your Honor, we have no objection.

13 THE COURT: Mr. Schnee?

14 MR. SCHNEE: No objection, Your Honor.

15 THE COURT: Okay. So 331, 332, 333, 334, 335,
16 336 are admitted without objection.

17 (WHEREUPON, State's Exhibit Numbers 331-336 were
18 admitted into evidence.)

19 BY MS. CAMPBELL:

20 Q And while we're on it, 337 through 342, I want
21 you to look through those.

22 A These were items that I collected from the scene.

23 MS. CAMPBELL: Your Honor, I'd offer 337 through
24 342.

25 THE COURT: Ms. Pinnock?

1 MS. PINNOCK: I'm sorry, no objection, Your
2 Honor.

3 MR. SCHNEE: No objection, Your Honor.

4 THE COURT: All right. 337, 338, 339, 340, 341,
5 and 342 are admitted without objection.

6 (WHEREUPON, State's Exhibit Numbers 337-342 were
7 admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q I noticed just using two as examples, 333 and 331
10 those appear to be labeled one is a 40 caliber and one
11 is a 45?

12 A Yes.

13 Q And where is the headstamp you're talking about?
14 I don't want to take it out here. You're not a
15 ballistics expert, but where is the headstamp that you
16 are able to look at and see?

17 A It would be on the backside where normally your
18 hammer strikes the shell casing.

19 Q And it actually has the make and model, I
20 believe, of the type of ammunition listed?

21 A Yes.

22 Q And then with the projectiles, I noticed that
23 some of them appear different, say in State's Exhibit
24 Number 339, what is that, sir?

25 A That again is a piece of lead that is believed to

1 be a part of the bullet.

2 Q But then in State's Exhibit Number 337, what is
3 that?

4 A Again, this is a piece of the bullet.

5 Q And are you the one that actually does any type
6 of examination or testing on these or do you just
7 collect them?

8 A I collect them.

9 Q And some of these projectiles, say as in 338 and
10 340, they appear to be in different shapes and sizes.
11 Is that unusual?

12 A No.

13 Q Why is that, sir?

14 A Sometimes a bullet could actually --- once it
15 strikes an object or a hard surface it would actually
16 split. Sometimes you'll have pieces of what appear to
17 be the bullet.

18 Q And just for the record, on each of these I
19 noticed that there are some numbers, like one has a
20 number 13 and then a different number on the back.
21 Does SLED assign their own numbers to items, as well?

22 A Yes.

23 Q So they may be somewhat confusing because of
24 that?

25 A Yes.

1 Q Once you had gathered all those items into
2 evidence, did you then transport them back to Columbia
3 Police Department?

4 A Yes.

5 Q During the time that you had any of these items
6 of evidence that you had collected there at the scene,
7 did anyone alter them, tamper with them, or do
8 anything with them in any way?

9 A No.

10 Q When you submitted them into the evidence room or
11 to evidence people, were they packaged properly?

12 A Yes.

13 Q Did anyone have any access to them while they
14 were in your care?

15 A No.

16 Q Also at the scene, I believe you testified
17 earlier that you collected a camcorder and actually I
18 think that you returned to headquarters with that, as
19 well?

20 A Yes. A DVR.

21 Q A DVR. I'm not real good with those fancy terms.
22 Once you collected that, did you make contact with a
23 person in your criminal investigative unit that helped
24 you as far as retrieving some video?

25 A Yes, I made contact with my supervisor, Sergeant

1 Grooms.

2 Q And what was he able to retrieve from the DVR
3 once you had it in your possession?

4 A He was able to hook it up to a monitor, a video
5 monitor. We were able to then view the actual
6 shooting incident.

7 Q And did y'all view that that day?

8 A Yes.

9 Q And once you were actually able to --- the actual
10 shooting is on this video?

11 A Yes.

12 Q Once you were able to view that, did you then
13 return to the scene later that day to collect some
14 additional evidence?

15 A Yes.

16 Q How did you --- how did the video help you in
17 knowing where you might or might not be able to
18 collect evidence?

19 A Basically it just showed how the suspects
20 approached inside the building, what possibly they may
21 have touched or bumped into to give me an idea of what
22 areas I needed to process to get any fingerprints or
23 DNA and the video helped me to decide where these
24 suspects were standing at the time and how they left
25 the scene.

1 Q Prior to going back to the scene later that
2 afternoon, and I believe --- does this indicate about
3 what time this was that you got there that morning, on
4 the crime scene log?

5 A Yes. I arrived --- my arrival time should have
6 been around 4:55 hours that morning.

7 Q Okay. And you stayed there for a number of
8 hours; is that correct?

9 A Yes.

10 Q And then were you able to attend an autopsy
11 around 9:00 that morning, as well?

12 A Yes.

13 Q Where did the autopsy take place?

14 A Richland Memorial Hospital.

15 Q Are you the person that actually performs the
16 autopsy?

17 A No.

18 Q What is your purpose in going to the autopsy?

19 A Basically just to document by photographing the
20 procedure.

21 Q While there, did you also collect certain items
22 of evidence?

23 A Yes.

24 Q In your --- that are turned over to you by the
25 pathologist?

1 A Yes.

2 Q Does that include usually the victim's clothing?

3 A Yes.

4 Q And I want to show you what's been marked as
5 State's Exhibits 347 and 348. Are these items you
6 actually collected at the autopsy that morning?

7 A Yes.

8 Q What are these items in 347 and 348?

9 A The victim's clothing.

10 MS. CAMPBELL: Your Honor, at this time we'd
11 offer 347 and 348 into evidence.

12 MS. PINNOCK: We have no objection.

13 MR. SCHNEE: I have no objection, Your Honor.

14 THE COURT: Admitted without objection.

15 (WHEREUPON, State's Exhibit Numbers 347 and 348
16 were admitted into evidence.)

17 BY MS. CAMPBELL:

18 Q While there also, did you've collect any DNA
19 swabs from the victim's body?

20 A Yes.

21 Q And specifically what areas did you swab?

22 A I swabbed two areas. One should have been the
23 victim's left arm and the second swab should be the
24 victim's right arm.

25 Q I show you State's Exhibit 345 and ask first if

1 you recognize that?

2 A Yes. These are two swabs.

3 Q That you collected that day?

4 A Yes.

5 Q While you were there, you actually stayed the
6 entire time the autopsy was being performed?

7 A Yes.

8 Q In this case, was there a projectile recovered
9 from Ms. Hunnewell's body?

10 A Yes.

11 Q I'm going to show you State's Exhibit Number 346
12 and ask if you recognize that?

13 A Yes, this was the projectile that was there.

14 Q And you collected it during the autopsy that day?

15 A Yes.

16 MS. CAMPBELL: Your Honor, at this time we would
17 offer State's Exhibits 345 and 346.

18 MS. PINNOCK: Your Honor, we would not object to
19 346. We would object to 345 coming in.

20 THE COURT: I did not hear you.

21 MS. PINNOCK: We would not object to 346, but we
22 would object to 345 at this time for lack of
23 foundation.

24 THE COURT: All right. Mr. Schnee?

25 MR. SCHNEE: I have no objections.

1 THE COURT: Okay. Do you want to lay more
2 foundation on 345?

3 MS. CAMPBELL: On 345? All right.

4 BY MS. CAMPBELL:

5 Q On 345, these are what's called DNA swabs?

6 A Yes.

7 Q And can you tell the jury how you collected them
8 there at the autopsy that day from Ms. Hunnewell's
9 body?

10 A Basically we use a Q-tip swab with sterile water.
11 We would lubricate the Q-tip swab and rub the general
12 area, which I believe the suspect may have grabbed the
13 victim. We just rubbed the area, placed it into a box
14 and the box is secured in an envelope.

15 Q And so once you collected the two separate swabs,
16 did you keep them separate?

17 A They're actually in two separate boxes.

18 Q Okay.

19 A Inside the envelope.

20 Q Did you keep them in your custody once you
21 collected them at the autopsy?

22 A Yes.

23 Q Until you turned them in to the evidence room?

24 A Yes.

25 Q During the time period you had these in your

1 custody, did anyone alter them or tamper with them in
2 any way?

3 A No.

4 Q And these were collected by you?

5 A Yes.

6 MS. CAMPBELL: That's all we have, Your Honor.

7 THE COURT: Ms. Pinnock?

8 MS. PINNOCK: No objection.

9 THE COURT: Okay.

10 MS. CAMPBELL: Thank you.

11 THE COURT: That's 345 and 346 without objection.

12 (WHEREUPON, State's Exhibit Numbers 345 and 346
13 were admitted into evidence.)

14 MS. CAMPBELL: Thank you, Your Honor.

15 BY MS. CAMPBELL:

16 Q Here --- when you collected this projectile, was
17 it actually in this bottle?

18 A Yes, it was placed in the bottle.

19 Q And again, you wouldn't have been the one to do
20 any testing or comparisons on this?

21 A No.

22 Q But this is how it pretty much appeared when you
23 got it?

24 A Yes.

25 Q Once you had collected the clothing, the DNA

1 swabs, and the projectile at autopsy, did you then
2 after viewing the video proceed back to the scene?

3 A Yes.

4 Q And when you went there later that day, did you
5 collect some additional evidence?

6 A Yes.

7 Q And I'm going to show you State's Exhibit 326 and
8 ask you if you recognize that?

9 A Yes, this was a large spoon that was located
10 beside the victim that was collected.

11 Q And why did you collect that, sir?

12 A If I recall after reviewing the video, the victim
13 used the spoon to strike one of the suspects, and by
14 doing so, she basically touched the suspect, so I was
15 using whatever means I can to hopefully maybe identify
16 the suspect. So the spoon was collected for possible
17 DNA from the suspect.

18 Q And also collected that day is State's Exhibit
19 Number 343, I believe. Is that an item you went back
20 and collected?

21 A Let me see what I did.

22 (Pause.)

23 Yes.

24 Q And was that the purple top that was underneath
25 one of the pieces of equipment?

1 A Yes, it was actually under one of the cooking
2 pots.

3 Q And finally, in State's Exhibit Number 344, are
4 there a number of swabs that you collected there at
5 the scene when you went back?

6 A Yes.

7 Q What areas did you collect swabs when you went
8 back? Again, are these swabs you collected in the
9 same manner when you swabbed her body?

10 A Yes, a Q-tip, sterilized water to lubricate it so
11 it would absorb whatever items are on the swab for
12 DNA.

13 Q What areas did you swab when your went back to
14 the scene that day?

15 A After we reviewed the video, I swabbed a utility
16 cart. When the suspects left the scene, it looked
17 like they bumped into a utility cart, so I swabbed the
18 utility cart, the push handle and all four corners.

19 May I?

20 Q Yes, you may refer to your notes.

21 A Like I said, in viewing the video, all the
22 suspects ran into a utility cart, so I swabbed the
23 utility cart, push handle and all four corners. Also
24 I swabbed an area off a black leather chair that was
25 struck by the suspects as they left the area, a

1 strainer. There was pots and pans knocked off the
2 table area. There was a big strainer that I also
3 swabbed.

4 Q Uh-huh.

5 A Also I swabbed at the very entrance. There was a
6 fan by the doorway. Again, after viewing the video,
7 it looked like one of the suspects may have touched
8 that as he ran out the door. That also was swabbed
9 and also at the time of the shooting one of the
10 suspects backed into what appeared --- one of the big
11 standing boiler pots, so I swabbed that area also.

12 Q Is that the extent of the areas you swabbed?

13 A Yes.

14 Q Once you collected the swabs, did you package
15 them properly?

16 A Yes.

17 Q Were they packaged separately?

18 A They are all packaged in boxes.

19 Q In separate boxes?

20 A Yes.

21 Q And then were they submitted into evidence by
22 you?

23 A Yes.

24 Q During the time you had them did anyone alter
25 them or tamper with them in any way?

1 A No.

2 Q At this time, we would offer State's Exhibit 344,
3 343, 326?

4 MS. PINNOCK: No objection.

5 MR. SCHNEE: No objection, Judge.

6 THE COURT: So that's 343, 344 and 326.

7 MS. CAMPBELL: Yes, sir.

8 THE COURT: Those are admitted without objection.

9 (WHEREUPON, State's Exhibit Numbers 343, 344 and
10 326 were admitted into evidence.)

11 MS. CAMPBELL: Thank you, Your Honor.

12 BY MS. CAMPBELL:

13 Q Is that the actual spoon that you collected that
14 day?

15 A Yes.

16 Q And again, was it in her hand at the time of the
17 attack?

18 A From the video, yes.

19 Q Once you collected the swabs, the spoon, and the
20 other items, moving on to the next day, did you have
21 an occasion to make contact with certain people who
22 were associated with or worked at the Carolina Cafe
23 Bakery?

24 A Yes, if I recall, I came in contact with the
25 actual owners of the bakery.

1 Q I believe you made contact with a Mr. Siler?

2 A If I recall, yes.

3 Q Who were the four people you came in contact with
4 the next day?

5 A It was actually four employees that I came in
6 contact with that worked for the restaurant.

7 Q And what was the purpose of you getting in touch
8 with them the next day?

9 A Because of them working in that same kitchen
10 location where the victim worked at, we needed to use
11 their DNA to eliminate them from the items that I
12 swabbed inside the business, inside of the kitchen.

13 Q So you were trying to get what's known as a known
14 DNA sample from them?

15 A Yes. It's what you say is called an elimination
16 DNA, to eliminate them from each item that I swabbed.

17 Q When you get that from them, how do you go about
18 getting it?

19 A Basically it's the same process, a Q-tip and I
20 swab the lower gum with one of the Q-tips. I swab the
21 upper gum with a second Q-tip, and it's placed in a
22 box and secured.

23 Q Those were packaged separately?

24 A Yes.

25 Q Did you submit them into evidence?

1 A Yes.

2 Q During the time they were in your custody, did
3 you do anything to alter or tamper with them?

4 A No.

5 Q I'm going to show your State's Exhibits 349, 350,
6 351, and 352. Are those the items you collected from
7 the employees and owners of the bakery?

8 A Yes.

9 MS. CAMPBELL: Your Honor, at this time we'd
10 offer them into evidence.

11 MS. PINNOCK: No objection, Judge.

12 MR. SCHNEE: No objection.

13 THE COURT: All right. 349, 350, 351, 352
14 without objection.

15 (WHEREUPON, State's Exhibit Numbers 349-352 were
16 admitted into evidence.)

17 MS. CAMPBELL: Thank you, Your Honor.

18 BY MS. CAMPBELL:

19 Q Finally, at a later date, did you come in contact
20 with a Lorenzo Bernard Young?

21 A Yes.

22 Q And what was the purpose of you coming in contact
23 with Mr. Young?

24 A To do what we call a buccal, a swab of his DNA.

25 Q Same known standard that we're talking about?

1 A Yes.

2 Q And I'm showing you State's Exhibit Number 354.

3 A Yes.

4 Q And then finally on State's Exhibit 353, did you
5 also come in contact with a Troy Stevenson?

6 A Yes.

7 Q Did you also collect a buccal or a known standard
8 from him?

9 A Yes.

10 Q Once you collected the standards, and you
11 collected those separately, one from Mr. Stevenson and
12 one for Mr. Young separately; is that correct?

13 A Yes.

14 Q During --- once you had gotten those known
15 standards from those two individuals, did you package
16 them properly?

17 A Yes.

18 Q During the time that these were in your
19 possession, did anyone alter them or tamper with them
20 in any way?

21 A No.

22 Q Were they submitted properly packaged into
23 evidence?

24 A Yes.

25 MS. CAMPBELL: Your Honor, at this time we'd

1 offer these two.

2 A No objection.

3 MR. SCHNEE: No objection.

4 MS. CAMPBELL: 353 and 354.

5 THE COURT: Without objection.

6 (WHEREUPON, State's Exhibit Numbers 353 and 354
7 were admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q At some point did you have an occasion to take
10 certain items of evidence that included some Nike
11 shoes and black gloves to SLED?

12 A Ma'am, if I recall, I didn't take anything to
13 SLED. The only thing I took was a jacket.

14 Q But once you had swabbed the two defendants in
15 this case, those were properly put into evidence?

16 A Yes.

17 Q And that would be the extent of your involvement
18 pretty much in this case?

19 A Yes, ma'am.

20 MS. CAMPBELL: Thank you, sir. I don't have
21 anything further.

22 THE COURT: All right. Ms. Pinnock.

23 MS. PINNOCK: May it please the Court, Your
24 Honor.

25 CROSS-EXAMINATION:

1 BY MS. PINNOCK:

2 Q Investigator Wise, you did collect item 348, the
3 black sweatshirt?

4 A Yes, ma'am.

5 Q During the autopsy?

6 A Yes, ma'am.

7 Q That was Ms. Hunnewell's sweatshirt?

8 A Yes, ma'am.

9 Q She was wearing that when you arrived on the
10 scene, right?

11 A Yes.

12 Q You didn't see her wearing it in the video?

13 A I'm sorry?

14 Q You didn't see her wearing it in the video that
15 you reviewed?

16 A I don't recall, but I believe so, ma'am.

17 Q Okay, but that is what you collected from the
18 hospital ---

19 A Yes.

20 Q --- on July 1st.

21 A Yes, ma'am.

22 Q Do you recall what the weather was?

23 A Yes, ma'am.

24 Q On July 1st.

25 A As I recall, it was raining that morning when I

1 came in.

2 Q And you said it was very warm inside?

3 A Yes.

4 Q When you arrived, was the door open or closed?

5 A When I arrived, it was open.

6 Q But you weren't the first one to arrive. There
7 were other officers on scene at that point?

8 A That's correct.

9 Q Beg the Court's indulgence. Just real quick.
10 You said it was raining outside. Do you remember ---
11 it was fairly cool for a July day. Do you remember
12 that?

13 A I don't recall that, ma'am. All I recall was
14 that it was raining. There was a lot of the officers
15 who were staying close to the door area to keep from
16 getting wet.

17 MS. PINNOCK: Thank you.

18 MR. SCHNEE: May it please the Court, Your Honor.

19 THE COURT: Yes, sir.

20 CROSS-EXAMINATION:

21 BY MR. SCHNEE:

22 Q Good afternoon. Just have a couple of questions
23 for you.

24 A Yes, sir.

25 Q Just kind of leading off where Ms. Pinnock ended.

1 It was warm in the bakery?

2 A Yes, sir.

3 Q Would you say it was warmer than the outside air?

4 A Yes.

5 Q Okay. You said you swabbed Ms. Hunnewell's left
6 and right arms?

7 A Yes.

8 Q Did you do that at the scene or did you do that
9 at the autopsy?

10 A I did that at the autopsy.

11 Q Did you take fingernail scrapings from her?

12 A If I recall, sir, I don't think so.

13 Q Is there any particular reason for that?

14 A I think after reviewing the video, I didn't see
15 too much of a struggle, and I just based that on the
16 video, sir.

17 Q Okay.

18 A And that's the reason why we didn't take any
19 fingernail scrapings.

20 Q Is it normal for you to take fingernail scrapings
21 for someone who has been in a struggle?

22 A Yes, if we have no --- like I said, a video or
23 don't know what actually occurred, yes, we are take
24 fingernail scrapings.

25 Q You just chose not to in this case?

1 A Yes, sir, based on the video and from I could see
2 of how the incident occurred --- so you could see that
3 she didn't actually grab anybody.

4 Q Did you take any swabs from the front door?

5 A None from the front door.

6 Q Okay. You took them, I believe, from a cart that
7 you said was ---

8 A Yes, sir, the utility cart that was right by the
9 door.

10 Q But you didn't take any from the front door?

11 A No, sir.

12 Q Okay. Did your take any fingerprints?

13 A No, sir.

14 Q Did you look for any fingerprints?

15 A No, sir.

16 Q Okay. Was it someone else's job to look for
17 fingerprints?

18 A No, sir.

19 Q So you just didn't look for fingerprints in the
20 bakery at all?

21 A Not at the time because again like I said, not
22 really sure what the incident took place. We had the
23 DVR. I was hoping to see what the video would show us
24 what took place, but no, sir, I did not.

25 Q Okay. So when you watched the video and went

1 back, did you decide to take any fingerprints?

2 A No, sir, because what we viewed on the video
3 basically the suspects looked like they didn't handle
4 anything. They actually came in. The incident
5 occurred and they just ran out. I didn't see them
6 where they actually picked up anything, touched
7 anything, and when we touch something --- I'm not
8 talking about pick something up or put they're hand on
9 something like that. I did not see that.

10 Q Okay. Well, you would agree with me there is at
11 least one time where someone is pushing the card with
12 their hand. That's why they're swabbing it for DNA,
13 right?

14 A I wouldn't say pushed; I would say bumped into
15 it, but as far as actually grabbing it, I did not see
16 that.

17 Q Okay. So you did not even try to get
18 fingerprints?

19 A No, sir.

20 Q Okay.

21 MR. SCHNEE: That's all I have, Your Honor.
22 Thank you.

23 THE WITNESS: Yes, sir.

24 THE COURT: Redirect?

25 MS. CAMPBELL: No, sir.

1 THE COURT: Have a nice day.

2 Call your next witness.

3 MS. SIMPSON: At this time the State calls
4 Jennifer Dalmida. Since the witnesses are
5 sequestered, I think she is right outside, but she may
6 have stepped away for a second.

7 THE COURT: Are you Ms. Dalmida?

8 THE WITNESS: Yes.

9 THE COURT: Come on in.

10 JENNIFER DALMIDA,
11 after being duly sworn, testified as follows:

12 THE CLERK: Please have a seat and state your
13 full name.

14 THE WITNESS: My name is Jennifer Dalmida. Last
15 name is D-A-L-M-I-D-A.

16 DIRECT EXAMINATION:

17 BY MS. SIMPSON:

18 Q Ms. Dalmida, where do you work?

19 A With Verizon Wireless.

20 Q What do you do for Verizon?

21 A I'm a record custodian for the company.

22 Q As a record custodian, what does your position,
23 your duties include?

24 A I handle appearances for records that we produce
25 in compliance with subpoenas or court orders that we

1 receive.

2 Q Do you also receive sometimes search warrants for
3 certain phone numbers and phone records, as well?

4 A Yes.

5 Q And as the custodian, you indicated that you
6 testify with respect to those records?

7 A Yes.

8 Q I'm going to show you what's been marked --- I
9 believe you have one set in front of you already as
10 State's 39. We've actually put it into a notebook.
11 Do you recognize those?

12 A Yes.

13 Q And do these fairly and accurately depict the
14 records that you reviewed?

15 A Yes.

16 MS. SIMPSON: That's 399, my apologies.

17 THE COURT: 399?

18 MS. SIMPSON: Yes.

19 BY MS. SIMPSON:

20 Q With respect to these records in State's 399,
21 does your business, your company, maintain these
22 records in the ordinary course of business?

23 A Yes.

24 MS. SIMPSON: Your Honor, at this time I would
25 offer state's 399 into evidence.

1 MS. PINNOCK: No objection.

2 MR. SCHNEE: No objection.

3 THE COURT: Without objection.

4 (WHEREUPON, State's Exhibit Number 399 was
5 admitted into evidence.)

6 BY MS. SIMPSON: And again, what is the phone number
7 that is associated with those records?

8 A The target number is (803)394-1430.

9 Q And when you say target number, what do you mean?
10 What are you referring to?

11 A That's our subscriber telephone number in which
12 the records were produced for.

13 Q Okay. Beg the Court's indulgence.

14 And are you familiar or aware of the dates for
15 those records?

16 A Yes. Would you like me to ---

17 Q Yes.

18 A Records are started on June 26th, 2013, and ended
19 on July 6, 2013.

20 Q All right. So June 26th through July 6th.

21 A Yes.

22 Q Thank you, Ms. Dalmida.

23 MS. PINNOCK: No questions, Judge.

24 MR. SCHNEE: No questions.

25 THE COURT: Have a nice day.

1 Call your next witness. You have two?

2 MS. SIMPSON: One or two more.

3 THE COURT: Go ahead.

4 MS. SIMPSON: State calls Kimberly Mears.

5 And, Your Honor, we are calling this witness out
6 of order due to some scheduling issues.

7 THE COURT: All right.

8 KIMBERLY MEARS,

9 after being duly sworn, testified as follows:

10 THE CLERK: Please have a seat, state your full
11 name for the record.

12 THE BAILIFF: State your full name.

13 THE WITNESS: My name is Kimberly Mears.

14 DIRECT EXAMINATION:

15 BY MS. SIMPSON:

16 Q Ms. Mears, where are you employed?

17 A South Carolina Law Enforcement Division, which is
18 commonly known has SLED.

19 Q And what is your position there?

20 A I'm a forensic scientist in the latent print
21 department.

22 Q How long have you actually worked with SLED?

23 A I've been with SLED for about seven years and
24 with the latent print department about four years.

25 Q So prior to coming to the latent print

1 department, what department did you work in?

2 A I was in the toxicology department.

3 Q So forensics as a whole includes a number of
4 different areas, such as latent prints, trace evidence
5 things of that nature?

6 A Yes, it does.

7 Q The can you tell the jury a little bit about your
8 educational background and training with respect to
9 latent prints?

10 A I have a Bachelor of Science degree in biology
11 from Winthrop University. Once I transferred to the
12 latent print department, I completed their completed
13 their in-house training program. Then I was accepted
14 into the latent print examiner training program
15 sponsored by the National Institute of Justice, which
16 is a ten week program that consists of courses in all
17 aspects of fingerprint work.

18 Q Have you actually testified as an expert in court
19 before?

20 A Yes, I have.

21 Q And in your lab --- tell the jury just a little
22 bit about your lab at SLED?

23 A It's the forensic services laboratory. We are
24 the State's forensics lab. We are an assisting
25 agency, so we have all different departments. As we

1 said earlier, we have latent prints, DNA, crime scene,
2 toxicology, all different departments within the
3 building itself that cover their own analyses within a
4 case.

5 Q So you actually handle cases from a number of
6 different jurisdictions or counties or cities,
7 whatever agency may need your assistance?

8 A Yes.

9 Q How many times would you say you've being
10 qualified as an expert before?

11 A Twice.

12 MS. SIMPSON: Your Honor, at this time I'd offer
13 Ms. Mears as an expert in latent print examination.

14 THE COURT: Voir dire?

15 MR. KRZYSTON: Briefly, Judge.

16 THE COURT: Okay.

17 MR. KRZYSTON: Prior to becoming qualified to
18 examine latent prints, you were a toxicology
19 specialist, if you will?

20 THE WITNESS: I was a technician in the
21 toxicology department.

22 MR. KRZYSTON: And you started undergoing
23 treatment --- not treatment, but education and
24 seminars in 2011 ---

25 THE WITNESS: Yes.

1 MR. KRZYSTON: --- for latent identification?

2 THE WITNESS: Yes.

3 MR. KRZYSTON: And since 2011, since you've had
4 the ability to opine on latent prints, you've
5 testified twice?

6 THE WITNESS: Yes, that's correct.

7 MR. KRZYSTON: No further questions, Judge. No
8 objection.

9 THE COURT: Mr. Schnee?

10 MR. SCHNEE: No questions. No objections.

11 THE COURT: Okay. Ladies and gentlemen, normally
12 as I told you before and you'll probably hear me say
13 this throughout this trial, a person cannot give
14 opinion testimony. When a person testifies, they have
15 to testify to what they saw, heard, did, smelled,
16 something of that nature, but certain people because
17 of their educational experience --- or their education
18 or experience, are permitted to give their opinion in
19 certain areas if I qualify them in that way. This
20 witness, Ms. Mears, will be qualified as an expert in
21 the area of latent prints; is that correct?

22 MS. SIMPSON: Yes, Your Honor.

23 THE COURT: Latent print examination, she will be
24 allowed to give opinion testimony in that area. That
25 doesn't mean that you have to take her opinion or

1 accept her opinion, but it is evidence for you to use
2 in any way that you see fit and give it the weight and
3 credibility you believe is appropriate as you are
4 required to do with each and every witness that
5 appears in front of you.

6 Ms. Simpson.

7 BY MS. SIMPSON:

8 Q Thank you, Your Honor. We just referred to your
9 testimony. Have you actually conducted a number of
10 different comparisons or attempted to process a number
11 of items with respect to prints?

12 A Yes, I have.

13 Q During what, seven years in latent prints?

14 A Four years.

15 Q Four years. Tell us a little bit about
16 fingerprints. Are they unique to an individual and
17 what exactly do they contain for purposes of your
18 comparison?

19 A They are unique to an individual and they are
20 unique to each finger on an individual. The
21 fingerprint itself, if you look at the palm side of
22 your hand, look at your skin closely, you have tiny
23 little raised lines on your skin. Those are what we
24 refer to as ridges and those are lines with sweat
25 pores.

1 So throughout the day, you sweat, touchy your
2 face, handle greasy foods, so sweat and oils are going
3 to accumulate on those ridges on your skin. When you
4 go to touch an object, those oils and that sweat is
5 going to transfer to that object corresponding to the
6 ridges on your skin. That is what we call a latent
7 fingerprint. The word latent, meaning hidden or
8 invisible needing some kind of processing or
9 development to make it able to be seen.

10 Q Okay. And with respect to latent prints and
11 ridge detail, in order --- just because I touch
12 something, am I necessarily going to leave a print?

13 A No, leaving a fingerprint is a chance event.

14 Q Can you tell the jury a little bit about the
15 different factors that may affect your ability to, I
16 guess, lift a print or process and find a print for
17 purposes of comparison?

18 A Leaving a print, leaving a suitable comparison
19 quality print, depends on the person themselves, the
20 environment that they're in, and the type of surface
21 that was touched, which would then also make it
22 difficult depending on the surface to lift the print
23 or develop the print if it's a rough or textured
24 surface itself.

25 Q So the surface area of an object and whether if

1 something, I guess, smudges or rubs against an object,
2 can that affect the print, as well?

3 A Yes, it can.

4 Q Tell us --- you said processes that are used,
5 what types of processes do you use to actually make
6 the fingerprint visible?

7 A That's going to depend on the evidence itself.
8 We have processes that can develop prints on adhesive
9 surfaces like duct tape or masking tape. We have
10 processes that is can develop prints on paper which
11 are paper, cardboard, those are what we call porous
12 items, and then we have nonporous items, which would
13 be this banister here, hard surfaces, so that the
14 evidence --- it just depends on the evidence as to
15 what type of chemical or processing technique we would
16 use.

17 Q I want to turn your attention to this case. Did
18 you actually receive an item of evidence to process
19 for latent prints?

20 A Yes, I did.

21 MR. KRZYSTON: Objection, previously stated
22 objection, Judge.

23 THE COURT: Okay. Overruled.

24 BY MS. SIMPSON:

25 Q I'm going to show you what's been marked as

1 State's 372?

2 THE COURT: Is that pursuant to the search?

3 MS. SIMPSON: Yes.

4 THE COURT: Okay.

5 MR. KRZYSTON: No objection, well ---

6 THE COURT: The previously stated objection; I
7 understand.

8 MR. SCHNEE: I have no objection. It doesn't
9 apply to me.

10 THE COURT: Okay. What's the number?

11 MS. SIMPSON: State's 372. I guess at this time
12 I'll go ahead offer it, without objection.

13 (WHEREUPON, State's Exhibit Number 372 was
14 admitted into evidence.)

15 BY MS. SIMPSON:

16 Q Do you recognize this?

17 A Yes, I do.

18 Q What is that?

19 A This is our lab case --- our lab case is item 38,
20 which is an empty Magtech ammunition box.

21 Q Okay. Was that the actual item that you
22 attempted to collect the fingerprints from?

23 A Yes, it is.

24 Q And it's an ammo box; can you tell what type of
25 ammo that is for?

1 A Magtech first defense.

2 Q And does it indicate a caliber, such as 45 GAP or
3 40 caliber, something of that nature?

4 A 45 GAP.

5 Q All right. Tell us what you did once you
6 received this item?

7 A I first of all did an inventory to make sure it
8 matched to what our computer system said I was
9 supposed to have, checked the assignment on the case
10 to see what analysis they requested, and did a visual
11 exam and processed it with what we call cyanoacrylate,
12 which is superglue fuming. It's a vapor that's going
13 to adhere to any moisture that I was talking about
14 earlier that's transferred to the surface, causing it
15 to harden like superglue does to let the print
16 withstand further testing. I then processed it with a
17 fluorescent dye stain we call M.B.D. that is going to
18 adhere to the cyanoacrylate and cause any print that
19 the cyanoacrylate to adhere to. It's going to cause
20 it to fluoresce under an alternate light source.

21 Q What may be the purpose --- I guess you said you
22 didn't --- I can't pronounce the word, so I'll just
23 say the superglue process, what would be the basis for
24 doing the second type of testing, were your able to
25 find anything from the initial process?

1 A Cyanoacrylate, once it adheres to a surface will
2 turn kind of a frosty silvery color, but there is ---
3 there are techniques that can be done after that to
4 make it further stand out, especially with this having
5 that grayish, silverfish color in it, it would be hard
6 to see the cyanoacrylate just on the surface itself,
7 so the M.B.D. afterwards, which is kind of an added
8 technique to see if anything else could be done to
9 enhance the ridge detail on the box.

10 Q So the purpose is to enhance so maybe, if there
11 is anything that would be suitable, you would be able
12 to see it?

13 A Yes.

14 Q I'm going to show you what's been marked as
15 State's Exhibit 381.

16 MR. KRZYSTON: Judge, we would object to that as
17 brought forth on our previous objections, Judge.

18 THE COURT: On the search?

19 MR. KRZYSTON: Yes.

20 THE COURT: Okay. Thank you.

21 MR. SCHNEE: No objections.

22 THE COURT: 381?

23 Ms. SIMPSON: Yes.

24 THE COURT: Admitted over the objection.

25 (WHEREUPON, State's Exhibit Number 381 was

1 admitted into evidence.)

2 BY MS. SIMPSON:

3 Q Tell us --- State's 381, what is contained in
4 those photographs?

5 A These are photographs of the ammunition box after
6 each step of the processing, after the superglue and
7 after the fluorescent dye stain.

8 Q So these photographs represent after each one.
9 What's the purpose of photographing after each
10 process?

11 A Well, there are multiple photos after each step.
12 Our photography can enhance the images using Photo
13 Shop, and that can enhance the contrast or brightness
14 that could make the ridge detail possibly better to
15 compare.

16 Q And in this case, you pretty much made every
17 attempt possible to lift a print?

18 A Yes.

19 Q Correct?

20 A Yes.

21 Q And tell the jury just a little bit about what
22 your results were from your comparison?

23 A The result was no value for identification, which
24 basically means there was ridge detail on the item,
25 but it was smeared or overlapping and the ridge detail

1 there wasn't of comparison quality to identify to a
2 potential known standard.

3 Q So if there had been something suitable, then a
4 known standard could have been used to compare?

5 A Yes.

6 Q But in this case there wasn't anything suitable
7 due to smudge marks?

8 A Smudging and overlapping prints and just not
9 comparison quality.

10 Q Okay. Well, let me back up just a little bit or
11 ask you just a general question. I asked you about
12 the factors that might affect the ability to leave a
13 fingerprint. If someone was wearing gloves, are they
14 going to leave a fingerprint?

15 A No, they are not.

16 Q And sweating and things of that nature and the
17 amount of time I touched something, does that affect
18 the ability?

19 A Yes, it does.

20 Q So if I briefly bump up against something doesn't
21 necessarily mean I'm going to leave a fingerprint for
22 comparison?

23 A Right. You could or you could not.

24 Q And was that the only item that was sent to you
25 for processing?

1 A Yes, it was.

2 Q And if multiple people had touched an item to ---
3 I guess with overlapping prints, does that affect your
4 ability, as well?

5 A If the prints are overlapping each other, then
6 yes.

7 Q All right. Thank you, Ms. Mears.

8 MR. KRZYSTON: Thank you, Your Honor. May it
9 please the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION:

12 BY MR. KRZYSTON:

13 Q Now, Ms. Mears, it's true that some surfaces are
14 better suited for lifting a print off or obtaining a
15 print, if you will?

16 A Yes.

17 Q So metal would be a good one?

18 A Yes.

19 Q Perhaps maybe one of the best?

20 A Maybe one of the best depending.

21 Q Hard nonporous surfaces, correct?

22 A Yes.

23 Q Plastic?

24 A Yes.

25 Q Metal?

1 A Yes.

2 Q Glass?

3 A Yes.

4 Q And when you touch something, it could be quick
5 or it could be long, but there's a chance that a print
6 is left, correct?

7 A Correct.

8 Q And you weren't given any evidence or any prints
9 from 93 Tommy Circle, were you?

10 A I'm not sure where this box came from.

11 Q Okay.

12 A But this was ---

13 Q That was the only thing that you were given to
14 analyze?

15 A Yes.

16 Q Okay. Thank you.

17 MR. KRZYSTON: No further questions, Judge.

18 MR. SCHNEE: No questions.

19 THE COURT: Okay. Have a nice day.

20 Oh, I'm sorry, any redirect?

21 MS. SIMPSON: No, Your Honor.

22 THE COURT: I'm sorry. I got ahead of myself.
23 Have a nice day.

24 THE WITNESS: Thank you.

25 THE COURT: Are we at a stopping point, Ms.

1 Garfield?

2 MS. GARFIELD: Just one more very short witness.
3 Your Honor.

4 THE COURT: Okay.

5 MS. GARFIELD: Your Honor, the State calls Lauren
6 Schleuter.

7 LAUREN SCHLEUTER,
8 after being duly sworn, testified as follows:

9 THE CLERK: Please have a seat. State your full
10 name.

11 THE BAILIFF: Watch your step.

12 THE WITNESS: My name is Lauren Schleuter.

13 DIRECT EXAMINATION:

14 BY MS. GARFIELD:

15 Q Ms. Schleuter, where do you work?

16 A Carolina Cafe.

17 Q Are you the owner of that establishment?

18 A I am.

19 Q Can you explain to the jury what kind of
20 establishment that is?

21 A We are a restaurant, breakfast and lunch, bakery
22 and kind of a deli.

23 Q And what primarily do you serve at that bakery?

24 A Primarily our main product is bagels and also
25 other pastries and sandwiches.

1 Q Where is your business located?

2 A We have two locations. We have one that's
3 downtown Columbia at the corner of Sumter and
4 Pendleton and we have a new location in West Columbia
5 on Sunset.

6 Q Did you have that location in West Columbia back
7 in July of 2013?

8 A No, ma'am.

9 Q And do you do all your baking on site?

10 A Yes, we do.

11 Q Do you do your baking --- back in July of 2013,
12 did you do all your baking on site?

13 A We did all our baking at a separate bakery
14 facility.

15 Q Where was the separate bakery facility?

16 A It was 93 Tommy Circle.

17 Q Are you familiar with the victim in this case,
18 Ms. Kelly Hunnewell?

19 A Very much, yes.

20 Q How do you know Ms. Hunnewell --- how did you
21 know Ms. Hunnewell?

22 A Kelly was an employee of ours, worked with us for
23 about two-and-a-half years.

24 Q What sort of shift did she work there, Ms.
25 Schleuter?

1 A Her shift was --- it varied. We were very
2 flexible with her because of her children, but
3 primarily she worked anywhere from three to five in
4 the morning until eleven, ten o'clock in the morning.

5 Q And when you say three, that would be 3:00 A.M.?

6 A 3:00 A.M.

7 Q So she came to work around 3:00 A.M.?

8 A She came to work around --- that was up to her.
9 Some days she did come that early, and then she would
10 go home, get her kids off to school and come back to
11 work.

12 Q How many children did Ms. Hunnewell have?

13 A Four.

14 Q Are you familiar with those children?

15 A Yes, she would bring them in on the weekends.

16 Yes, I did know the children.

17 Q What were their ages?

18 A Six, eight, ten and 13.

19 Q And that was back in 2013?

20 A Uh-huh.

21 Q And okay. You said she would come in at
22 3:00 A.M. Would she report to the Tommy Circle
23 bakery?

24 A Yes.

25 Q I'm going to hand you what's been marked as

1 State's Exhibit Number 327. Are you familiar with
2 this?

3 A Yes. It's one of her time cards.

4 Q When was that --- I'm sorry. My finger is
5 covering that up. When was that dated?

6 A July 1st through the 7th.

7 Q And for the July 1st, was that a Monday?

8 A I believe it was and it says 3:00 A.M.

9 Q And would this have been put in a time card punch
10 system?

11 A Yes, uh-huh.

12 Q So this would have indicated then ---

13 MS. PINNOCK: Objection, Your Honor. It's not in
14 evidence.

15 THE COURT: It's not.

16 MS. GARFIELD: It is.

17 THE COURT: It is? My bad.

18 MS. PINNOCK: I withdraw that objection.

19 BY MS. GARFIELD:

20 Q Would this indicate what time Ms. Hunnewell got
21 to work that day?

22 A Uh-huh.

23 Q And what would she be doing at the bakery?

24 A She would get the bagels ready to be baked. She
25 would turn on the kettle, turn on the oven, go into

1 the walk-in freezer, go in the cooler, pull out the
2 racks. She would sometimes make potatoes, boil
3 potatoes, things in between baking cookies. She kind
4 of multitasked while she was there. There were a lot
5 of little stations that she moved around and did.

6 Q And then what did she do with the completed food
7 product?

8 A Well, sometimes somebody would come. If it was
9 an unusually large bake, she would have --- there
10 would be another person there, but this day, Monday,
11 being a more slow day, she would put the bagels in the
12 van and drive them to the cafe on Sumter Street, and
13 drop those off.

14 Q There's been mention of Ms. Hunnewell wearing a
15 sweat shirt in this case. Was it common for your
16 employees to have a sweatshirt in the bakery?

17 A Yes.

18 Q Even in the month of July?

19 A Yes.

20 Q Can you explain to the jury why?

21 MS. PINNOCK: Objection, that calls for
22 speculation, Your Honor.

23 THE COURT: She can state what she knows
24 personally, but she can't speculate as to why somebody
25 would wear something.

1 BY MS. GARFIELD:

2 Q Do you have personal knowledge of why your
3 employees would wear a sweatshirt?

4 A Yes.

5 Q Can you share with the jury what that knowledge
6 is?

7 A Going into a walk-in freezer that is below zero,
8 you are in there pulling bagels out, putting bagels in
9 or you're racking cookies or muffins. When that
10 compressor shuts --- or turns on, it is blowing
11 freezing air, so it's always been like that. I've got
12 a sweat shirt at my location where we're baking now
13 and all our employees that do baking go in the freezer
14 have a sweatshirt.

15 Q Based on your personal knowledge with your
16 employees, would you expect your employees to be going
17 in the freezer when they first arrive?

18 A Yes, it's very possible that would happen.

19 MS. GARFIELD: Beg the Court's indulgence.
20 (Pause.)

21 MS. GARFIELD: Thank you, Ms. Schleuter. Please
22 answer any questions defense counsel may have.

23 THE WITNESS: Okay.

24 MS. PINNOCK: Your Honor, I have no questions.

25 MR. SCHNEE: No questions.

1 THE COURT: Okay. Thank you very much, ma'am.

2 THE WITNESS: Thank you.

3 THE COURT: Have a nice day.

4 THE WITNESS: You too.

5 THE BAILIFF: Watch your step, ma'am. Watch your
6 step.

7 THE COURT: Are you good on people that have to
8 go today?

9 MS. GARFIELD: Yes, sir.

10 THE COURT: Okay. Ladies and gentlemen, we are
11 going to stop for the evening. It's pushing the
12 5:30 hour. Now, for the rest of this week, just so
13 you know, I really don't like to go past 5:30.
14 Sometimes I will if we run into a situation where I
15 have a witness that has to get out of here. Sometimes
16 we may stop, like tonight, two or three minutes before
17 5:30. If they were at five and they said the next
18 witness is going to be long I may go ahead and break
19 then. It's not a set time every night, but I'll do my
20 best to get you out of here at a reasonable hour.

21 Here are your instruction. Number one, you're
22 not allowed to discuss the case with anybody in any
23 way, shape, or form. That includes your family
24 members, friends, coworkers, employers, employees,
25 any type of social media or anything like that.

1 Number two, you are not allowed to watch any news
2 accounts about this case in any way, shape, or form.
3 The news shouldn't even be on at your house tonight
4 period. That means internet, phone, TV, radio,
5 anything that you can imagine that would be a news
6 source, you need to stay away from it.

7 Now, you will recall previously that I told you
8 in great detail about how you must decide this case
9 based on what happens in this courtroom and the
10 evidence presented in this courtroom. Because we are
11 about to take a break for the evening, I'm now
12 reminding you of that warning. I want you to once
13 again fully commit, not only to yourselves but to each
14 other and the court and the parties in this case that
15 you're not going to use any cell phone, smart phone,
16 Blackberry, i-Phone, Droid, Facebook, text massaging,
17 Google or any kind of electronic communication, TV,
18 radio, phone, computer, anything that you can imagine
19 to discuss this case in any way, shape, or form, and
20 I'm going over that and I'm stressing that to you
21 because there is really no excuse for it and no excuse
22 for it will be tolerated. You owe that to yourselves,
23 to each other as people in our community who are
24 sitting here and hearing this case and you owe it to
25 the parties. Like I told you on day number one, if

1 you were involved in this case or you were a party in
2 this case regardless of the side, that's what you
3 would want and that's what you would expect. That's
4 the only fair thing to everybody involved in this
5 case. I ask that you keep that in mind.

6 Thank you for your service today. I sincerely
7 apologize for the delay. Again, I accept full
8 responsibility for it. We're going to start --- we're
9 going to bring you in about 9:15 tomorrow morning, so
10 be here a few minutes before that. We will see you
11 then. Everyone keep your seats while the jury is
12 dismissed. Thank you very much.

13 (WHEREUPON, the jury left the courtroom at 5:29
14 P.M.)

15 THE COURT: Okay, anything from the State before
16 we break for the evening.

17 MS. GARFIELD: No, sir.

18 THE COURT: Mr. Krzyston?

19 MS. SIMPSON: Well, briefly we can handle the
20 issue in the morning. It's my understanding the
21 television set up is prepared with the audio and video
22 on the phone videos, but I do not see the
23 investigator.

24 THE COURT: All right. We'll deal with that
25 first thing tomorrow.

1 Anything, Mr. Krzyston?

2 MR. KRZYSTON: No, Your Honor, I would just renew
3 all the objections we made, obviously, and I do have
4 one question that does not involve ---

5 THE COURT: Okay. Your objection during
6 Ms. Mears' testimony as to State's Exhibit 372 and
7 State's Exhibit 381 relate back to your objection to
8 the search warrant that was executed at the Bronx Road
9 location; is that correct?

10 MR. KRZYSTON: Yes, Your Honor. That's the basis
11 for them. You assert that the search warrant was
12 invalid, that anything obtained was invalid.

13 MR. KRZYSTON: Correct, Your Honor.

14 THE COURT: That's the argument you were making;
15 is that right?

16 MR. KRZYSTON: Yes, Your Honor.

17 THE COURT: I want to make sure that was clear on
18 the record. That was the angle you were making that
19 from.

20 MR. KRZYSTON: Thank you, Your Honor.

21 THE COURT: If that comes up again, because I
22 don't know what all was collected, just say "previous
23 search argument" and that way I'll know exactly what
24 you're referring to and that you're not adding a new
25 argument to it. Does that make sense?

1 MR. KRZYSTON: Yes, sir.

2 THE COURT: All right. Very good. Anything else
3 from you before we break for the evening, Mr.
4 Krzyston?

5 MR. KRZYSTON: No, Your Honor.

6 THE COURT: Mr. Schnee?

7 MR. SCHNEE: Just very briefly, Your Honor, the
8 photographs that you admitted over objection, numbers
9 57 through 59, 90 through 102, 112 and 134, I suppose
10 also 125, I'm told that's been dealt with a long time
11 ago. The basis of that objection is the same that we
12 dealt in terms of the victim lying on the floor and
13 the cumulative nature of having the photos at
14 essentially the same angle. I just want to put that
15 on the record.

16 THE COURT: Very good. I'm going to overrule
17 that objection. Those photos and that exhibits that
18 were just mentioned by defense counsel were
19 drastically different than the original photos that I
20 have excluded, so when we went through photos the
21 other day, I took out not all, but the majority of the
22 close up photos with the pooling of blood and because
23 of their prejudicial effect, those photos that were
24 objected to today, which are State's Exhibits 57, 59,
25 98, 99, 100, 101, 102, 112, 134, 123 and 125 were

1 overruled because it shows it from a completely
2 different angle. The victim is very far away from the
3 camera scene, and you have to actually look for what
4 you're looking for, so I do not find their prejudicial
5 effect outweighs the probative value. In each picture
6 they went through different things that were being
7 collected at the scene based on them.

8 So all right. Anything else? Okay. So let's
9 start at nine in the morning. Get whatever that TV
10 thing is ready to go so I can see that and view that
11 so everybody be in here ready to go at nine so we can
12 take the jury at 9:15 and keep going. All right.

13 MS. SIMPSON: Thank you, Your Honor, Your Honor.

14 MR. SCHNEE: Thank you, Your Honor.

15 MR. KRZYSTON: Your Honor, approach?

16 THE COURT: Yes.

17 (WHEREUPON, Court was adjourned for the day.)

18 November 13, 2014

19 THE COURT: All right. We have two notes last
20 night from the jurors. One asked to bring some
21 paperwork related to their work, not related to the
22 case. It's actually school work, not related to the
23 case, if that juror could work on that during the
24 breaks and one says, asks that we be done by sundown
25 on Friday, and then the third one that I just received

1 one second ago is --- just says can you give me an
2 answer as to being out by sundown on Friday.

3 So on the work one, the one who wants to bring
4 school work, I'm going to respond yes as soon as it's
5 unrelated to the case.

6 I don't know what time is --- I haven't been
7 hunting this week, so I don't know what time sundown
8 is.

9 MR. SCHNEE: Sometime around 5:00, 5:30.

10 THE COURT: Well, it's --- in your scheduling of
11 things I'll get the official time so we're out of here
12 in plenty of time, okay. We'll mark those as Court's
13 Exhibits.

14 MR. KRZYSTON: Judge, can we approach?

15 THE COURT: Let me finish this.

16 MR. KRZYSTON: Sorry.

17 THE COURT: All right. Approach.

18 (WHEREUPON, there was a bench conference.)

19 (WHEREUPON, Court's Exhibit Numbers 10-12 were
20 marked for identification only.)

21 MR. KRZYSTON: Judge, I just want to bring to the
22 Court's attention that a possible State's witness,
23 Michael Peterson, formerly represented by me in about
24 May of this year --- upon my first visit to
25 Mr. Peterson, he informed me that he would be

1 informing on Mr. Young and another one of my clients
2 at that time. I took a copy of his statement, brought
3 it back to my office, copied it, put it in the file
4 and then mailed him back an original copy of his
5 letter. I did not read the statement. I am not
6 handling the witness. The file has been closed in our
7 office, and we are no longer representing Mr.
8 Peterson. I would obviously just ask that the State
9 limit his testimony as we just discussed. I don't
10 foresee any other problems arising from it.

11 THE COURT: So you don't really know any
12 attorney/client information?

13 MR. KRZYSTON: No, Your Honor, I represented him
14 for a matter of hours, 24 to 48 hours. As soon as I
15 went to see him, I gave the file to conflict review.

16 THE COURT: Because you understood he would
17 potentially be testifying against your client?

18 MR. KRZYSTON: Yes.

19 THE COURT: You didn't ask anything else as far
20 as attorney/client information from Mr. Peterson; is
21 that correct?

22 MR. KRZYSTON: Yes, Your Honor.

23 THE COURT: So you didn't gain any information?

24 MR. KRZYSTON: No, as soon as I found out he was
25 interested in informing, I advised him that the Public

1 Defender's office would likely be reassigning his file
2 and therefore there would be no further point in us
3 conversing.

4 THE COURT: Who will be handling that?

5 MR. KRZYSTON: Ms. Bambach.

6 THE COURT: Who is --- Ms. Garfield, you
7 prosecuted that individual?

8 MS. GARFIELD: I prosecuted him, so Ms. Simpson
9 will be questioning him.

10 THE COURT: Okay. Let's not go into --- if he
11 has any complaints with Mr. Krzyston, this is not the
12 forum and it is not relevant to the case or the issues
13 and Mr. Krzyston's behavior in dealing with that
14 situation would be exactly what I would expect him to
15 do in handling the situation and learning about that
16 potential client cooperating against a current client.
17 I would expect him to cease the conversation and turn
18 it over to conflict review, which is what he did and
19 that was completely and totally appropriate. That's
20 just the nature of these things is you end up in these
21 cases in different things like that, so his behavior
22 was completely and totally appropriate.

23 MR. KRZYSTON: Thank you, Judge.

24 MS. SIMPSON: And Your Honor, he is represented
25 by Victor Li. I'll have a conversation with him so he

1 can explain it to his client.

2 THE COURT: If you can just communicate that to
3 Mr. Li so he can explain and you can explain it to him
4 in Mr. Li's presence also.

5 MS. SIMPSON: Okay. Thank you, Your Honor.

6 THE COURT: Thank you.

7 MS. SIMPSON: And the defense, this will be their
8 first time in reviewing the redacted version, as well.

9 THE COURT: Okay. Let's all look at it. You're
10 not going to attempt to introduce it this morning; is
11 that right?

12 MS. SIMPSON: Correct. That will come much later
13 in the case.

14 THE COURT: Okay. Let's all go ahead and look at
15 it and think about it.

16 MS. SIMPSON: Most of this will be with respect
17 to what Ms. Cromer testified to during one of the
18 pretrial hearings. This is the audio portion that we
19 start with.

20 (Pause.)

21 MS. SIMPSON: I'm not sure is got that. Was that
22 kind of static-y.

23 THE COURT: I got enough.

24 MS. SIMPSON: Okay. Of course, that's referring
25 to the Glock 45, which would be consistent with the

1 weapon in this case. "Let's go to the door, Shyne,"
2 and the purpose for this one is it actually shows
3 Mr. Young.

4 (Pause.)

5 It mentions his name Lorenzo, as well as his
6 nickname, Shyne, and this is from the same video where
7 he is holding the Glock 45 in the camera.

8 THE COURT: Okay.

9 MS. SIMPSON: Next one. This would be from the
10 second or third video --- second video, where they
11 mention the Glock.

12 (Pause.)

13 And that would be the extent of that one.

14 (Pause.)

15 Like I said, we can discuss further with respect
16 to relevance and things of that nature ---

17 THE COURT: Okay.

18 MS. SIMPSON: --- but that's what we would be
19 seeking to introduce.

20 THE COURT: Okay. Great. Thank you very much.

21 All right. Anything else before we bring in the
22 jury?

23 MS. SIMPSON: Nothing from the State.

24 MS. GARFIELD: Judge, the only thing I need to do
25 is renew our request for Mr. Schnee's witness

1 information as far as date of birth so we can run
2 appropriate background.

3 THE COURT: Okay.

4 MR. SCHNEE: Judge, I apologize. With everything
5 that happened yesterday, I just never got around to
6 doing it before our long breaks. I can have it for
7 her this morning. There is only one witness that's a
8 lay witness. I know he's in jail. I'm pretty sure he
9 is actually the only one with that name who is in
10 jail.

11 THE COURT: Okay.

12 MR. SCHNEE: I mean, I could probably do it from
13 my cell phone right now from the jail website.

14 THE COURT: Okay. Let's get that to them shortly
15 then.

16 MR. SCHNEE: Sure.

17 THE COURT: Mr. Krzyston.

18 MR. KRZYSTON: Other than the objections to ---

19 THE COURT: We're not dealing with the objections
20 now I just wanted everybody to see it so you can think
21 about it.

22 MR. KRZYSTON: Thank you, Judge.

23 THE COURT: Anything from you, Mr. Schnee, before
24 we start?

25 MR. SCHNEE: No, Your Honor.

1 THE COURT: Okay.

2 All right. If you're in here, make sure your
3 phones are off. I don't want to hear them. I don't
4 want to see them.

5 THE BAILIFF: The jury is seated, Your Honor.

6 THE COURT: Welcome back. Thank you for being on
7 time. We will continue with the testimony of the
8 case. Call your next witness.

9 MS. GARFIELD: Thank you, Your Honor. May it
10 please the Court. For scheduling purposes we will be
11 taking our next witness out of the order. At this
12 time the State calls Amy Stephens.

13 THE COURT: All right.

14 AMY STEPHENS,
15 after being duly sworn, testified as follows:

16 THE CLERK: Please have a seat. State your full
17 name for the record.

18 THE WITNESS: Amy Alyssa Stephens,
19 S-T-E-P-H-E-N-S.

20 DIRECT EXAMINATION:

21 BY MS. GARFIELD:

22 Q Ms. Stephens, please share with the jury where
23 you're currently employed.

24 A I'm employed with the South Carolina Law
25 Enforcement Division also known as SLED.

1 Q What are your duties at SLED?

2 A I'm a forensics technician in the evidence
3 control department. Our daily responsibility are to
4 log in, package, and transfer evidence for the purpose
5 of analysis.

6 Q Is this for any specific law enforcement agency?

7 A All law enforcement agencies throughout the State
8 of South Carolina.

9 Q So you collect evidence all over the State?

10 A We receive collected evidence from law
11 enforcement agencies throughout the state, yes.

12 Q And you just mentioned packaging. Can you
13 explain to the jury what packaging is?

14 A We have several different packaging procedures
15 within our department. We will place some evidence in
16 a heat sealed pouch. Some things will go in a box and
17 some things will go in an envelope. We will seal
18 those items and then the submitting officer will
19 initial and date the seals.

20 Q Are you familiar with the case that we're in
21 court with today?

22 A Yes, I am.

23 Q As a forensic evidence custodian, did you receive
24 several items of evidence in this case?

25 A Yes, I did.

1 Q Did you receive these items from a period
2 beginning in July of 2013 through very recently?

3 A Yes, I did.

4 Q And did you receive items from several different
5 officers?

6 A Yes, I did.

7 Q With the Columbia Police Department?

8 A Yes, that's correct.

9 Q Did you receive items from Investigator George
10 Wise?

11 A Yes, I did.

12 Q And did you receive items from an Officer Brian
13 Carrol?

14 A Yes, I did.

15 Q And did you receive items from Sergeant Buddy
16 Rose?

17 A Yes, I did.

18 Q I believe Walter Rose is his real name?

19 A That's correct.

20 Q And also some from the coroner's office?

21 A That's correct.

22 Q When you received these items, please explain to
23 the jury how you go the about packaging them properly
24 and what your procedures are?

25 A Once we receive the evidence within our

1 department, we will package them according to our
2 procedures, we will then enter the case information
3 into our computer system. A unique lab number will be
4 generated, as well as an item for each piece of
5 evidence that is submitted. Once that unique lab
6 number is generated, we will attach the label to each
7 piece of evidence and then transfer the evidence
8 directly to a technician or a scientist or into our
9 evidence room for storage.

10 Q Do you inspect the items that are presented to
11 you by law enforcement?

12 A Yes, we do.

13 Q What if an item is not packaged properly?

14 A If it's not packaged properly, a note will be
15 made in the case narrative of that particular lab
16 number.

17 Q Was any of the evidence presented to you or to
18 SLED related to the case where Ms. Hunnewell was
19 killed, did you find any of that evidence to be
20 packaged improperly?

21 A No, I did not.

22 Q Once you take it into SLED, what happens to it
23 next?

24 A It can go into our evidence room for storage
25 purposes until an analyst or technician comes down to

1 retrieve it for analysis.

2 Q When you say analysts, are there several
3 different analysts that are employed at SLED?

4 A Yes, we have several different forensics services
5 within our building.

6 Q Can you just share with the jury what those
7 services are?

8 A We have a DNA department, a toxicology
9 department, a latent print and crime scene department,
10 a photography department, a document department, an
11 evidence processing department.

12 Q And several others; is that correct?

13 A Yes.

14 Q And all the items that you received from Columbia
15 Police Department or the Richland County coroner's
16 office were proper?

17 A They were.

18 MS. GARFIELD: Thank you, Ms. Stephens. Please
19 answer any questions defense counsel may have.

20 MS. BAMBACH: Thank you, Your Honor. May it
21 please the Court.

22 THE COURT: Yes, ma'am.

23 CROSS-EXAMINATION:

24 BY MS. BAMBACH:

25 Q Ms. Stephens, I just have one question. In the

1 SLED narrative notes, your comments on July 3rd, 2013,
2 a rush status had been placed on this case, correct?

3 A I would have to see those notes. I do not have
4 those with me.

5 MS. BAMBACH: May I approach?

6 THE COURT: Yes, ma'am.

7 BY MS. BAMBACH:

8 Q Would seeing these notes help refresh your
9 recollection?

10 A Yes, it would. Yes, I did write that.

11 Q And that was on July 3rd, 2013, correct?

12 A May I see the case? I'm sorry. Yes, July 3rd,
13 2013. That's correct.

14 Q Thank you.

15 MS. BAMBACH: I have no further questions.

16 MR. SCHNEE: No questions.

17 THE COURT: Redirect?

18 MS. GARFIELD: No, sir.

19 THE COURT: Have a nice day.

20 THE WITNESS: Thank you.

21 THE COURT: Call your next witness.

22 MS. GARFIELD: Thank you, Your Honor. The State
23 calls Sergeant Buddy Rose.

24 THE COURT: Is that Walter Rose?

25 MS. GARFIELD: Yes, sir. I'm sorry. His name is

1 Buddy.

2 SERGEANT WALTER (BUDDY) ROSE,
3 after being duly sworn, testified as follows:

4 THE CLERK: Please have a seat. State your full
5 name for the record.

6 THE WITNESS: My name is Walter Rose.

7 DIRECT EXAMINATION:

8 BY MS. GARFIELD:

9 Q Do you have a nickname?

10 A Yes, I do.

11 Q What is your nickname?

12 A Buddy.

13 Q Just to avoid confusion. Sergeant, where are you
14 employed?

15 A City of Columbia.

16 Q What to you do at the City of Columbia?

17 A I'm a crime scene supervisor.

18 Q And that's with the police department?

19 A Yes, ma'am.

20 Q As a crime scene supervisor, what do you do?

21 A I supervise a six man crime scene team.

22 Q And what does the crime scene team do?

23 A They document, collect, preserve, and analyze
24 evidence.

25 Q Specifically involving the case at hand, did you

1 have an opportunity to review any video involved in
2 this case?

3 A Yes, ma'am.

4 Q And please explain to the jury how that came
5 about?

6 A The investigators involved in the case brought me
7 a DVR. They needed the video that was on the DVR,
8 pulled off and put on a CD to preserve for trial.

9 Q And that DVR had been found at the bakery?

10 A Yes, ma'am.

11 Q On Tommy Circle?

12 A Yes, ma'am.

13 Q In Richland County?

14 A Uh-huh.

15 Q And you actually pulled the video off that
16 camera, if you will?

17 A Yes, ma'am.

18 Q I'm going to be hand you what's been marked as
19 State's Exhibit 323. Are you familiar with this video
20 or this DVD?

21 A I am.

22 Q What is contained on that DVD?

23 A It's a video from the DVR. There's several
24 different cameras, several files on here. It's the
25 video.

1 Q From the bakery?

2 A Yes, ma'am.

3 Q How many camera angles were there?

4 A I believe there's four.

5 Q And you've had an opportunity to review this
6 video, correct?

7 A Yes.

8 Q Has it been changed or altered in any way by you?

9 A It hasn't.

10 MS. GARFIELD: Your Honor, at this time, I'd like
11 to introduce State's Exhibit Number 323 into evidence.

12 MR. KRZYSTON: Without objection.

13 MR. SCHNEE: That's the original files? No
14 objection, Your Honor.

15 THE COURT: All right. State's 323 without
16 objection.

17 (WHEREUPON, State's Exhibit Number 323 was
18 admitted into evidence.)

19 BY MS. GARFIELD:

20 Q Sergeant Rose, do you also in your duties with
21 Columbia Police Department assist in transporting
22 evidence to our state law enforcement division?

23 A Yes, ma'am.

24 Q Did you particularly take any items of evidence
25 to SLED in this case?

1 A I did.

2 Q I'd like to direct your attention back to
3 July 5th, of last year. How did you come about taking
4 evidence to SLED?

5 A One of the crime scene officers was transporting
6 evidence to SLED and was involved in an accident on
7 I-26.

8 Q And who was that officer?

9 A Brian Carrol.

10 Q And where is SLED located?

11 A It's on Broad River Road.

12 Q Here in Richland County?

13 A Yes, ma'am.

14 Q And Mr. Carrol got in an accident on the way to
15 SLED.

16 A He did.

17 Q At that point, what did you do?

18 A I responded to the scene where he got into the
19 accident, took the evidence from him and transported
20 it to SLED. The supervisor that was working that area
21 took care of the accident so I could take that
22 evidence to SLED.

23 Q And that evidence contained shot shells?

24 A Yes, ma'am.

25 Q As well as an ammunition box?

1 A Yes, ma'am.

2 Q And then you took to it SLED?

3 A Yes, ma'am.

4 Q And you logged it in with Ms. Stephens?

5 A I did.

6 Q Thank you, Sergeant Rose. Please answer any
7 questions defense counsel has.

8 MR. KRZYSTON: Thank you, Judge. May it please
9 the Court.

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION:

12 Q Sergeant, did you watch the video, State's 323
13 that was just described, with Investigator Wise?

14 A With who?

15 Q With George wise?

16 A No, I don't believe --- well, there were several
17 of us. Possibly Wise. Our office --- it's pretty
18 big.

19 Q Right.

20 A So when we go to pull those videos, everybody
21 involved can be there, so I'm not sure exactly who was
22 with us, but yes, there were a lot of people.

23 Q And a lot of people were interested, so there
24 were a lot of people?

25 A There were a lot of people involved in this

1 investigation, so, yes, sir.

2 MR. KRZYSTON: Okay. Thank you. No further
3 questions, Judge.

4 MR. SCHNEE: Nothing from me, Judge.

5 THE COURT: Redirect?

6 MS. GARFIELD: No, sir.

7 THE COURT: Have a good day. Call your next
8 witness.

9 MS. GARFIELD: The State calls Christopher
10 Watkins.

11 CHRISTOPHER WATKINS,
12 after being duly sworn, testified as follows:

13 THE CLERK: Please have a seat. State your full
14 name.

15 THE WITNESS: (No response.)

16 DIRECT EXAMINATION:

17 BY MS. GARFIELD:

18 Q Please state your full name for the record, sir.

19 A Christopher James Watkins.

20 Q Mr. Watkins, where are you employed?

21 A I'm a private investigator at Stillinger
22 Investigations here in Columbia operating under SLED
23 license number 1586.

24 Q Please share with the jury what kind of
25 investigations you pursue?

1 A Well, in this matter or just generally?

2 Q In general.

3 A Well, all kinds of investigations. I am more
4 focused in criminal defense and digital forensics
5 investigations.

6 Q So you are not an investigator for the State?

7 A I am not.

8 Q Were you retained by any defense counsel in this
9 case?

10 A I was.

11 Q Do you know who that was?

12 A Yes, ma'am, it was Ms. Aimee Zmroczek.

13 Q Are you familiar with who she represented?

14 A Yes, my role in the assignment through
15 Ms. Zmroczek was to assist in an investigation into
16 the matter in which her client, Troy Stevenson, is
17 named the accused.

18 The primary objective to that assignment was to
19 analyze video that was taken from the bakery located
20 at 93 Tommy Circle and also the video that was taken
21 from the Ale House Lounge located at 12 Tommy Circle
22 which is next door.

23 The purpose of that was to determine the exact
24 point in time that Mr. Stevenson arrived at the scene
25 on camera.

1 Q We're not going to go into all of that. I just
2 want to specifically go into the video.

3 A Okay.

4 Q So Ms. Zmroczek provided you a video that had
5 been obtained through the discovery process from the
6 bakery?

7 A Correct.

8 Q And when you received that video from the bakery,
9 can you explain to the jury what kind of format it was
10 in?

11 A Well, there are two formats. The one I focused
12 on was the file type was an AVI, which is audio video
13 interleave, which is a common file format that can be
14 accessed on most computers. Do you want me to go into
15 detail about ---

16 Q Specifically how many angles, camera angles, were
17 there on that video?

18 A Okay. There were four camera angles at the
19 bakery, so I had four AVI files.

20 Q Were those angles being shown continuously?

21 A They were, yes.

22 Q So it wasn't any sort of delayed video?

23 A No.

24 Q Time sensor?

25 A No.

1 Q Motion sensor?

2 A No, it's straight forward, yes.

3 Q When you reviewed that video, is it --- you're
4 looking at all four angles at the same time or did you
5 have to look at them individually?

6 A Well, at first I had to look at them individually
7 because each file was a video.

8 Q Did you do any sort of editing to this video?

9 A As far as editing, not what somebody might think
10 as in cutting the video or manipulating the video in
11 any way. What I did was set up the video to play in a
12 quad view like you would see on most digital
13 recorders, where when you accessed them you would have
14 one in each corner. That's what I did.

15 Q Okay.

16 A I also overlaid a correct time and date stamp.

17 Q And that way you could see all four angles at the
18 same time?

19 A Correct, synchronously.

20 Q I want to hand you what's been marked as State's
21 Exhibit Number 324. Are you familiar with this DVD?

22 A I may be.

23 Q Have you reviewed video in this case concerning
24 what you did?

25 A I have. Will I get to see the video?

1 Q Have you not seen it previously?

2 A I have. I just want to make sure it's the same
3 one.

4 Q Okay.

5 MS. GARFIELD: How do I to that without showing
6 the jury?

7 THE WITNESS: Maybe on a laptop? Sorry.

8 THE COURT: Do you have a computer you could put
9 it on?

10 MS. GARFIELD: I don't have one in here.

11 THE COURT: Why don't you give it to me. I'll
12 see if I can play it on mine.

13 (Pause.)

14 BY MS. GARFIELD:

15 Q Mr. Watkins, while he is loading that, through
16 your editing, for lack of better word, did you alter
17 the video in any way as far as what you could see?

18 A Not the content. The only thing you could
19 consider altering that I did was that I added the
20 correct time and date.

21 Q And that way you could view it all at the same
22 time?

23 A Yes, ma'am.

24 Q But you didn't cut any of the video?

25 A Did not cut anything, did not manipulate

1 anything?

2 THE COURT: You all are waiting on the least
3 computer savvy person in the room. Thank God for law
4 clerks.

5 THE COURT: Do what you need to.

6 THE WITNESS: Yes.

7 (WHEREUPON, the witness watched the video out of
8 the view of the jury.)

9 THE WITNESS: Okay.

10 BY MS. GARFIELD:

11 Q Mr. Watkins, using the judge's computer, have you
12 had an opportunity to review that video?

13 A Yes, ma'am.

14 Q Does that reflect what you did?

15 A It does.

16 Q Has it been changed in any way?

17 A It has not.

18 MS. GARFIELD: Your Honor, at this time I'd like
19 to introduce that into evidence.

20 THE COURT: Mr. Krzyston.

21 MR. KRZYSTON: No objection, Your Honor.

22 THE COURT: Mr. Schnee.

23 MR. SCHNEE: No objection.

24 THE COURT REPORTER: That's 324 you said?

25 MS. GARFIELD: I just want to make sure.

1 (WHEREUPON, State's Exhibit Number 324 was
2 admitted into evidence.)

3 THE COURT: 324.

4 MR. SCHNEE: Actually, Judge, can we approach for
5 just one second?

6 THE COURT: Sure.

7 (WHEREUPON, a bench conference was held in the
8 presence, but not within the hearing of the
9 jury.)

10 MS. GARFIELD: Thank you, Mr. Watkins.
11 no further questions. Please answer anything the
12 defense may have for you.

13 THE WITNESS: Okay.

14 MR. KRZYSTON: Judge, we have no questions.

15 THE COURT: Okay.

16 MR. SCHNEE: Just very briefly.

17 THE COURT: Sure.

18 CROSS-EXAMINATION:

19 BY MR. SCHNEE:

20 Q Mr. Watkins, when you say you put a timestamp on
21 the video, did that come from the DVR system itself?

22 A When we received the video in discovery, the
23 first thing I did was watch the video. It did have a
24 time and date stamp overlaid on to the video. That
25 reflected the beginning time of 2:40 A.M. and, of

1 course, according to the Columbia Police Department
2 case summary written by Investigator McCoy, he
3 indicated that it was off by an hour.

4 So what I did was I looked at the metadata of the
5 files themselves and found that the creation date ---
6 metadata is a technical term that means data about
7 data. The creation date is a type of metadata. These
8 files, these four files in particular, had an
9 identical creation date of Monday, July 1, 2013, at
10 3:43 A.M. and 54 seconds. So that metadata is usually
11 created or the creation date is created when the file
12 is created.

13 Q Okay.

14 A So that would reflect the system time of the
15 digital video recorder. The time that we saw in the
16 2:40 A.M., that was overlaid in a subtitle, which is
17 common for an AVI file type, but in my experience,
18 that would be --- that would reflect a user setting on
19 the DVR system.

20 So what I did was I added the date and time based
21 on the metadata, which would be the true time.

22 Q Okay. That's based on the internal time of the
23 DVR system?

24 A Yes, sir.

25 Q So it could be off by five or ten minutes?

1 A If --- the only ---

2 Q You don't know if the internal clock was actually
3 set correctly?

4 A Well, you're, right. I can't say that.

5 Q But what you are saying is that you synched all
6 four of those files to make sure that you are seeing a
7 true representation of what happens as if was live?

8 A Yes, sir.

9 MR. SCHNEE: Okay. No further questions.

10 MS. GARFIELD: Nothing further, Judge.

11 THE COURT: Have a good day.

12 THE WITNESS: Thank you.

13 THE COURT: Call your next witness.

14 MS. GARFIELD: The State calls Tony Spain.

15 TONY SPAIN,

16 after being duly sworn, testified as follows:

17 THE CLERK: Please have a seat. State your full
18 name for the record.

19 THE WITNESS: My full name is Tony Jason Spain.

20 DIRECT EXAMINATION:

21 BY MS. GARFIELD:

22 Q Mr. Spain, good morning.

23 A Good morning.

24 Q Please share with the jury where you're employed.

25 A I'm a owner of the Ale House.

1 Q And where is the Ale House located?

2 A It's 12 Tommy Circle, off Beltline.

3 Q Are you nervous today?

4 A A little bit.

5 Q You said Tommy Circle. What type of
6 establishment is the Ale House?

7 A It's bar. It's a privately owned club.

8 Q And what are your hours of operation?

9 A We open at three in the afternoon and we don't
10 actually have a closing time because we're private.
11 If we have a crowd we will stay open later, but on
12 Saturdays we do close at 2:00 A.M.

13 Q What about Sunday night, morning, do you normally
14 have a late night crowd?

15 A Not normally, no.

16 Q Are you familiar with the case that we're in
17 court for today?

18 A Yes.

19 Q Are you familiar with the bakery where Ms. Kelly
20 Hunnewell was killed?

21 A Yes, I am.

22 Q Is that bakery in close proximity to your
23 establishment?

24 A Next door.

25 Q Very close by?

1 A Yes.

2 Q Were you the owner of the Ale House back in July
3 of last year?

4 A Yes, I was.

5 Q Are you familiar with law enforcement asking your
6 establishment for video concerning cameras at your
7 establishment?

8 A Yes, I am.

9 Q And was a video provided to law enforcement?

10 A Yes, it was.

11 Q Have you had an opportunity to review that video
12 from your establishment, the Ale House?

13 A Yes, I was.

14 Q And I'm going to hand you what's been marked as
15 State's Exhibit Number 325. Do you recognize this
16 DVD?

17 A Yes, I do.

18 Q Is that video from the Ale House that was given
19 to law enforcement?

20 A Yes, it is.

21 Q Have you had an opportunity to review it?

22 A Yes.

23 Q Has it been changed in any way?

24 A No.

25 Q Does it reflect your establishment, the outside

1 area?

2 A Yes, it does.

3 MS. GARFIELD: Your Honor, I'd like to introduce
4 State's Exhibit 325 into evidence.

5 MR. KRZYSTON: No objection.

6 MR. SCHNEE: No objection.

7 THE COURT: State's 325 without objection.

8 (WHEREUPON, State's Exhibit Number 325 was
9 admitted into evidence.)

10 MS. GARFIELD: Thank you, Judge. Thank you.
11 Please answer any questions defense counsel may have
12 for you.

13 MR. KRZYSTON: No questions, Your Honor.

14 MR. SCHNEE: No questions.

15 THE COURT: Have a nice day.

16 Call your next witness.

17 MS. SIMPSON: State calls Officer Kai Tull.

18 MS. PINNOCK: Your Honor, before this witness
19 testifies, I think we have a matter of law.

20 THE COURT: Okay. Ladies and gentlemen, if
21 you'll return to your jury room. Do not discuss the
22 case. Keep an open mind. We'll be back with you in
23 just a few minutes.

24 (WHEREUPON, the jury left the courtroom at 9:48
25 A.M.)

1 THE COURT: Are you Mr. Tull?

2 THE WITNESS: Yes, I am.

3 THE COURT: To you need him in or out?

4 MS. PINNOCK: It doesn't matter.

5 THE COURT: Okay. You can have a seat in that
6 chair right there.

7 Yes, ma'am.

8 MS. PINNOCK: Your Honor, I believe this witness
9 is the officer that was approached by a former
10 potential State witness, Donald Moore. It's our
11 understanding that Mr. Moore is pleading the Fifth.
12 I'm unaware of what this witness would testify that
13 would not be information obtained from Mr. Moore. We
14 don't have any notes or anything from this officer
15 dealing with this case, so I'd ask before he testifies
16 that we proffer his testimony to see if it actually is
17 admissible prior to letting the jury hear it.

18 MS. SIMPSON: And, Your Honor, if I may. This is
19 the officer that Donald Moore approached and was
20 familiar with Officer Tull from a prior incident where
21 he was involved, I believe, as a victim which we would
22 not be going into. It would simply be, "Do you know
23 Donald Moore?"

24 As far as the details and specifics of the
25 information given to him, I'm not going into that. It

1 will be very limited as far as Donald Moore
2 encouraging him, what he did with that information,
3 which is turn it over to his supervisor, which is
4 Sergeant Shuler, and then that information of course,
5 was turned over to the investigator in this case with
6 respect to the identity of Mr. Moore and that he
7 possibly had relevant information about the murder and
8 that this is not unusual for people to approach him.

9 Essentially he is, you know, he works paroling
10 the area. He is familiar with the area, but as far
11 as ---

12 THE COURT: So you're not going into what Donald
13 Moore said to him?

14 MS. SIMPSON: No. The question specifically
15 would be --- I can tell you now. Essentially,
16 "Without telling me exactly what he said to you, did
17 he make you aware that he may have possible
18 information regarding individuals or locations of the
19 individuals involved in the murder at Tommy Circle."

20 THE COURT: All right.

21 MS. PINNOCK: And, Judge, I think even implying
22 that he spoke to Donald Moore and obtained information
23 about the current case, we are not going to have the
24 opportunity to cross-examine Donald Moore. We can't
25 cross-examine this witness on what he said, so I

1 believe we're going to have Crawford issues dealing
2 with this witness testifying or even inferring that he
3 spoke to Donald Moore, who again has asserted his
4 right to remain silent, on the veracity of that
5 information. I don't think it's proper to have this
6 witness do that because we are not given the
7 opportunity for a cross.

8 THE COURT: All right.

9 MS. SIMPSON: Your Honor, with respect to Mr.
10 Moore and invoking his Fifth Amendment right, that is
11 a separate issue with respect to Mr. Kai Tull's
12 testimony. It's the State's position, and
13 Ms. Campbell, who is going to be questioning Mr.
14 Moore and can address that more specifically if Your
15 Honor wants to now. However, I think this witness has
16 personal knowledge of an individual that came to him.
17 He is entitled to talk about that individual coming to
18 him with the knowledge and to be quite frank, this is
19 what led to Donald Moore, who eventually became an
20 informant for law enforcement later that kind of got
21 the case rolling. We're not going into details, but
22 as far as his personal knowledge and contact, I see no
23 issue what Donald Moore wants to do with respect to
24 his testimony.

25 THE COURT: All right. Do you understand that

1 you can't say what Donald Moore said to you?

2 THE WITNESS: Yes, sir. Yes, sir.

3 THE COURT: Okay. All right. I'll allow it.

4 MS. SIMPSON: Thank you, Your Honor.

5 THE COURT: All right. Bring the jury back in.

6 (WHEREUPON, the jury entered the courtroom at
7 9:52 A.M.)

8 THE BAILIFF: The jury is seated, Your Honor.

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

10 Welcome back ladies and gentlemen.

11 Officer Tull, if you'll please be sworn. Then
12 you can take the witness stand.

13 KAI TULL,
14 after being duly sworn, testified as follows:

15 THE CLERK: Please have a seat. State your full
16 name for the record.

17 THE WITNESS: My name?

18 THE COURT: Please state your full name for the
19 record.

20 THE WITNESS: Kai Tull.

21 DIRECT EXAMINATION:

22 BY MS. SIMPSON:

23 Q And can you spell that for the Court Reporter?

24 A K-A-I, last name T-U-L-L.

25 Q Officer Tull, where are you employed?

1 A Columbia Police Department.

2 Q How long have you been with the Columbia Police
3 Department?

4 A About two-and-a-half years now.

5 Q Two-and-a-half years and what is your current
6 position there? What to you do?

7 A I'm a Five Points officer. I'm still a regular
8 patrol officer.

9 Q Regular patrol officer?

10 A Yes.

11 Q Do you have a particular area that you're
12 assigned to currently?

13 A Currently Five Points.

14 Q And back in, I guess, June and July of 2013, were
15 you assigned in that an area, as well?

16 A I was assigned the metro region on the Two Notch
17 side.

18 Q Okay. Metro region on the Two Notch side?

19 A Yeah.

20 Q So is that in the area of Lucille Drive?

21 A Yeah.

22 Q And Tommy Circle, as well?

23 A Yes, ma'am.

24 Q I want turn your attention to that time period.
25 Are you --- well, first of all, with respect to your

1 patrol, you were on the streets pretty much every day,
2 correct?

3 A Yes.

4 Q Are you familiar with a number of individuals in
5 the community?

6 A Yes, I am.

7 Q Do you actually know a Donald Moore?

8 A Yes, ma'am.

9 Q Without telling us ---

10 MS. PINNOCK: Your Honor, I'll renew my
11 objection.

12 THE COURT: All right. Overruled.

13 BY MS. SIMPSON:

14 Q On July 2nd, did Mr. Moore actually approach you?

15 A Yes, ma'am.

16 Q Tell us how that occurred.

17 A I was driving on Two Notch Road. Usually if I
18 see him, he usually flags me down until we stop. We
19 have some ---

20 Q You have a relationship with him?

21 A Yes, just some small talk. That day he flagged
22 me down, as well.

23 Q Okay. So he flagged you down and you spoke with
24 him, correct?

25 A Yes, ma'am.

1 Q Without telling me the details of your
2 conversation --- did you have a conversation with him?

3 A Yes, ma'am.

4 Q And in that conversation, again without telling
5 me the details, did he indicate to you that he had
6 some information regarding individuals and their
7 location who may be involved in a recent murder that
8 had occurred?

9 A Yes, ma'am.

10 Q And did he indicate what that murder was or where
11 it was?

12 A Yes.

13 Q And was that murder at Tommy Circle?

14 A Yes.

15 Q And after you were given this information, what
16 did you do with --- what did you do?

17 A I immediately turned it over to my sergeant at
18 the time, Sergeant Shuler.

19 Q Sergeant Shuler?

20 A Yes.

21 Q And is it unusual for people to approach you or
22 provide you with information regarding certain matters
23 that occur in the community?

24 A No.

25 Q And as protocol just you turn it over to

1 somebody, such as your supervisor?

2 A Yes.

3 Q Were you actually working or actively involved in
4 the investigation of the murder ---

5 A No.

6 Q --- at Tommy Circle?

7 A No.

8 Q And once you turned that information over to
9 Sergeant Shuler, are you aware of what he did with
10 that information?

11 A As soon as I turned it over, I was still at the
12 desk. He notified investigations. I cannot recall
13 which investigator he contacted with that.

14 Q So he would have notified possibly one of the
15 investigators involved in the murder case?

16 A Yes.

17 Q Outside of your conversation and contact with Mr.
18 Moore about him having information regarding the
19 murder, was that the extent of your involvement in
20 this case?

21 A Yes, ma'am.

22 Q Thank you, Officer Tull.

23 THE COURT: Ms. Pinnock?

24 MS. PINNOCK: Beg the Court's indulgence.

25 (Pause.)

1 Your Honor, I have no questions. Thank you.

2 THE COURT: Mr. Schnee?

3 MR. SCHNEE: No questions. Thank you.

4 THE WITNESS: Thank you.

5 THE COURT: Have a good day.

6 THE WITNESS: Thank you.

7 THE COURT: Thank you.

8 Call your next witness.

9 MS. GARFIELD: The State calls Investigator
10 Valerie Moorner.

11 INVESTIGATOR VALERIE MOORER,
12 after being duly sworn, testified as follows:

13 THE CLERK: Please have a seat. State your full
14 name for the record.

15 THE WITNESS: Valerie Moorner.

16 DIRECT EXAMINATION:

17 BY MS. GARFIELD:

18 Q Investigator Moorner, please share with the jury
19 where you're employed.

20 A Columbia Police Department.

21 Q What do you do at the Columbia Police Department?

22 A I work as a violent crimes investigator.

23 Q How long have you been in law enforcement?

24 A Since --- well, roughly 15 years.

25 Q Is all of that with the City of Columbia?

1 A No, ma'am.

2 Q Please share with the jury your experience.

3 A I've worked for the department of justice for
4 roughly three, three-and-a-half years. I've been with
5 the City of Columbia since 2003.

6 THE COURT: Okay. You're going to need to scoot
7 closer to that microphone. I can barely hear you.

8 BY MS. GARFIELD:

9 Q And we all know that's not like you.

10 A No.

11 Q How long have you been in investigations?

12 A I've been in investigations probably about six
13 years. I've worked narcotics investigations, as well.

14 Q And specifically in July of 2013, were you in
15 investigations at that time?

16 A Yes, ma'am.

17 Q Are you assigned to any particular area of
18 investigations?

19 A Violent crimes, homicide unit.

20 Q So do you just investigate homicides?

21 A No, ma'am. I investigate any violent crimes,
22 assaults.

23 Q Specifically, did you get a call to report to any
24 investigation on July 1st of last year?

25 A Yes, ma'am.

1 Q Can you explain to the jury how you became
2 involved?

3 A Well, once an incident occurs, you have a lead
4 investigator and you have a few other investigators
5 that respond. I was called by another investigator to
6 assist in this case.

7 Q Who determines who was the lead investigator?

8 A The sergeant.

9 Q Is that on a rotating basis?

10 A Yes, ma'am, kind of sort of.

11 Q Be you were not the lead investigator?

12 A No, ma'am.

13 Q But you did assist?

14 A Yes.

15 Q Did you report to Tommy Circle where the bakery
16 was located?

17 A Yes, ma'am.

18 Q And share with the jury about what time you
19 believe you got there.

20 (Pause.)

21 Investigator Moorer, I see you're pulling out
22 papers. Are those notes you made?

23 A Yes.

24 Q And you made those at the time of your
25 investigation?

1 A Yes.

2 Q They were contemporaneous with what you were
3 doing?

4 A Yes.

5 Q Are you using them today to refresh your memory?

6 A Yes, ma'am.

7 Q Please share with the jury what time you
8 responded?

9 A I arrived at 93 Tommy Circle at 7:15 A.M.

10 Q And when you got there, what other law
11 enforcement was there?

12 A Sergeant Reese was there, Investigator McCoy was
13 there at the time and Investigator Hilton.

14 Q And Sergeant Reese and Investigator McCoy are
15 present in the courtroom?

16 A Yes.

17 Q Sitting at the prosecution table?

18 A Yes.

19 Q And when you got there, were you given any sort
20 of task from your sergeant and Investigator McCoy?

21 A Yes, that morning I was given the task to canvas
22 the area, to check to see what businesses in the area
23 may have had outside cameras.

24 Q And what all businesses did you go to look to see
25 if they had those cameras?

1 A I went to 3126 Beltline Boulevard, which is Foxy
2 Ladies Salon; 12 Tommy Circle, Ale House; 3117
3 Beltline Boulevard, Shell Gas station; 3000 Beltline
4 Boulevard, C&J Auto Sales; 3027 Beltline Boulevard.
5 That's the Beltline Village Apartments.

6 Q And out of those businesses that you went to see
7 if they had video, were your able to obtain any?

8 A Not at that particular time in the morning, no,
9 ma'am.

10 Q At that particular time in the morning, was the
11 Ale House open yet?

12 A No, ma'am.

13 Q And then did you have any contact with the
14 openers of the bakery?

15 A I did.

16 Q And what did you do with that?

17 A I stood by McCoy as he spoke with them.

18 Q Did you obtain their contact information for
19 further developments?

20 A I did.

21 Q Did you do anything as far as with the van that
22 belonged to Ms. Hunnewell?

23 A Yes, Sergeant Reese asked me to follow the tow
24 truck, as collision one as they transported the van
25 back to Columbia Police Department.

1 Q And what was the purpose of that?

2 A Wasn't sure how the van may have been involved,
3 and we knew it belonged to the victim due to the
4 license tag.

5 Q So as the cautionary measure, did you take the
6 van to the Columbia Police Department?

7 A Yes.

8 Q Did you later learn if the van had any relevant
9 value to this case?

10 A We learned that it didn't.

11 Q And then did you also attend the autopsy of
12 Ms. Hunnewell?

13 A Yes.

14 Q And that was done at the hospital?

15 A Yes, ma'am.

16 Q Which hospital?

17 A Richland Memorial.

18 Q And what was your capacity there at the autopsy?

19 A I stood by while CSI George Wise, took photos and
20 collected clothes and the projectile that was removed
21 from the victim's body.

22 Q And so you were there to assist Investigator
23 Wise?

24 A Yes, normally in an autopsy when there is a case,
25 an investigator just stands by and observes in case

1 they have questions.

2 Q And after the autopsy --- do you know about what
3 time the autopsy was held?

4 A I arrived there at nine o'clock. I'm not sure
5 exactly if they started at nine.

6 Q And after the autopsy --- and about how long
7 would an autopsy take place?

8 A Normally it would take an hour.

9 Q And after you --- the autopsy was completed, what
10 did you do next in the investigation of this case?

11 A Around 11:30 we --- I think we had a meeting
12 where we went back out to the location on Beltline,
13 and we canvassed some more because it was later in the
14 morning and the businesses should be open.

15 Q And you say canvassed, can you explain what you
16 mean by canvassing the area?

17 A Canvas means we were walking around knocking on
18 doors trying to get any help that's pertinent to the
19 case.

20 Q Were you able to find any residents in the area
21 that had any information?

22 A I was able to speak to some more of the
23 businesses that were open to see if they had video. A
24 couple of the businesses I wasn't able to get
25 anything.

1 I actually didn't collect anything at that time,
2 but I spoke to the Foxy Ladies Salon. Her cameras
3 only worked when she is ---

4 MR. SCHNEE: Objection, hearsay.

5 THE COURT: Overruled.

6 MS. GARFIELD: Thank you, Your Honor.

7 BY MS. GARFIELD:

8 Q Please continue.

9 A She said her cameras only work while she is
10 inside her business. I went back to the Ale House,
11 but Investigator Hilton had already made contact with
12 them to retrieve whatever video they had. At the
13 Shell station, spoke to the clerk there, but you
14 always have to wait until a manager comes to assist
15 with the video, which that wasn't successful.

16 Beltline Village Apartments, they don't have any
17 cameras. They don't even have an office on site. C&J
18 Autos, they said that the owner is --- wasn't
19 available to give me any type of video, and I haven't
20 heard from him after that.

21 We knocked on several doors. Actually, the
22 majority, all the doors at Beltline Village Apartments
23 to try to make contact with anyone that may have seen
24 anything at that time.

25 Q And did you eventually get asked to do anything

1 from Investigator Gilliam?

2 A From Investigator Gilliam?

3 Q Yes.

4 A Well, Investigator Gilliam and I were tasked with
5 getting photos of the residents of 2834 Blondell Court
6 and 2849 Lucille Avenue.

7 Q And at that time, specifically at Lucille Avenue,
8 were you familiar at that time with who resided
9 there?

10 A Yes, ma'am.

11 Q And who was that?

12 A I think it was the brothers, Troy and Trenton.

13 Q So Trenton Barnes who is on trial today?

14 A Yes.

15 Q And his brother Troy Stevenson?

16 A Yes.

17 Q And what purposes of information --- why are you
18 getting information about that house?

19 A Well, Investigator McCoy received several tips.

20 MR. SCHNEE: Objection, Your Honor, hearsay.

21 THE COURT: Overruled.

22 BY MS. GARFIELD:

23 Q Go ahead.

24 A Investigator McCoy received several tips from
25 Crime Stoppers. At that time when we receive

1 information, we go out and investigate and gain intel.

2 Q And that information gathered would have
3 pertained to Lucille Drive --- I'm sorry, Lucille
4 Avenue?

5 A Yes.

6 Q And you did gather that information for
7 Investigator McCoy?

8 A Yes.

9 Q Okay. Did you then continue on and assist in
10 gathering any information concerning Bronx Road?

11 A I didn't gather information. I think the
12 information was already there. I did assist in the
13 search warrant at ---

14 MR. KRZYSTON: Objection, Your Honor.

15 THE COURT: Previous argument?

16 MR. KRZYSTON: Previous argument.

17 THE COURT: Overruled.

18 BY MS. GARFIELD:

19 Q Did you help in the execution of the search
20 warrants?

21 A Yes.

22 Q And that was at Lucille Drive?

23 A Yes.

24 Q As well as Bronx Road?

25 A Yes.

1 Q Did you know who was a resident at Bronx Road?

2 A Yes, ma'am.

3 Q And who was that?

4 A Lorenzo Young.

5 Q And he had been made --- there was specific
6 information given to y'all to look into Lorenzo Young?

7 A Yes, ma'am.

8 Q And did you eventually or did law enforcement
9 eventually obtain a video from the Ale House?

10 A Yes.

11 Q And was video obtained from the bakery?

12 A Yes.

13 Q And Investigate Moorer, did you have an
14 opportunity to review those videos?

15 A Yes.

16 Q Since then have you also reviewed a video that
17 was made by a Mr. Christopher Watkins that made it
18 where you could see all the videos at once?

19 A Yes.

20 MS. GARFIELD: Your Honor, at this time I'd like
21 to publish the video.

22 THE COURT: All right. Let's do this. Let's go
23 ahead and take our morning break. We've been going
24 for about an hour now. That will give everybody time
25 to get the video equipment set up, and so that's not a

1 distraction when you come back in. They can do that
2 during the break. Let's take a ten minute break.
3 Everyone remain seated while the jury is being
4 dismissed. Do not discuss the case. Keep an open
5 mind. We'll see you back in just a few minutes.

6 (WHEREUPON, the jury left the courtroom at 10:09
7 A.M.)

8 THE COURT: All right. Investigator Moorer, you
9 are not allowed to discuss your testimony with anybody
10 in any way, shape, or form during this break. You are
11 allowed to leave the courtroom to use whatever
12 facilities you may need to use. You are not allowed
13 to discuss your testimony at all. When court starts
14 back in ten minutes, you need to be seated right
15 there. Okay?

16 THE WITNESS: Yes, sir.

17 (WHEREUPON, a short break was taken.)

18 (WHEREUPON, State's Exhibit Number 400 was marked
19 for identification only.)

20 THE COURT: If we can get this video set up so I
21 can hit play and Mr. Krzyston and Mr. Schnee can see
22 how it comes out and maybe get it to the point where
23 we can just hit play and it will be in the right
24 position. All right. Did we get it to where it
25 works?

1 THE COURT: Mr. Schnee.

2 MR. SCHNEE: Yes, sir.

3 THE COURT: Did you see what they are about to
4 play?

5 MR. SCHNEE: Yes, sir, I did and also the file
6 names. There are absolutely no problems with those.

7 THE COURT: Okay.

8 MR. KRZYSTON: None from my perspective.

9 THE COURT: Okay.

10 MS. CAMPBELL: Your Honor, while we're on break,
11 I'm sorry to bring this up, but there are several
12 witnesses who are getting ready to come up and we need
13 to settle the record very quickly.

14 THE COURT: Okay.

15 MS. CAMPBELL: One of those is Donald Moore. My
16 understanding is he has a juvenile record including
17 within the last two years. Do you know what date it
18 is?

19 As an adult, Your Honor, he does have two
20 convictions for burglary in the second degree, which
21 we think would be impeachable from 2012 and in
22 addition to that, he has pending in our office a
23 criminal or strong arm robbery, which would carry zero
24 to 15.

25 We are checking on his juvenile record, which we

1 don't have access to because it's a Louisiana.
2 Ms. Good is checking with him because he mentions in
3 his --- with her that he has been charged with a prior
4 murder as a juvenile before moving up here, so I'm
5 getting that information as soon as possible and we
6 basically would have to go on what he tells us because
7 I don't have anything else. That would be in 2000
8 to 2001, so it would be outside of the ten year
9 period.

10 MR. KRZYSTON: Unless he was convicted and
11 confined.

12 MS. CAMPBELL: I'm sorry?

13 MR. KRZYSTON: I said unless he was convicted and
14 confined for an extended period of time, which could
15 have possibly reoffended during that period of time.

16 MR. SCHNEE: Or a crime of moral turpitude. I
17 think we should know what it is.

18 THE COURT: A crime of moral turpitude, the ten
19 years still applies, just the punishment doesn't
20 apply. You have to provide prior notice that ---

21 MS. CAMPBELL: Manslaughter and giving false
22 information about a bomb, but those were in 2000 and
23 2001.

24 MR. KRZYSTON: And also false information would
25 go directly to credibility.

1 THE COURT: When was the false information?

2 MS. CAMPBELL: 2000 to 2001.

3 THE COURT: Ms. Good, that's your client, right?

4 MS. GOOD: Yes, sir.

5 THE COURT: What has he told you about his
6 juvenile record?

7 MS. GOOD: The only information I've been given
8 is that when he was 11 years old ---

9 THE COURT: What is that noise? Is that you?

10 THE DEPUTY: Yes, sir.

11 THE COURT: You're trying to make it work?

12 THE DEPUTY: Yes, sir.

13 THE COURT: Okay. That's fine. Go ahead.

14 MS. GOOD: It was about 2000, 2001 when he was
15 about 11 years old, he said it was originally murder.
16 He got involuntary manslaughter. I'll try to get the
17 exact wording, but it was false communication
18 regarding a bomb, something like that.

19 THE COURT: And what was the sentence?

20 MS. GOOD: I do not know. I can ask.

21 THE COURT: Okay, ask that for me, please. What
22 I need to know is what was his sentence and when was
23 he essentially released from his sentence.

24 MS. CAMPBELL: And, Your Honor, I have some other
25 matters with that witness, as well, that we'll have to

1 take up outside of the presence of the jury, but I
2 don't think they're appropriate. As far as other
3 witnesses coming up, Ms. Rolanda Coleman is a
4 potential witness. I'm not seeing any, but she has
5 are a pending burglary in the first degree, which does
6 carry 15 to life.

7 Your Honor, we would caution the court that is a
8 charge that Mr. Lorenzo Young is also charged with.
9 We do not think under the rules it is permissible for
10 Mr. Schnee to be able to go into the facts and/or
11 circumstances surrounding that case, specifically that
12 Lorenzo Young is her codefendant or anything else
13 about it. That's my understanding of the law.

14 THE COURT: All right. So on Ms. Coleman, do you
15 know anything besides the pending burglary first, Mr.
16 Krzyston?

17 MR. KRZYSTON: I am unaware unless she has
18 juvenile convictions.

19 MS. CAMPBELL: That I don't know.

20 MR. KRZYSTON: Could we perhaps are run a check
21 while we're ---

22 THE COURT: Howl old is she?

23 MR. KRZYSTON: She is 20.

24 MS. CAMPBELL: We can double check that.

25 THE COURT: Okay.

1 MR. KRZYSTON: She was born in '96.

2 THE COURT: What did you find out, Ms. Good?

3 MS. GOOD: Your Honor, regarding the involuntary
4 manslaughter, he was released in 2003. Clarification
5 on the false information communication regarding the
6 bomb, that was in 2007 and he had two years and he was
7 released in 2009.

8 MR. KRZYSTON: Judge, I would point to the court
9 or note for the Court's attention that we need an
10 exact date of release for his confinement. The
11 incident in question took place on July 1st, 2013.

12 If it's after --- if the release from confinement
13 is after July 1st, 2003...

14 MS. CAMPBELL: Your Honor, the Rules are ten days
15 from the time he testifies.

16 THE COURT: Right. Not ten days from the
17 incident date.

18 MR. KRZYSTON: Sorry.

19 THE COURT: So the information concerning the
20 involuntary manslaughter is out, the information ---
21 the false information ---

22 MS. GOOD: The false information or communication
23 regarding a bomb.

24 THE COURT: Okay. And he says that's in the 2007
25 to 2009 range?

1 MS. GOOD: Yes, sir.

2 THE COURT: Okay. That will be admissible. It
3 falls within the ten years. It is a --- I don't even
4 know what the possible punishment is, but under an
5 issue involving deceit or false statement or
6 dishonesty, is in regardless of the punishment,
7 therefore a 403 analysis is necessary, so what else?

8 MR. KRZYSTON: Judge, I understand your ruling
9 with regard to all of this. I would, however, object
10 for the record based on the fact that we do not have
11 an official determination or printout for Mr. Moore's
12 adjudications. I think it would be more appropriate
13 to make the determination we just made based on
14 official documents from the State of Louisiana so that
15 to the extent that would affect your ruling, I object
16 to that.

17 THE COURT: Well, nobody has those?

18 MS. CAMPBELL: No, it's a juvenile record so we
19 wouldn't have access to it.

20 MR. SCHNEE: Judge, if I may inquire as to if he
21 was on type of supervised release or parole, that
22 would be a continuation of sentence, beyond the 2003
23 date. I just don't know if they did that.

24 MS. CAMPBELL: If that were the case, it would be
25 transferred to South Carolina and we would have a

1 record it.

2 THE COURT: And it says confinement. The rule
3 says confinement.

4 MS. CAMPBELL: Yes, sir.

5 THE COURT: Okay.

6 MS. CAMPBELL: Your Honor.

7 THE COURT: So we're clear on Mr. Moore, burglary
8 second two counts in 2012. He has a pending strong
9 arm robbery. There's some kind of false information
10 about a bomb and that's it. Okay.

11 MS. CAMPBELL: And, Your Honor the final witness
12 we could take up is Ms. Latoya Barnes. Her only prior
13 record is back in 1998 for an AB/HAN for which she got
14 three years probation, so that would not be admissible
15 under the rules.

16 THE COURT: Anything as to that, Mr. Krzyston?

17 MR. KRZYSTON: Ms. Pinnock is going to address
18 that, Your Honor.

19 THE COURT: Okay.

20 MS. PINNOCK: I'm sorry, Your Honor. Again, that
21 was a ---

22 MS. CAMPBELL: 1998 AB/HAN, Your Honor.

23 MS. PINNOCK: I have nothing.

24 THE COURT: Mr. Schnee, on Ms. Barnes?

25 MR. SCHNEE: Nothing regarding her record.

1 However, I have been informed by her attorney that she
2 is intending to plead the Fifth.

3 THE COURT: Okay.

4 MS. CAMPBELL: Your Honor, I have handed up case
5 law on that specific that I thought was going to apply
6 to Mr. Moore.

7 THE COURT: Who is Ms. Barnes' attorney?

8 MR. SCHNEE: Art Aiken.

9 THE COURT: Okay. Okay. Let's go through this
10 pleading the Fifth issue.

11 MS. CAMPBELL: Yes, Your Honor. I've handed up
12 case law, Your Honor. As far as Donald Moore goes,
13 Your Honor, you are familiar with him somewhat.
14 Basically, he is the person who came forward to police
15 and was able to give information to the police.
16 Specifically the bulk of the information he gave to
17 police was information he said he got from Troy
18 Stevenson, who is not on trial today. Of course, that
19 would all be hearsay and we would not be intending to
20 go into all of that because Mr. Stevenson is not on
21 trial today. I don't know how we could go into that.

22 However, in addition to that, he was able to give
23 additional information to law enforcement, and
24 specifically he talks about in his statement to law
25 enforcement when he was interviewed that he became

1 aware of a plan to rob the Ale House that Thursday the
2 week before where Troy Stevenson and the information
3 was from Lorenzo and he specifically said that when
4 asked if he had ever seen Lorenzo with a gun, that
5 Lorenzo showed him a gun the night before or the night
6 of this actual incident between 7:45 and 8:00 o'clock
7 or 7:30 and 8:00 o'clock depending on which part he is
8 talking about. He was also able to --- he indicates
9 he has seen the video and he is able to recognize
10 Lorenzo in the video, that he recognizes the hoodie
11 and the hat specifically as the ones that Lorenzo
12 always wears. He also describes the clothing Lorenzo
13 was wearing when he saw him that evening before
14 between 7:30 and 8:00 o'clock.

15 He is subsequently shown a lineup the next day
16 after giving this information, and we do need to have
17 a hearing on that, Your Honor, where he is shown six
18 photographs and ultimately identifies Lorenzo in the
19 lineup, and I can hand that up to the court. We have
20 not had a hearing on that yet, Your Honor. The
21 defense is requesting one.

22 In addition to that, Your Honor, as you are
23 aware, he was interviewed by our office on
24 October 20th. At that point according to him, he said
25 it was all correct. There was one lie. We then had

1 another hearing where he testified on November 3rd.
2 In that hearing, as I recall, he said he told two
3 lies. You then directed us to inquire further of him,
4 which we did on the next day with his lawyer present,
5 and he then said everything he said was a lie except
6 for two parts and the two parts that were true was
7 that he was in a gang, the Bloods, and the night
8 before he was with a girl in the neighborhood.

9 At that point, he then gives a reason for the
10 purpose of him coming forward and lying about everyone
11 involved. Your Honor, the other thing we need to take
12 up with him too, and I think we'll have to have a
13 hearing on this, if he were allowed to testify is ---
14 in this case we're trying to keep it out that everyone
15 is in a gang. They're all Bloods, including these two
16 defendants and Mr. Troy Stevenson. They're all
17 associated that way.

18 He makes reference to say that, and I would ask
19 the court just to direct him that he cannot refer to
20 being in a gang with him or them being in a gang or
21 anything of that nature. Pursuant to your earlier
22 rulings, I don't want to cause a mistrial at this
23 point or do anything to go outside the realm.

24 The extent of what we would be asking him and we
25 would be impeaching him on the information he came

1 forward with, nothing to do with what Troy Stevenson
2 told him, because that would be hearsay at this point.
3 We don't plan on getting into that. However, his
4 observations of Lorenzo the night before, seeing him
5 with a gun, where he took the gun which was in Troy
6 Stevenson's house, what he was wearing that night, how
7 he recognizes the hoodie that Lorenzo had on, and why
8 he came forward, we feel like are relevant at this
9 point. We got the email from his attorney last night
10 that he plans on asserting the Fifth and, Your Honor,
11 I have handed up case law specifically State vs.
12 McGuire and State vs. Hughes and State vs. Perry. I
13 understand asserting the Fifth if you are a defendant
14 or implicated in this crime, Your Honor, this one is a
15 little bit different because this is a witness.

16 I would imagine the defense is going to say that
17 since he is asserting the Fifth, we can't put him up
18 for that sole purpose to assert the Fifth in front of
19 the jury. We agree with that if he were a defendant.
20 However, here, Your Honor, I'm not quite sure why he
21 is asserting the Fifth. He has already testified as
22 far as giving false information. I guess that would
23 be perjury at this point. That testimony is already
24 done, and I guess I'm just asking the court for
25 guidance on how you want to handle this.

1 In reviewing McGuire, which is a 1979 case, which
2 is quoted in State vs. Hughes and also State vs.
3 Perry, it's well settled that a witness who is not a
4 defendant, who invoked the privilege only after
5 incriminating questions had been asked before them.

6 Your Honor, we do think we have a right to at
7 least impeach him on the information that he came
8 forward with to police.

9 THE COURT: All right. So why is he --- what is
10 he asserting his Fifth Amendment right for, Ms. Good?

11 MS. GOOD: Your Honor, after discussions with him
12 and you've had some history knowing which statements
13 he has given to law enforcement, as well as on the
14 stand previously and subsequently to the solicitor's
15 office, he is pleading the Fifth regarding
16 incriminating himself against giving false information
17 to law enforcement.

18 THE COURT: Well, he has already incriminated
19 himself on that, so he doesn't have a Fifth Amendment
20 right at that point.

21 MS. GOOD: At that time he did that, Your Honor,
22 on the stand, it was only under oath he said that he
23 had only given two lies at that point. Subsequently
24 we found out that he is saying it's more than that,
25 and he has not testified under oath to any of that at

1 this point. That's what he would be asserting,
2 essentially.

3 (Pause.)

4 THE COURT: This McGuire --- in this Hughes case
5 you gave me, it says that neither the State nor the
6 defense is allowed to call a witness if they know the
7 witness will invoke their Fifth Amendment rights.

8 MS. CAMPBELL: In Hughes, Your Honor. I think
9 the Fifth Amendment rights have to be related to the
10 actual --- what we're on trial for. If that's the
11 case, we would never be able to call any witnesses who
12 is slightly hostile towards us because they would all
13 assert the Fifth. The defense counsel, Ms. Good, said
14 specifically he is not asserting the Fifth as far as
15 what this crime is here today, only as to whether or
16 not he would be committing perjury, which has already
17 been done at a prior hearing where he was on the
18 stand.

19 MS. CAMPBELL: I believe the cases that are
20 quoted in here specifically talk about how when a
21 defendant tries to call a codefendant.

22 THE COURT: Well, a codefendant is clearly not
23 allowed.

24 MS. CAMPBELL: Yes, sir.

25 THE COURT: That's not allowed to happen, but

1 that's not what Hughes says. Hughes says calls a
2 witness. It doesn't say call a witness in the case or
3 call a codefendant or call a co-conspirator. It says
4 call a witness.

5 MS. CAMPBELL: And it talks about on the stand
6 solely to allow the jury to draw adverse inferences.
7 Your Honor, we can go so specifically as to limiting
8 our questioning of this witness as who he was, how he
9 knows the people, and did you come forward and give
10 information to the police. I think we should be able
11 to do that at the very least. I don't think that
12 would be incriminating at any point. If you're saying
13 that he has the right to assert because of either
14 perjury or false information to police.

15 Otherwise anybody with any information at any
16 time can just come forward and assert the Fifth.
17 Under that theory, we would always be on guard from
18 being able to impeach. The rules specifically allow
19 for us to impeach our own witness.

20 THE COURT: My issue with Mr. Moore is he has
21 already testified before this court under oath, and he
22 has already admitted to essentially lying to the
23 police, which for the record is a 30-day misdemeanor
24 if he was ever even charged with it, so I don't know
25 that he has any Fifth Amendment right to remain

1 silent.

2 MS. CAMPBELL: That would be our position.

3 THE COURT: I mean, they're not going to be able
4 to charge him for every single lie that he told, if it
5 all happened in one sitting, so I don't understand why
6 he even has a Fifth Amendment right as to the issue of
7 whether or not he lied to the police because he has
8 already testified. He has already subjected himself
9 to cross examination and placed himself before the
10 court and admitted to it. So I don't know what right
11 he is attempting to protect. Can you tell me of some
12 other right he is attempting to protect, Ms. Good?

13 MS. GOOD: Your Honor, I obviously don't know
14 regarding what cross-examination is going to take
15 place of my client. I can't predict what the defense
16 is going to do, or the State for that matter.
17 However, I am aware of phone records that were
18 presented into evidence, Your Honor, that does have
19 any client's number all over them before and after the
20 murder. If those questions came out, we would be
21 asserting the Fifth Amendment right to not to put
22 himself in the middle of this regarding any accessory
23 before or after the fact.

24 THE COURT: Ms. Pinnock.

25 MS. PINNOCK: May it please the Court. Your

1 Honor, I would agree with your interpretation of
2 Hughes. It's not solely narrowed to just
3 codefendants. It's any witness, and all the cases
4 quoted in Hughes say that neither side can call a
5 witness that they would just assert their right to
6 remain silent. All the cases address having an in
7 camera hearing and trying to proffer testimony to see
8 if the witness is going to testify or not. But on the
9 other side of that, Judge, at the end of that hearing
10 if you do decide that Mr. Moore does not have a right
11 as you see it to assert his rights, we would then
12 regardless of how the State decides to limit their
13 questions of him and the topics they want to talk
14 about, the defense has a right to fully and completely
15 cross-examine Mr. Moore.

16 I would ask Your Honor --- I apologize, I only
17 have one copy of this, Douglas v. Alabama. It's US
18 Supreme Court case. It's 380 U.S. 415. It's the
19 exact same situation. A witness was called to the
20 stand. He invoked his right to remain silent.
21 According to that case, they actually allowed the
22 State to treat him as hostile. The prosecutor in that
23 case went through his statement line by line. The
24 witness never acknowledged making it. Would not
25 answer any questions about it and once the prosecutor

1 had finished going through the prior statement of this
2 witness, there was an opportunity for the defense to
3 cross. The witness invoked his privilege. There was
4 no meaningful cross-examination and case was reversed
5 because it violated the defendant's right to confront
6 the witness.

7 So I don't even think declaring him hostile
8 without a hearing and him invoking his right, him
9 refusing to answer questions, then we are being denied
10 the right to confront this witness. It would not be a
11 meaningful cross, if Mr. Moore gets on the stand ---
12 it's our understanding from Ms. Good that he will not
13 be answering questions. He could potentially open
14 himself up to criminal charges, and I think that is
15 his concern.

16 THE COURT: He has already done that.

17 MS. PINNOCK: Yes, sir, but more. There is a
18 possibility of more in the future I would guess, but
19 without ---

20 THE COURT: Let's not guess.

21 MS. PINNOCK: Yes, Judge, but without a
22 meaningful opportunity to cross this witness, we are
23 being denied our right to ---

24 THE COURT: Mr. Schnee.

25 MR. SCHNEE: Yes, Your Honor. May it please the

1 Court. Just as a factual matter with regard to Donald
2 Moore, particularly since --- despite that Troy
3 Stevenson is not participating in this trial in any
4 way, there are many allegations from witnesses that
5 Donald Moore was both at the planning and participated
6 in the alleged planning days before. There are
7 allegations that Mr. Moore received and hid a gun or
8 multiple guns involved in this. There are potentials
9 for conspiracy charges for him, accessory before the
10 fact, accessory after the fact. Based additionally on
11 the fact that Troy Stevenson will have a separate
12 trial, that also opens Mr. Moore up potentially to
13 additional counts of perjury.

14 I would assert that he does have a Fifth
15 Amendment right. The State's contention that they
16 would never be able to call any witness that doesn't
17 want to cooperate --- the simple fact, as Your Honor
18 is aware, in most cases the witnesses don't assert
19 their Fifth Amendment right. They come in and
20 testify. Once someone has a right to assert and they
21 choose to do it, that's something they're allowed to
22 do. The Hughes case makes it very clear. It's on
23 page four on the copy that Ms. Campbell gave me. The
24 cite is S.C. at 152. It goes directly into the issue
25 of not being a proper cross-examination just by the

1 witness getting up there and asserting the Fifth in
2 front of the jury, the jury can draw inferences that
3 both Ms. Pinnock and I would be unable to
4 cross-examine. It specifically deals with Your
5 Honor's job in making sure that doesn't happen and it
6 indicates an in camera hearing is appropriate.

7 If he is going to assert his Fifth Amendment
8 right and has it for any charge, any potential federal
9 charge, based on allegations for guns, potential
10 allegations that he was in the videos taken from
11 Lorenzo's phone that have guns in them. Any of those
12 allegations can subject him to criminal charges, and I
13 would --- I would object to his testimony at all.
14 Considering the number of times he has lied, I would
15 actually request a competency hearing to see if he
16 actually knows what the difference between the truth
17 and a lie is.

18 THE COURT: All right. Let's proffer his
19 testimony.

20 Oh, we're going to finish this witness. We will
21 proffer his testimony during the lunch hour.

22 MS. CAMPBELL: Thank you.

23 THE COURT: All right. Bring them back in.

24 (WHEREUPON, the jury entered the courtroom at
25 10:51 A.M.)

Direct of Moorer by Garfield
(continued)

1 MS. GARFIELD: Judge, can we approach while the
2 jury is coming in?

3 (WHEREUPON, a bench conference was held in the
4 presence, but not within the hearing of the
5 jury.)

6 THE BAILIFF: The jurors are seated, Your Honor.

7 THE COURT: Thank you very much. Yes, ma'am.

8 MS. GARFIELD: Thank you, Your Honor. May it
9 please the Court.

10 DIRECT EXAMINATION:

11 (continued)

12 BY MS. GARFIELD:

13 Q Investigator Moorer, you were able to review all
14 the videos that were collected in this case?

15 A Yes, ma'am.

16 Q As well as a video that was taken for editing
17 purposes to Mr. Watkins?

18 A Yes.

19 Q First I want to bring your attention to the video
20 that was obtained from the Ale House. With the
21 assistance of Ms. Brian here to my left because I
22 don't know how to work this, will you please publish
23 this to the jury?

24 THE COURT: What exhibit is this?

25 MS. GARFIELD: 325, Judge.

1 THE COURT: Does this one have audio?

2 MS. GARFIELD: It has audio. All you can hear is
3 rain.

4 THE COURT: Is there anybody that can't see the
5 screen?

6 THE JUROR: I need to get a little bit closer.

7 THE COURT: Okay. Do you want me to turn down the
8 lights. Does that help or hurt?

9 THE JUROR: Helps.

10 THE COURT: Okay. Can you see?

11 THE JUROR: No. Her head is in the way.

12 MS. GARFIELD: Am I in the way? I'll go over
13 here.

14 THE COURT: If anybody needs to move, you'll move
15 to where you can see it. I don't want to take the
16 time to go through playing something if you can't see
17 it.

18 THE JUROR: I'll stand. I'll stand. I'm fine.

19 MS. GARFIELD: Okay.

20 THE COURT: Okay. Go ahead.

21 (WHEREUPON, the video was played for the jury.)

22 BY MS. GARFIELD:

23 Q That door that individual is leaving through, is
24 that the Ale House?

25 A Yes.

1 MS. GARFIELD: Judge, can the witness step down?

2 THE COURT: Yes.

3 BY MS. GARFIELD:

4 Q Investigator Moorer, just to assist the jury, can
5 you point out where the bakery is located?

6 A (Indicating.)

7 MS. GARFIELD: Your Honor, may the record reflect
8 that Investigator Moorer has pointed to the bakery in
9 the video?

10 THE COURT: Yes, ma'am.

11 BY MS. GARFIELD:

12 Q And the cars that are outside that bakery, are
13 you familiar with those cars?

14 A This is the victim's van.

15 Q Can you speak up, please?

16 A Victim's van is right here by the bakery.

17 Q From this angle, Investigator Moorer, can you see
18 the door to the bakery, the entry?

19 A No, ma'am.

20 Q What do you see on the video at this time?

21 A Two males on the side of the bakery. You see a
22 second male that's joining the first one.

23 Q And is this video continuous?

24 A Yes.

25 Q Or does it stop and pick back up?

1 A It stops and picks back up.

2 Q Investigator Moorer, I see things that appear to
3 be dropping. What were the weather conditions that
4 morning?

5 A It was heavy rain.

6 Q Now, I see the individuals walking. Where are
7 they walking towards?

8 A The bakery.

9 Q Investigator Brian, I'm going to ask you to turn
10 your attention to the videos in State's Exhibit 323
11 and please ask you to show the first video that
12 encompasses the bathroom area.

13 I'll ask you to go to about two minutes --- this
14 is the inside of the bakery, Investigator Moorer?

15 A Yes.

16 Q And who is that person we see?

17 A Ms. Hunnewell.

18 Q What does she appear to be doing?

19 A She is working. She is over there by the stove
20 or that's the washer.

21 Q And did you see two individuals come in?

22 A Yes.

23 Q And the first individual that came in,
24 Investigator Moorer, what was he wearing?

25 A A red hoodie.

1 Q And the second individual that came in, what was
2 he wearing?

3 A A gray hoodie.

4 Q Thank you. Investigator Brian, if you'll
5 continue to the other angle and also go to about a
6 little before two minutes. Investigator Moorer,
7 you've seen this. Is this another angle?

8 A Yes.

9 Q And that's Ms. Hunnewell?

10 A Yes.

11 Q Thank you, Investigator. If you can please go to
12 the third video and before you start it, Investigator
13 Moorer, what does this angle portray?

14 A The front door.

15 Q Is that door is open?

16 A Yes.

17 Q I say all this for purposes of the record.
18 Investigator Brian, if you'll please fast forward to
19 right around two minutes or 1:48. Thank you.

20 Now, do you see a third individual walk up to the
21 door?

22 A Yes.

23 Q And what is he described as wearing?

24 A Dark in color hoodie.

25 Q Thank you, Investigator Brian.

1 Investigator Moorer, I believe there is a fourth
2 angle. Are you able to see anything significant in
3 that angle?

4 A I'm not sure what you're asking.

5 Q Okay. Investigator Brian, if you'll queue it up
6 to about two minutes, as well. And this is another
7 angle of the bakery, Investigator Moorer?

8 A Yes.

9 Q And over there in the far right corner, did you
10 see someone walk by?

11 A That was Ms. Hunnewell.

12 Q Okay. Thank you. Investigator Brian, I'm going
13 to ask you to please go to State's Exhibit 324 and
14 Investigator Moorer, this it is video Mr. Watkins
15 edited that, correct?

16 A Yes.

17 Q And Investigator Brian, if you'll display that
18 for the jury.

19 At that point, your see all four angles at the
20 same time; is that right, Investigator Moorer?

21 A Yes.

22 Q Investigator Brian, I'm going to ask you to pause
23 it for just a second. Just for the record,
24 Investigator Moorer, this shows four angles in the
25 bakery; is that correct?

1 A Yes.

2 Q The top left angle would be portraying the
3 kitchen and sink area; is that correct?

4 A Yes.

5 Q And the bottom left, that would be portraying the
6 door that is propped open?

7 A Yes.

8 Q And the bottom right view would be including the
9 bathroom area? I'm sorry. I meant the top right
10 area?

11 A Yes.

12 Q And the bottom right view would be showing where
13 the stove is located, correct?

14 A Yes.

15 Q Okay. Please continue, Investigator Brian.

16 Q Thank you, Ms. Brian. Investigator Moorer, you
17 can take the stand.

18 At any time in that video, did it appear that
19 Kelly Hunnewell could have gotten away?

20 MR. SCHNEE: Objection. Speculation.

21 THE COURT: I'm sorry. I didn't hear the
22 question.

23 MS. GARFIELD: Did it appear anywhere on the
24 video that Ms. Hunnewell could have gotten away?

25 THE COURT: I'll allow her to answer that

1 question. Overruled. Go ahead.

2 THE WITNESS: No, ma'am.

3 BY MS. GARFIELD:

4 Q Investigator Moorer, you observed these videos
5 shortly after you began this investigation?

6 A Yes.

7 Q Is there anything specific that you noticed about
8 the hoodies?

9 A I noticed the hoodies, the Holister hoodies.

10 Q How would you be familiar with that?

11 A I wear that brand of clothing.

12 Q Thank you, Investigator Moorer. Please answer
13 any questions defense counsel may have.

14 A Yes, ma'am.

15 THE COURT: All right. Cross-examination?

16 MR. KRZYSTON: Thank you, Your Honor, may it
17 please the Court?

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION:

20 BY MR. KRZYSTON:

21 Q How are you doing, Investigator Moorer?

22 A Pretty well.

23 Q I'm going to ask you a few questions, but I'm not
24 going to keep you up here too long. You look tired,
25 like you've been up all night, so we will keep it

1 pretty short.

2 A Okay.

3 Q Earlier you talked to Ms. Garfield about how you
4 came to be involved in this case, correct?

5 A Yes.

6 Q And you said at eleven o'clock on July 1st or
7 thereabouts, you had a meeting up at CPD headquarters,
8 correct?

9 A Yes.

10 Q Okay. And you said at that point CPD gave you or
11 your superiors gave you some tasks to do, correct?

12 A Yes.

13 Q But it wasn't just you in that room, was it?

14 A No, sir.

15 Q In fact, it was all the violent crimes unit
16 investigators?

17 A I believe so.

18 Q And that meeting took place at one o'clock?

19 A Well, we had several meetings.

20 Q But your case notes indicate it took place at
21 1:30, right?

22 A 11:30.

23 Q Do you have your case notes in front of you?

24 A I have my case notes. It says 11:30.

25 Q Would you please turn to the second page?

1 On the top right there it says 13:30. That's
2 military time. That's a 24 hour clock; is that
3 correct?

4 A That's correct.

5 Q And that is translated to 1:30, correct?

6 A Yes.

7 Q Can you read just can that one line?

8 A A briefing was conducted to assign tasks to all
9 investigators in the VCAP to assist in this incident.

10 Q And VCAP is the Violent Crimes Against Persons
11 unit, correct?

12 A Correct.

13 Q So, at 1:30 you and every single investigator in
14 the VCAP unit was tasked to do something on this case,
15 correct?

16 A Yes.

17 Q That doesn't happen every time there is a murder,
18 does it?

19 A Yes, it does.

20 Q Every single person on every murder?

21 A More likely ---

22 Q In the City of Columbia?

23 A Not every single investigator in the City of
24 Columbia, but violent crimes. It's only like seven of
25 us.

1 Q Right.

2 Q And when you were at that meeting, Investigator,
3 I believe, Gilliam?

4 A Gilliam.

5 Q Gilliam, he asked you to generate some
6 information regarding two locations, and those
7 locations were 2834 Blondell Court, and ---

8 A Investigator Gilliam didn't ask me to that. We
9 were tasked to do that.

10 Q Right. By your superiors?

11 A Yes.

12 Q And that location --- the first of those two
13 locations was 2834 Blondell Court?

14 A Yes.

15 Q And the second location, which is just around the
16 corner from Blondell Court is 2849 Lucille Avenue?

17 A Yes.

18 Q And 2849 Lucille Avenue is the residence of one
19 Trenton Barnes, correct?

20 A Correct.

21 Q And you were told to take pictures of that
22 location?

23 A Yes.

24 Q And to perhaps take pictures of a burgundy
25 vehicle out there?

1 A I think the vehicle was out there.

2 Q Okay. And when you were done with that
3 assignment or task, if you will, you sent that on to
4 Investigator McCoy over here, correct?

5 A Correct.

6 Q Okay. Now, I want to turn your attention to the
7 video that was just shown to the jury and actually the
8 second two videos, okay.

9 A Okay.

10 Q So the actual videos of 93 Tommy Circle, the
11 inside of 93 Tommy Circle.

12 A All right.

13 Q The first set of videos that was viewed by the
14 jury, that was generated by Columbia Police
15 Department, correct?

16 A What do you mean generated?

17 Q Well, y'all gathered that?

18 A Yes.

19 Q Y'all took that from 93 Tommy Circle and brought
20 that back to headquarters?

21 A From the outside.

22 Q No, no, no, this would be the actual location of
23 the crime.

24 A Yes.

25 Q And the second set of videos, y'all didn't have

1 anything to do with creating that, did you?

2 A I'm not --- I'm not sure.

3 Q Well, did you work on --- did you make that
4 video?

5 A No.

6 Q Okay. Christopher Watkins made that video,
7 correct?

8 A I believe so.

9 Q And Mr. Watkins was retained by Troy Stevenson
10 and his lawyer to make that video?

11 A I'm not sure. I don't know.

12 Q Okay, but y'all didn't ever create this video
13 that Mr. Watkins created. That was all Mr. Watkins,
14 right?

15 A I never met Mr. Watkins. When the video came to
16 Columbia Police Department, we reviewed it. I watched
17 it.

18 Q Okay. Now, the last thing I'm going to ask you
19 about is some things what you did or more importantly
20 what you didn't do. Okay. Now, I know when you get
21 information from Investigator McCoy or whoever your
22 superior is on a given case, you go out and do that,
23 correct?

24 A Correct.

25 Q If you're not the lead investigator?

1 A Yes.

2 Q And you turn that in to whoever is the lead
3 investigator if it's not you?

4 A Yes.

5 Q And in this investigation the only thing that you
6 were asked to do was to generate information on
7 Blondell Court and Lucille Drive, and you did some
8 other interviews and stuff, but with regard to the
9 stuff we just talked about?

10 A Yes.

11 Q And in this investigation in reference to the
12 murder of Ms. Hunnewell --- excuse me, the killing of
13 Ms. Hunnewell, you never talked to an individual named
14 Azo?

15 A Azo?

16 Q Never heard that name before, right?

17 A No.

18 Q And you never talked to a Marcus Shorty Johnson
19 or Marcus Haley Johnson?

20 A No.

21 Q Never heard of him.

22 Q Never talk to an Ashley Carter or Piggy?

23 A No.

24 Q You never talked to a Marquis Johnson?

25 A No.

1 Q Or heard that name. You never talked is a Sequan
2 Williams?

3 A No.

4 Q Never heard that name. Never talked to Darryl
5 Samuels?

6 A No.

7 Q Anthony Nelson?

8 A No.

9 Q Joshua Green?

10 A No.

11 Q Tyreek Taylor?

12 A No.

13 Q Deandre Olds?

14 A No.

15 Q Or an individual Smiley?

16 A No.

17 Q Never heard of those individuals, right?

18 A No, sir.

19 Q Thank you. No further questions.

20 THE COURT: Mr. Schnee.

21 MR. SCHNEE: I have no questions for this
22 witness, Judge.

23 THE COURT: Redirect?

24 REDIRECT EXAMINATION:

25 BY MS. GARFIELD:

1 Q Investigator Moorer, in any investigation, do you
2 get several tips?

3 A Yes.

4 Q And do you pursue those tips?

5 A Yes.

6 MR. KRZYSTON: Objection leading.

7 THE COURT: Overruled.

8 BY MS. GARFIELD:

9 Q Are some of those tips --- do they turn out not
10 to have anything to do with the case oftentimes?

11 MR. KRZYSTON: Objection.

12 MR. SCHNEE: Leading, hearsay.

13 THE COURT: Overruled.

14 THE WITNESS: Yes.

15 BY MS. GARFIELD:

16 Q And you were asked about the videos that the jury
17 just saw where Ms. Hunnewell was murdered. The video
18 with the four angles, is that the same video that we
19 saw previously?

20 A Yes.

21 Q Just formatted differently, correct?

22 A Yes.

23 Q And CPD doesn't create videos, do they?

24 A No, ma'am.

25 MS. GARFIELD: Thank you.

1 THE COURT: Recross?

2 MR. KRZYSTON: Briefly.

3 RECROSS-EXAMINATION:

4 BY MR. KRZYSTON:

5 Q The first time you saw that video that was
6 created by Mr. Watkins was March of this year or even
7 later, actually in the two weeks before trial?

8 A Ask the question again.

9 Q The first time you saw the video that was
10 provided by Mr. Watkins was within the last two weeks?

11 A I just saw the formatting?

12 Q Yes.

13 A I just saw it.

14 Q So today was the first time you saw it?

15 A Yes.

16 Q Had nothing to do with your investigation,
17 correct?

18 A No.

19 Q Okay. Thank you.

20 MR. KRZYSTON: Nothing further, Judge.

21 THE COURT: All right. Have a good day.

22 THE WITNESS: Thank you.

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

24 MS. GARFIELD: Thank you. The State calls Ray
25 McDonald.

1 MR. KRZYSTON: Judge, can we approach?

2 THE COURT: Yes.

3 (WHEREUPON, a bench conference was held in the
4 presence, but not within the hearing of the
5 jury.)

6 RAYMOND MCDONALD,
7 after being duly sworn, testified as follows:

8 THE CLERK: Please have a seat. State your full
9 name for the record

10 THE WITNESS: My name is Raymond McDonald,
11 M-C-D-O-N-A-L-D.

12 DIRECT EXAMINATION:

13 BY MS. GARFIELD:

14 Q Mr. McDonald, please share with the jury where
15 you work?

16 A I work at T-Mobile wireless phone company.

17 Q What are your duties with T-Mobile?

18 A Our group is --- I'm a senior manager with a
19 group called the law enforcement relation group. We
20 are part of the legal department, and we are
21 responsible for all subpoena and court order
22 complaints that come into the company across the
23 country. We also do all the emergency work on behalf
24 of the company, 9-1-1 public safety answering points.
25 We'll get calls our office for emergency purposes

1 asking who a subscriber of a phone is for an address,
2 the location of the phone. We do all the wiretaps on
3 behalf of the company throughout the country.

4 We attend presentations --- attend conferences
5 and give presentations for law enforcement. We are
6 also the authorized custodian of records for the
7 company and testify in court on their behalf.

8 Q Is this a national level or are you assigned
9 regionally or how does that work?

10 A Our corporate headquarters is in Bellevue,
11 Washington. Our office is in Parsippany, New Jersey.
12 We handle the entire nation out of New Jersey for what
13 we do.

14 Q And Mr. McDonald, you said you maintain phone
15 records in the normal course of business?

16 A Yes, we do.

17 Q In relation to this case, did you receive a
18 search warrant from law enforcement or did T-Mobile
19 receive a search warrant from law enforcement for
20 phone records relating to phone number (803)463-0890?

21 A Yes.

22 MR. KRZYSTON: Objection, Judge, previous
23 argument.

24 THE COURT: Which one?

25 MR. KRZYSTON: Related to Mr. Young's character.

1 THE COURT: All right. Overruled.

2 MS. GARFIELD: Thank you, Your Honor.

3 BY MS. GARFIELD:

4 Q Investigator --- I'm sorry, Mr. McDonald, I'm
5 going to hand you what's been marked as State's
6 Exhibit Number 402. Madam Court Reporter, I don't
7 believe you have this one.

8 (WHEREUPON, State's Exhibit Number 402 was marked
9 for identification only.)

10 BY MS. GARFIELD:

11 Q Mr. McDonald, I will show you number 402. Can
12 you look inside that binder and explain what those
13 records are?

14 A Okay. On the first page is a fax cover sheet,
15 which is ---

16 MR. SCHNEE: Judge, I'm going to object. If
17 there's a fax cover sheet from the Columbia Police
18 Department in there.

19 MS. GARFIELD: I'm sorry. I should have shown it
20 to you.

21 THE COURT: Let's look at it first.

22 MS. GARFIELD: Yes.

23 (Pause.)

24 MR. SCHNEE: Judge, there is no objection.

25 MR. KRZYSTON: Nor here.

1 BY MS. GARFIELD:

2 Q Sorry, Mr. McDonald. Please continue with your
3 explanation.

4 A Okay. First page is the fax cover sheet, which
5 normally we send out when we send the records out.
6 The second page, page two of two is what we call a
7 subscriber page or subscriber sheet. That contains
8 information about the account, the account number, who
9 the subscriber of the phone is, an address, other
10 information, alternate contact numbers, what type of
11 account it is, whether, in this case, it's a postpaid
12 account. which is a monthly account which means the
13 person receives a bill every month at their house.

14 Q And who is the subscriber listed in your records?

15 A The subscriber on this is phone is Aretha
16 Coleman.

17 Q Thank you. After that subscriber information,
18 are there actual phone records pertaining to that
19 number?

20 A There are. There are several sheets that contain
21 what we refer to as the call detail records, which
22 have certain information about the activity of the
23 phone.

24 Q And what are the dates of those phone records?

25 A These start on 6/26/2013 and go through --- I

1 believe it was 7/5/2013.

2 Q Thank you, Mr. McDonald. Just to backtrack a
3 little bit, I believe you testified there was an
4 address also associated with these records?

5 A There is.

6 Q That would be an address for the subscriber?

7 A Yes.

8 Q What is that address?

9 A It's 1636 McCaw Road, Columbia, South Carolina.

10 Q And Mr. McDonald --- I withdraw that question.

11 MS. GARFIELD: Your Honor, at this time I'd like
12 to introduce State's Exhibit 402 into evidence.

13 MR. KRZYSTON: Prior objection.

14 MR. SCHNEE: No objection.

15 THE COURT: Okay. Admitted over Defendant
16 Young's objection and no objection from Mr. Barnes.

17 (WHEREUPON, State's Exhibit Number 402 was
18 admitted into evidence.)

19 BY MS. GARFIELD:

20 Q Thank you, Mr. McDonald, please answer any
21 questions defense counsel may have.

22 MR. KRZYSTON: No questions, Your Honor.

23 MR. SCHNEE: No questions.

24 THE COURT: Have a nice day.

25 THE WITNESS: Thank you.

1 THE COURT: You're welcome.

2 THE BAILIFF: Watch your step.

3 MS. SIMPSON: Your Honor, may we approach?

4 THE COURT: Yes.

5 (WHEREUPON, a bench conference was held in the
6 presence, but not within the hearing of the
7 jury.)

8 THE COURT: All right. Ladies and gentlemen, here
9 is what we're going to do. We're going to take a quick
10 break. Do not discuss the case. Keep an open mind.
11 What I'm going to try to do now --- I ask lawyers all
12 the time for timeframe, but I never hold them to it
13 because it's not fair. You never know what's going to
14 happen in a case. Let's take a quick break. My plan
15 is to get this witness done before lunch, and then
16 I'll allow do you go to lunch. We'll start back up
17 this afternoon. Take a quick break. Do not discuss
18 the case. Keep an open mind. Everyone remain seated
19 while my jury is dismissed.

20 (WHEREUPON, the jury left the courtroom at 11:27
21 A.M.)

22 THE COURT: Let's bring her in so I can advise
23 her.

24 Does she have a lawyer?

25 MS. SIMPSON: She does, Drelton Carson.

1 THE COURT: Is he here?

2 MS. SIMPSON: He is.

3 THE COURT: Okay. Does she have a juvenile
4 record, Ms. Campbell?

5 MS. GARFIELD: I don't think. I'm confirming one
6 thing, Judge.

7 THE COURT: Okay, Ms. Coleman, Mr. Carson. How
8 are you?

9 THE WITNESS: Good.

10 THE COURT: Ms. Coleman, just come around here in
11 front of me. Now, I just want to advise you. I just
12 want to make sure you understand something, okay. Can
13 you hear me? Okay, Mr. Carson. That's Drelton
14 Carson, your attorney?

15 THE WITNESS: Yes, sir.

16 THE COURT: And he is standing right next you
17 right now?

18 THE WITNESS: Yes, sir.

19 THE COURT: You are about to be called as a
20 witness in this case. I'm not allowing any
21 information in this case in about gangs or gang
22 activity. Do you understand that?

23 THE WITNESS: Yes, sir.

24 THE COURT: So you're not allowed to say that
25 anybody in the room, Mr. Barnes, Mr. Stevenson even

1 though he is not on trial, Mr. Young that's in a gang
2 or this is any type of gang activity. Do you
3 understand that?

4 THE WITNESS: Yes, sir.

5 THE COURT: Do you have any questions about that?

6 THE WITNESS: No, sir.

7 THE COURT: Do you have any concerns about your
8 ability to do that?

9 THE WITNESS: No, sir.

10 THE COURT: Do you understand what my expectation
11 of you is?

12 THE WITNESS: Yes, sir.

13 THE COURT: Mr. Carson, do you believe that she
14 is capable of understanding that rule and following
15 that rule.

16 MR. CARSON: I do, Your Honor.

17 THE COURT: I understand she may be nervous and a
18 lot of other emotions, but we've done our best. At
19 this point in the trial there is absolutely no
20 information out there about any gang activity in any
21 way, shape, or form, and I want to keep it that way,
22 so don't say anything about gangs or anybody being in
23 a gang or this had something to do with a gang. I'm
24 just making up stuff, but I want to make sure you
25 understand what I mean, Ms. Coleman. Do you

1 understand?

2 A Yes, sir.

3 THE COURT: Do you believe you can follow the
4 court's instructions?

5 THE WITNESS: Yes, sir.

6 THE COURT: Thank you very much.

7 Okay. All right. Let's bring them back in.

8 (WHEREUPON, the jury entered the courtroom at
9 11:32 A.M.)

10 THE BAILIFF: The jury is seated.

11 THE COURT: Thank you. Call your next witness.

12 MS. CAMPBELL: May it please the Court. The
13 State calls Rolanda Coleman.

14 THE COURT: Please come forward, ma'am.

15 (There was no response.)

16 THE COURT: Is she under subpoena?

17 MS. CAMPBELL: Yes.

18 THE COURT: Okay. Ms. Coleman. You need to come
19 forward. Come forward and be sworn. You're under
20 subpoena of this court, ma'am.

21 (There was no response.)

22 THE COURT: Okay. Ladies and gentlemen, if
23 you'll step back to your jury room, we'll be back with
24 you in just a few moments.

25 THE JUROR: Geez.

1 THE COURT: Do not discuss the case. Keep an
2 open mind.

3 (WHEREUPON, the jury left the courtroom at 11:34
4 A.M.)

5 (Pause.)

6 (conferring with her attorney.)

7 THE COURT: All right. Ms. Coleman, you need to
8 come on forward and have a seat in the jury box --- in
9 the witness stand. You're under subpoena power of
10 this court. The court has the authority to take you
11 into custody, put you in handcuffs and have the deputy
12 escort you to the witness stand.

13 (Complies.)

14 THE COURT: Now, she will be sworn in once the
15 jury comes back in. She has to be sworn in. Come on
16 up. You can go ahead and walk on up now.

17 Okay, now when the jury comes back in --- Ms.
18 Coleman, can you hear me?

19 (There was no response.)

20 THE COURT: Ms. Coleman, can you hear me? When
21 the jury comes back in, I'm going to ask you to stand
22 up and you'll need to be sworn in front of them.
23 Okay.

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay. Very good.

1 THE BAILIFF: Make sure your phone is turned off.

2 MR. SCHNEE: Can we approach briefly, Judge?

3 THE COURT: Yes.

4 (WHEREUPON, there was a bench conference.)

5 (WHEREUPON, the jury entered the courtroom at
6 11:39 A.M.)

7 THE BAILIFF: The jury is seated, Your Honor.

8 THE COURT: All right. Swear in the witness.

9 THE BAILIFF: You have to stand up.

10 (complies.)

11 THE BAILIFF: Place your left hand on the Bible.
12 Raise your right hand and face the clerk.

13 ROLANDA COLEMAN,
14 after being duly sworn, testified as follows:

15 THE WITNESS: Yeah.

16 THE CLERK: Please have a seat, State your full
17 name for the record.

18 THE WITNESS: Rolanda Coleman. Rolanda Coleman.

19 DIRECT EXAMINATION:

20 BY MS. CAMPBELL:

21 Q Ms. Coleman, if you can speak up. How old are
22 you?

23 A Eighteen.

24 Q Eighteen?

25 A No, I'm 20.

1 Q You're 20?

2 A Uh-huh.

3 Q Can you get closer to the microphone? It's hard
4 to hear in here because you're soft spoken. Okay. Do
5 you live here in the Columbia area?

6 A Yes.

7 Q How long have you lived in Columbia?

8 A Ten years.

9 Q Do you have any children?

10 A Yes.

11 Q How many children do you have?

12 A Two.

13 Q And how old are your children?

14 A One and eight months.

15 Q One and eight months?

16 A Uh-huh.

17 Q Do you know Lorenzo Young?

18 A Yes.

19 Q Do you know him by Lorenzo or by a nickname?

20 A Lorenzo.

21 Q And how do you know Lorenzo Young?

22 A He is the father of my kids.

23 Q He is the father of your kids?

24 A Uh-huh.

25 Q Both of them?

1 A Uh-huh.

2 THE COURT: Okay. Ma'am, you can't say uh-huh
3 because this young lady sitting next to you has to
4 take down the words. You're going to have to answer
5 out loud yes or no or whatever your answer may be.
6 Would you do that for me?

7 THE WITNESS: Yes.

8 THE COURT: Thank you very much.

9 BY MS. CAMPBELL:

10 Q Do you know Trenton Barnes?

11 A Yes.

12 Q How do you know Trenton Barnes?

13 A Seen him on the streets.

14 Q Seen him on the streets. Do you know Troy
15 Stevenson?

16 A Yep.

17 Q And what is Troy Stevenson's relationship to
18 Trenton Barnes?

19 A Brother.

20 Q They are brothers?

21 A Yeah.

22 Q Do you know Troy, as well?

23 A Yeah.

24 Q And what was Lorenzo Young's relationship with
25 Trenton Barnes and Troy Stevenson?

1 A Homeboys.

2 Q Homeboys?

3 A Uh-huh.

4 Q And when you say homeboy, what do you mean by
5 that? Are they friends, pals, or do they hang out
6 together?

7 A Yeah.

8 Q All that?

9 A Yeah.

10 Q Back in June and July of last year, where were
11 you living?

12 A With Lorenzo's mother.

13 Q With Lorenzo?

14 A Mother.

15 Q With his mother?

16 A Yes.

17 MR. SCHNEE: Judge, I'm sorry, I really can't
18 hear her.

19 THE COURT: I can barely hear her, too. I need
20 you to stay close to that microphone and speak up,
21 okay.

22 BY MS. CAMPBELL:

23 Q Let me get one thing --- are you here under
24 subpoena today?

25 A (There was no response.)

1 Q Are you under subpoena?

2 A Yes.

3 Q Do you want to be here?

4 A Nope.

5 THE COURT: Can you hear? (indicating).

6 Okay.

7 BY MS. CAMPBELL:

8 Q You were living with Lorenzo's mother back in
9 June and July of last year?

10 A Yes.

11 Q Who all was living in the house with you and
12 Lorenzo's mother?

13 A Me, his mother, his stepfather and my child.

14 Q Your child?

15 A Yes.

16 Q How old was your child back last summer?

17 A Three months.

18 Q Three or four months?

19 A Yes.

20 Q And that was your first child, right?

21 A Yes.

22 Q Where was the house located where y'all were
23 living?

24 A On Bronx Road.

25 Q On Bronx Road?

1 A Uh-huh.

2 Q Is that near Beltline Boulevard?

3 A Yes.

4 Q Kind of near the corner of Beltline and Covenant,
5 that area?

6 A I guess.

7 Q Do you know where the Ale House is?

8 A No.

9 Q How long had you been living with Lorenzo and his
10 mother and his stepfather and your child? How long
11 had y'all been living together in that house?

12 A I don't remember.

13 Q You don't remember?

14 A No.

15 Q Had you --- I want to turn your attention to the
16 end of June, the first of July. At that point, did
17 Lorenzo have a gun?

18 A No.

19 Q You're saying no?

20 A Uh-huh.

21 Q Are you saying you never saw Lorenzo with a gun?

22 A No.

23 Q Do you remember meeting with police and giving a
24 statement?

25 A Yes.

1 Q And that was on July 9th of 2014?

2 A Yeah. I mean, I don't remember.

3 Q You don't remember the exact day?

4 A No.

5 Q Do you remember when you went to headquarters?

6 A Yeah.

7 Q And at headquarters they recorded your statement?

8 A Yep.

9 Q And your lawyer was there that day, as well?

10 A Uh-huh.

11 Q And you talked to, I believe, was it Investigator
12 Reese and McCoy?

13 A Yeah.

14 Q And at that point you told them information,
15 right?

16 A Yep.

17 Q And do you remember telling them back on July 9th
18 that you had seen Lorenzo with a gun, just one of
19 them?

20 A Yep.

21 Q And that he had gotten it a month or two before
22 the incident?

23 A Yep.

24 Q Specifically I want to go into this --- the early
25 morning hours or the evening of June 30th into the

1 early morning hours of July 1st. That was a Sunday
2 night into a Monday morning. Do you remember that
3 night?

4 A Barely.

5 Q Barely. Do you remember where you were that
6 night?

7 A Asleep.

8 Q Asleep and where were you sleeping that night?

9 A At his mother's house.

10 Q At Lorenzo's mother's house?

11 A Yes.

12 Q And do you have a cell phone?

13 A Now?

14 Q No, back then. Did you have a cell phone?

15 A Yeah.

16 Q And who had your cell phone that night?

17 A Lorenzo.

18 Q And where was Lorenzo that night while you were
19 home sleeping?

20 MS. PINNOCK: Objection, calls for speculation.

21 THE COURT: She can answer if she knows, if she
22 has personal knowledge.

23 BY MS. CAMPBELL:

24 Q She does.

25 A From my knowledge, at Troy's house.

1 Q Troy's house?

2 A Yep.

3 Q Was Troy's house located near the Bronx Avenue
4 house where you were staying?

5 A Yeah.

6 Q How did you know he was staying at Troy's house?

7 A That's what I was told.

8 Q By whom?

9 A Him.

10 Q By Lorenzo?

11 A Uh-huh.

12 Q And that night, about what time was it when you
13 went to sleep. Do you remember?

14 A No.

15 Q When was the last time you talked to Lorenzo that
16 night? Do you remember that?

17 A No.

18 Q Were you sleeping through the night and what woke
19 you up the next morning?

20 A What what?

21 Q What woke you up?

22 A A phone call.

23 Q And who did you get a phone call from the next
24 morning?

25 A Lorenzo.

1 Q Lorenzo?

2 A Uh-huh.

3 Q And just to be sure, the Lorenzo we're talking
4 about, where is he sitting here in the courtroom?

5 A You know where he is in the courtroom.

6 Q I know, but for the record I have to have you
7 point him out.

8 THE COURT: Ma'am, you don't get to ask
9 questions. You need to answer questions.

10 BY MS. CAMPBELL:

11 Q Where ---

12 A Over there.

13 Q Is he at this table?

14 A Yep.

15 Q And what is he wearing?

16 A A white shirt.

17 Q Does he have on any kind of tie?

18 A A blue tie.

19 MS. CAMPBELL: May the record reflect that she
20 has identified the defendant, Lorenzo Young.

21 THE COURT: So reflected.

22 BY MS. CAMPBELL:

23 Q When you got the phone call from Lorenzo that
24 morning, what if anything did he say to you?

25 MR. SCHNEE: Judge, I'm going to object to

1 hearsay.

2 THE COURT: Overruled.

3 BY MS. CAMPBELL:

4 Q You can answer.

5 A He told me to tell his mama to come get him from
6 Troy's house.

7 Q From whose house?

8 A Troy.

9 Q Troy's house?

10 A Yep.

11 Q Who all lived there?

12 A I don't know. I didn't stay there.

13 Q Did Trenton live there, as well?

14 A I guess. I don't know.

15 Q Did you pass along that information to Lorenzo's
16 mother that morning?

17 A Yes.

18 Q About what time was that?

19 A Like five or six something.

20 Q Five or six in the morning?

21 A Yeah, I don't remember the time.

22 Q Did Lorenzo' mom leave the house, do you know?

23 A Yeah.

24 Q Did she come back with Lorenzo?

25 A Yeah.

1 Q When Lorenzo came back to the house, did you see
2 him?

3 A Huh?

4 Q Did you see Lorenzo when he came in the house?

5 A Yeah.

6 Q And where were you when you saw Lorenzo?

7 A In the bed.

8 Q You were in the bed?

9 A Yes.

10 Q Is that the room you shared with Lorenzo?

11 A Yes.

12 Q And when Lorenzo came in, how did he look? What
13 was he wearing?

14 A Some basketball shorts and a shirt.

15 Q And a shirt?

16 A Yes.

17 Q Do you remember what color the shirt was?

18 A Red and white.

19 Q Red and white?

20 A Yes.

21 Q Once he came in, did he have anything with him
22 when he came in the room?

23 A Yeah, he had a gun.

24 Q He had a gun, and how was he carrying the gun
25 when he came in the room around six that morning?

1 A He was just holding it his hand.

2 Q He was holding it in his hand?

3 A Yep.

4 Q Did he have anything over it at that point?

5 A No.

6 Q Was he fully dressed at that point?

7 A Uh-huh.

8 THE COURT: Yes or no.

9 THE WITNESS: Yes.

10 BY MS. CAMPBELL:

11 Q Okay. Once he came in the room, what did he do
12 with the gun?

13 A He took it --- well, he took his shirt off,
14 wrapped it up and put it in my baby's crib.

15 Q In your baby's crib?

16 A Yep.

17 Q Where was your baby's crib located?

18 A By the window.

19 Q Was it a crib or a bassinet?

20 A Bassinet.

21 Q Where in the basinet did he put the gun?

22 A He just set it in there.

23 Q He just set it in it?

24 A Uh-huh.

25 Q Where was your baby at that point?

1 A My baby was with my grandmother.

2 Q She was at your grandmother's house?

3 A Yeah.

4 Q That morning did he tell you what kind of gun it
5 was?

6 A No.

7 Q Do you remember talking to the police back on
8 July 9th, 2013?

9 A Yeah.

10 Q At that time, you told them he told you what type
11 of gun it was?

12 A No.

13 Q Do you remember telling the police that he told
14 you ---

15 A Yeah, I told them he told me it was a 45, but I
16 didn't tell them he had that --- that the specific gun
17 he had in his hand was a 45.

18 Q Okay. But you told the police that he said it
19 was a 45?

20 A Yeah.

21 Q What does that mean to you as a 45?

22 A I don't know. I don't know nothing about no
23 guns.

24 Q Okay. But that's what you said?

25 A Uh-huh.

1 Q Once he put the gun into the bassinet, did he
2 talk to you about anything?

3 A Uh-huh, yeah.

4 Q And did he talk to you about events that had
5 happened the night before? You can't say what he said
6 about what happened the night before?

7 A Yeah.

8 Q At some point did y'all leave the house together?

9 A Yes.

10 Q And where did you go?

11 A Work.

12 Q Where were your working?

13 A A meat processing plant.

14 Q I'm sorry. I can't hear you.

15 A A meat processing plant in West Columbia.

16 Q A meat processing plant in West Columbia?

17 A Uh-huh.

18 Q Did y'all stay at work all day?

19 A Yes.

20 Q And where was your cell phone at this point?

21 A He still had it.

22 Q He still had it?

23 A Uh-huh.

24 Q What time of day --- how long did you stay at
25 work that day?

1 A All day.

2 Q What time did you get off, do you remember?

3 A Like three, four.

4 Q About three or four?

5 A Yes.

6 Q Where did you go once you got off?

7 A Home.

8 Q You went home?

9 A Yes.

10 Q And once you got home, did y'all look for the
11 gun?

12 A Yeah.

13 Q Where was the gun?

14 A Nobody know.

15 Q Nobody knew?

16 A No.

17 Q Did Lorenzo look for the gun?

18 A Yeah.

19 Q Did you look for the gun?

20 A Yep.

21 Q And it was gone?

22 A Yep.

23 Q Did Lorenzo ever talk to his mother about what
24 had happened to the gun?

25 MR. SCHNEE: Objection hearsay, conversation

1 between Lorenzo and his mother?

2 THE COURT: Were you present for the
3 conversation?

4 THE WITNESS: Uh-huh. No. I overheard the
5 conversation.

6 THE COURT: So you were able to hear the
7 conversation?

8 THE WITNESS: Not every exact word, but ---

9 THE COURT: She can testify to what she heard.

10 BY MS. CAMPBELL:

11 Q You can talk about what you heard Lorenzo say.
12 What was Lorenzo asking his mother about?

13 A Asking where the gun was.

14 Q What did the gun look like?

15 A It was black.

16 Q It was black?

17 A Uh-huh.

18 Q Did Lorenzo ever keep ammunition in the house?

19 A Yep.

20 Q Where did he keep the ammunition?

21 A In the dresser drawers.

22 Q In which drawers?

23 A The dresser drawers.

24 Q The dresser drawers?

25 A Yes.

1 Q In your bedroom?

2 A Yep.

3 Q When did you find out what had happened to the
4 lady at the bakery?

5 A When the police came and picked me up.

6 Q Do you remember telling the police that you had
7 seen it on TV?

8 A Yeah, I seen it, but I ain't --- it was like bits
9 and pieces of it.

10 Q And once you saw it on TV, did Lorenzo's mother
11 also see it on TV?

12 A No, I don't think so.

13 Q But do you remember a time when Lorenzo's mother
14 and Lorenzo had a conversation about the gun again
15 that you overheard?

16 A No.

17 Q Do you remember telling the police back on
18 July 9th, 2013, when they talked to you at police
19 headquarters that Lorenzo and his mother had a
20 conversation and his mother wanted --- after seeing
21 the video wanted ---

22 MR. SCHNEE: Objection, Your Honor, as to what
23 the mother is saying.

24 THE COURT: Overruled.

25 BY MS. CAMPBELL:

1 Q Do you remember telling police that after the
2 mother --- his mother saw the Ale House --- the bakery
3 video, that she came and told Lorenzo to get rid of
4 that gun?

5 A What are you asking me?

6 Q I'm asking you if you remember saying that to the
7 police and telling them that because you overheard
8 that conversation?

9 A Yeah.

10 Q You knew Trenton?

11 A Yeah, knew of them.

12 Q Did --- you knew Trenton and Troy?

13 A Of them.

14 Q Do you remember telling police what Trenton would
15 always be wearing?

16 A Yep.

17 Q What did you tell the police Trenton would wear?

18 A I said a gray hoodie, I believe.

19 Q Do you remember when you talked to the police
20 that you had seen video from the bakery?

21 A I told them I saw parts of it.

22 Q And do you remember saying your could recognize
23 the guy in the gray hoodie?

24 A Uh-huh, yep.

25 Q Who did you tell them was in the gray hoodie that

1 you recognized?

2 A Trenton.

3 Q And do you see Trenton in the courtroom?

4 A Yep.

5 Q Can you point out where he is sitting?

6 A Yep.

7 Q Can you describe what he is wearing?

8 A A green and black jacket kind of shirt, whatever
9 he have got on.

10 Q Is he sitting on the far table over there?

11 A Yep.

12 Q In the green?

13 A Yep.

14 MS. CAMPBELL: Your Honor, may the record reflect
15 she has identified Trenton Barnes.

16 THE COURT: So reflected.

17 BY MS. CAMPBELL:

18 Q But did you tell the police you could identify
19 who was in the red hoodie on the video?

20 A No.

21 Q You first talked to the police, I believe, on the
22 5th of July when they came in and did a search warrant
23 at your house, didn't you?

24 A Uh-huh.

25 Q And you didn't tell them the truth at that point

1 what about when you had last seen Lorenzo, did you?

2 A No.

3 Q No?

4 A Huh-uh.

5 Q Why didn't you tell them the truth?

6 A Because I didn't want to.

7 Q You don't remember?

8 A I didn't want to.

9 Q You didn't want to?

10 A Huh-uh.

11 Q Do you remember telling them on July 9th, 2013,
12 that you were scared of getting Lorenzo in trouble?

13 A Uh-huh.

14 THE COURT: Is that a yes?

15 THE WITNESS: Yeah.

16 BY MS. CAMPBELL:

17 Q Finally, have you ever seen Trenton with a gun?

18 A No.

19 Q Do you remember --- you talked to the police on
20 July 9th, 2013?

21 A Uh-huh.

22 Q Telling them that you had seen Trenton with a
23 gun, as well?

24 A Yep.

25 Q And that it was a different gun than the one you

1 saw Lorenzo with?

2 A Uh-huh.

3 Q And again, you don't want to be here today at
4 all?

5 A No.

6 Q The phone that you had, the cell phone that
7 Lorenzo had during this time period, whose name was it
8 in?

9 A My grandmother.

10 Q And what is her name?

11 A (unintelligible) Coleman.

12 Q Rolanda, Ms. Coleman, you have a pending charge
13 in our office?

14 A Yep.

15 Q And what is that charge?

16 A Burglary first.

17 Q Burglary in the first degree?

18 A Yes.

19 Q Do you know what the penalties for that are?

20 A Yes.

21 Q What's the penalty?

22 A Fifteen years to life, isn't it?

23 Q Fifteen years to life?

24 A Yeah.

25 Q And your lawyer is here in the courtroom?

1 A Yes.

2 Q And he is seated right there; is that correct?

3 A Yes.

4 Q Have you been made any promises or anything for
5 your testimony here today?

6 A Nope.

7 Q And you're testifying because you're under
8 subpoena?

9 A Yes.

10 Q Thank you.

11 THE COURT: All right. Cross-examination?

12 MS. PINNOCK: May it please the Court.

13 CROSS-EXAMINATION:

14 BY MS. PINNOCK:

15 Q How are you doing, Ms. Coleman?

16 A Good.

17 Q Can you speak up? I'm hard of hearing. Are you
18 okay?

19 A Uh-huh.

20 Q Just so we're clear on a couple of things that
21 Ms. Campbell just asked you, when you spoke to the
22 investigators last year during the summer, you
23 actually told them that when the gun that you had seen
24 a couple months prior, when Lorenzo first got a gun, a
25 couple months before they were questioning you, that's

1 when he said it was a 45, right?

2 A Uh-huh.

3 Q Yes?

4 A Yes.

5 Q You never had a conversation with anybody with
6 this gun that Ms. Campbell asked you about that you're
7 telling her you saw the next day?

8 A Uh-huh.

9 Q You never had a conversation about that, right?

10 A No.

11 Q So you were telling them about something that
12 happened months before?

13 A Yeah.

14 Q Okay. You said you're 20?

15 A Yes.

16 Q Did you say you were originally from here?

17 A Yeah.

18 Q Is your whole family here?

19 A Yeah.

20 Q Yes?

21 A Yeah.

22 Q Who are you living with now? Are you still
23 living with ---

24 A No, I stay everywhere.

25 Q I'm sorry. I can't hear you.

- 1 A A little bit of everywhere.
- 2 Q Okay. So do you have two children?
- 3 A Yep.
- 4 Q One and eight months old?
- 5 A Yeah.
- 6 Q Where do they say?
- 7 A With my grandmother.
- 8 Q And she lives in Columbia, right?
- 9 A Yep.
- 10 Q Who is older, your son or your daughter?
- 11 A My daughter.
- 12 Q Are you working right now?
- 13 A Yep.
- 14 Q Where are you working at?
- 15 A KFC.
- 16 Q What kind of hours do you work?
- 17 A Night.
- 18 Q What time do you go in?
- 19 A Four.
- 20 Q What time do you get off?
- 21 A Eleven.
- 22 Q Four to eleven?
- 23 A Yeah.
- 24 Q How many days a week do you work?
- 25 A Like three or four.

1 Q Do you get to see your children every day?

2 A Yep.

3 Q Do you enjoy spending time with them?

4 A Yep.

5 Q Do y'all do a bunch of stuff together?

6 A Yeah.

7 Q Do you go to the park?

8 A Yeah.

9 Q I can't hear you.

10 A Yeah.

11 Q Do you read stories with them?

12 A Yep. I'm sorry what does this have to do with
13 anything?

14 Q Do you read stories with them?

15 A Yeah.

16 Q Do you help provide for them?

17 A Yeah.

18 Q Because you want to make sure they have
19 everything they need?

20 A Yeah.

21 Q Because you want to make sure they're taken care
22 of?

23 A Yeah.

24 Q You'll do anything in your power to provide for
25 them best you can?

1 A If need be.

2 Q Okay. And your grandma is helping you out a lot
3 as of right now, right?

4 A For the most part.

5 Q Okay.

6 MS. CAMPBELL: What did she say?

7 THE COURT: For the most part.

8 MS. CAMPBELL: Thank you.

9 BY MS. PINNOCK:

10 Q Now, you said that --- we can assume that you
11 adore your children. I've seen the pictures. They're
12 adorable, so you love your children very much, right?

13 A Yep.

14 Q And you said that you had a pending charge with
15 the solicitor's office, right?

16 A Yep.

17 Q And you said it's a burglary in the first degree?

18 A Yep.

19 Q And you said the penalty for that, that you've
20 been told is 15 years to life, right?

21 A Yep.

22 Q And even if you got the minimum sentence on that,
23 your lawyer, Mr. Carson, has told you that it's
24 85 percent of 15 years, right?

25 A Uh-huh.

1 Q So that would be a little over 12 years that you
2 are incarcerated for this charge, right?

3 A Yeah.

4 Q So if you got the minimum 15 years, your son
5 would be 18 --- 15 years old when you got out?

6 A Yeah.

7 Q If you got the minimum, your daughter would be 16
8 when you got out?

9 A Yeah.

10 Q You'd miss their entire lives?

11 A Uh-huh.

12 Q And you discussed coming in here and testifying
13 with your attorney?

14 A Uh-huh.

15 Q Did you meet with the solicitors before you came
16 in here?

17 A Yep.

18 Q You did?

19 A Today, no.

20 Q No, prior to coming in here for testifying, did
21 you and Mr. Carson sit down with the solicitor's
22 office?

23 A Yeah.

24 Q What day was that?

25 A I don't remember.

1 Q Was it within a week?

2 A I don't remember.

3 Q Or two weeks? You don't remember?

4 A No.

5 Q But you sat down in their office with them, with
6 your lawyer, right?

7 A Yep.

8 Q And you discussed what you're going to testify
9 here today about?

10 A With them, no.

11 Q You didn't discuss anything with them? Did your
12 lawyer talk with them?

13 A Yeah.

14 Q About your testimony here today?

15 A Yeah.

16 Q And you said that you weren't expecting --- that
17 nobody has made you any deals or anything coming in
18 here and testifying. You don't want to miss the next
19 15 years of your children's lives, right?

20 A No.

21 Q And the case you had pending with the solicitor's
22 office, that's actually being prosecuted by
23 Ms. Simpson, right?

24 A Yeah.

25 MS. PINNOCK: Beg the Court's indulgence.

1 (Pause.)

2 I have nothing further, Judge.

3 Thank you, Ms. Coleman.

4 MR. SCHNEE: May it please the Court.

5 CROSS-EXAMINATION:

6 BY MR. SCHNEE:

7 Q Ms. Coleman, a few minutes ago you testified that
8 you saw the video on TV and recognized Trenton Barnes.
9 That's what you told the police last year, right?

10 A Uh-huh.

11 Q Yes.

12 A Yeah.

13 Q Okay. You said you could recognize him based on
14 his size and how he walked, right?

15 A Yeah.

16 Q Okay. You couldn't see any faces, right?

17 A No.

18 Q Okay. Now, the police also asked you about the
19 red sweatshirt, right?

20 A Yeah.

21 Q Your couldn't recognize who that was?

22 A No.

23 Q Couldn't recognize based on how they looked and
24 how they moved?

25 A No.

1 Q You understand the police are claiming the red
2 hooded sweatshirt is Lorenzo, right?

3 A Yeah.

4 Q You're very familiar with Lorenzo?

5 A Yeah.

6 Q Okay. So you couldn't recognize anyone in the
7 red sweat shirt, but you could for the gray
8 sweatshirt?

9 A Uh-huh.

10 Q Now, your burglary charge, your attorney is
11 sitting right over here?

12 A Uh-huh.

13 Q Yes.

14 A Yeah.

15 Q In fact. He is sitting with the solicitor's
16 office right now in court?

17 A Yeah.

18 Q Okay. You understand that the only people that
19 have the authority to offer you any deal whatsoever
20 are the solicitors sitting over there?

21 A Yeah.

22 Q You understand that if you don't get any kind of
23 deal and you end up getting convicted, you will not
24 see your kids while they're still children?

25 A Yeah.

1 Q You don't want than to happen, right?

2 A Yeah.

3 MR. SCHNEE: No further questions.

4 THE COURT: Redirect?

5 MS. CAMPBELL: Yes.

6 REDIRECT EXAMINATION:

7 BY MS. CAMPBELL:

8 Q He asked you about you taking care of your
9 children. You said your grandmother helps you out
10 some?

11 A Yeah.

12 Q Does Lorenzo's mother help you out, too?

13 A Yeah.

14 Q So you're still in contact with her and with
15 Lorenzo; is that correct?

16 A With her, not Lorenzo.

17 Q Okay. And that week when all this happened,
18 where was your little girl that week? Who was she
19 staying with?

20 A My grandmother.

21 Q So she was gone that entire week?

22 A Yeah.

23 Q And finally she asked you specifically about when
24 he told you about when the gun --- it was a 45. You
25 told the police back on July 9th that you had seen him

1 with it?

2 A Yeah.

3 Q And you saw him with just one gun?

4 A Yep.

5 Q And he told you it was a 45?

6 A Uh-huh.

7 Q And then you said --- and when did you have that
8 conversation with him. You said that was the day
9 after the incident happened. So that would have been
10 that Monday?

11 A Yep.

12 Q Do you want to see your testimony?

13 A No, I've seen it.

14 Q Okay. And when they asked you about what
15 incident you're talking about, you said this murder.
16 Do you remember that?

17 A Uh-huh.

18 THE COURT: Is that a yes?

19 THE WITNESS: Yep.

20 MS. CAMPBELL: Nothing further.

21 THE COURT: Ms. Pinnock.

22 MS. PINNOCK: I have no follow up, Judge.

23 THE COURT: Mr. Schnee?

24 MR. SCHNEE: No, Your Honor.

25 THE COURT: Have a nice day, ma'am. Thank you

1 very much.

2 All right. Ladies and gentlemen, we're going to
3 stop now for lunch. We're going to take a little bit
4 of an extended lunch break. I have some matters of
5 law that I need to take up before we start back this
6 afternoon. You are not allowed to discuss the case
7 with anyone and not allowed to talk about the case.
8 This may be the last nice day you have before the cold
9 weather comes. Thank you very much for your service.
10 Do not discuss the case. Keep an open mind and we'll
11 see you back at two o'clock. Thank you.

12 THE BAILIFF: Remain seated.

13 (WHEREUPON, the jury left the courtroom at 12:09
14 P.M.)

15 THE COURT: All right. So tell me what all we
16 need to deal with before we come back in.

17 MS. CAMPBELL: Your Honor, the things I would
18 deal with, there are several witnesses coming up.
19 Ms. Latoya Barnes, I think we settled her record. She
20 doesn't have anything.

21 However, in her recorded statement she gave to
22 police --- actually it was a recorded phone call. She
23 does mention and references things that happened
24 around the time that Trenton was on probation or being
25 arrested or things of that nature and we just need to

1 advise her not to mention any of Trenton's prior
2 juvenile adjudications or being on probation or
3 anything of that nature.

4 THE COURT: Mr. Schnee, I assume you're okay with
5 that?

6 MR. SCHNEE: Yes, Your Honor, but again just for
7 the record, Ms. Barnes is intending to assert her
8 Fifth Amendment. Her attorney is in the courtroom and
9 I think that needs to be addressed before ---

10 THE COURT: Whose phone is that? No, no. Stop,
11 stop. Stop.

12 (phone ringing.)

13 Give the phone to the bailiff and leave the
14 courtroom.

15 If you have a phone and I see it, at this point
16 it's going to cost you \$250 to get it back.

17 UNIDENTIFIED MAN: Holy shit.

18 THE COURT: If your don't like it, you don't have
19 to come back. You can pay \$250 or spend night in
20 jail. Take your pick.

21 Now, where is Ms. Barnes' attorney? That's me,
22 Arthur Aiken.

23 THE COURT: All right. Come on up, Mr. Aiken.

24 MR. AIKEN: I'll be happy to, Judge.

25 THE COURT: How are you, sir?

1 MR. AIKEN: I'm doing fine. How about yourself?

2 THE COURT: I'm fine. What do you represent
3 Ms. Barnes on?

4 MR. AIKEN: I represent Ms. Barnes as a witness
5 in this particular case.

6 THE COURT: Okay. On what basis is she asserting
7 her Fifth Amendment rights to remain silent?

8 MR. AIKEN: There's criminal exposure for
9 misprision of a felony, there's criminal exposure for
10 accessory after the fact of a murder, there's criminal
11 exposure for accessory after the fact of attempted
12 hijack, robbery under the federal criminal code.
13 Those are the concerns I have about her testimony.

14 THE COURT: All right. So what is her testimony
15 going to be that could potentially inculcate her?

16 MR. AIKEN: Well, the problem, Your Honor, is
17 that on each of those charges, the misprison charge
18 and the two accessory after the fact charges, one of
19 the elements of the offense is that the underlying
20 crime was actually committed. So to the extent she
21 testifies in a way that incriminates Mr. Barnes or his
22 codefendant, she incriminates herself.

23 THE COURT: All right. So what's her testimony?

24 MS. CAMPBELL: Her testimony is fully cooperative
25 with the State. She basically indicates to what her

1 --- she witnessed part of the events that night. She
2 in no way participated. She wasn't an accessory
3 after. She didn't witness the crime itself and then
4 help them out. She just told the police basically
5 what she observed her son, Lorenzo Young, and her
6 other son Troy Stevenson doing that night coming and
7 going from house. There were two phone calls from
8 Lorenzo Young to her house in which he Basically asked
9 her to talk to Troy. Troy then goes supposedly for
10 the purpose of getting Trenton. Then they come back.

11 She has no other information or anything. I
12 could hand you a transcript of her entire testimony
13 which, Your Honor, at no point does she incriminate
14 herself in anything and she is fully cooperative with
15 police.

16 THE COURT: All right. What about that,
17 Mr. Aiken?

18 MR. AIKEN: Well, Your Honor, without revealing
19 anything protected by the attorney/client privilege, I
20 represent to the court that her testimony in full
21 concerning all of these matters would tend to
22 incriminate her under those three types of crimes.

23 Obviously, I can't say, Judge, this is what she
24 is going to say because I --- if I did that, I would
25 be defeating the privilege itself.

1 THE COURT: Well, it only applies if they ask her
2 a question that's incriminating.

3 MR. AIKEN: That's correct. That's correct. And
4 that's a whole other issue, Judge. I really don't
5 know exactly what she is going to be asked and I don't
6 control what the government asks her, and I certainly
7 don't control what the defense lawyers ask her, but
8 I've advised her on the matters I think that she need
9 to assert the privilege on.

10 I have not told her to come in and just as a
11 blanket matter say I'm not testifying because I think
12 I could be in trouble. I mean, we've been very
13 careful about going over everything and making sure
14 that the assertion of the privilege is legally valid.
15 I mean, I'm not saying she can't testify at all, but I
16 am saying there are matters on which there are
17 significant concern by me as her lawyer about being
18 incriminated.

19 THE COURT: All right. Where is the transcript
20 of her?

21 MS. CAMPBELL: I'm getting you a copy, Your
22 Honor. I've marked up mine. I'll get you a copy of
23 the transcript if you want to review it over lunch.

24 THE COURT: Okay.

25 MS. CAMPBELL: I'll also hand up a copy of the

1 email from Mr. Aiken to me morning basically saying
2 that she would assert her Fifth Amendment privilege in
3 response to some of our questions. At that point he
4 said he would be happy to review the areas where she
5 is trying assert it.

6 MR. SCHNEE: Judge, I have never seen what the
7 State is alleging to be a transcript. I know there is
8 an audio recording, but I don't have a transcript.
9 There is no certified court reporter that has done a
10 transcript.

11 MS. CAMPBELL: I'll be glad to get the audio
12 recording to your to make sure it's accurate.

13 MR. SCHNEE: I have no problems with Your Honor
14 reviewing the audio, but I would object to an alleged
15 transcript.

16 MS. CAMPBELL: I'll hand up both. That will be
17 just be easier.

18 THE COURT: Okay. What are your standing up for.

19 MS. PINNOCK: Your Honor, I would ask the same
20 thing. If they're going to use a transcript, I'd be
21 happy to see it. I think this is going to be a
22 situation where we have to proffer testimony prior to
23 the jury hearing it and that would be my request.

24 THE COURT: So we have to deal with Ms. Barnes.
25 What else do we need to deal with?

1 MS. CAMPBELL: Mr. Moore.

2 THE COURT: Okay. Are those the only two?

3 MS. CAMPBELL: Those are the only two at this
4 point asserting the Fifth Amendment today.

5 THE COURT: Okay. Are those the only two issues
6 we actually need to deal with prior to starting back?

7 MS. CAMPBELL: Your Honor, in addition to that we
8 have served two other witnesses in the case that are
9 refusing to come to court, and we would ask for bench
10 warrants for them at this point.

11 THE COURT: Do they have lawyers?

12 MS. CAMPBELL: No.

13 THE COURT: Okay.

14 MS. CAMPBELL: They aren't anything but fact
15 witnesses so they have no ---

16 THE COURT: Are they material to the case?

17 MS. CAMPBELL: They are very material to the
18 case.

19 THE COURT: All right. Prepare material warrants
20 for their arrest.

21 MR. SCHNEE: Judge, can I inquire as to who those
22 two witnesses are?

23 MS. CAMPBELL: Mary Brown and I think, Marcus ---

24 MS. SIMPSON: Marcus Brown.

25 MR. SCHNEE: All right. Thank you.

1 THE COURT: Okay. So let's start back at 1:15.
2 Have Ms. Barnes here and have Mr. Moore here. Have
3 them waiting outside. I'll take them one at a time.

4 MR. AIKEN: Yes, sir.

5 THE COURT: All right. 1:15.

6 MR. KRZYSTON: Thank you, Judge.

7 (WHEREUPON, a lunch break was taken.)

8 (WHEREUPON, State's Exhibit Number 401 was marked
9 for identification only.)

10 (WHEREUPON, State's Exhibit's 203, 206, 207, 213,
11 214 were withdrawn.)

12 (WHEREUPON, State's Exhibits Numbers 403, 404
13 were marked for identification only.)

14 THE COURT: All right. Let's start with Mr.
15 Moore. Where is he?

16 DONALD MOORE,
17 (Proffered)

18 after being duly sworn, testified as follows:

19 THE CLERK: Please have a seat. State your full
20 name for the record.

21 THE BAILIFF: Watch your step.

22 THE COURT: All right. Who is handling him?

23 MS. CAMPBELL: I'll do it, Your Honor.

24 DIRECT EXAMINATION:
25 (Proffered)

1 BY MS. CAMPBELL:

2 Q Mr. Moore, how old are you?

3 A Twenty-one.

4 Q Do you live here in the Columbia area?

5 A Yes, ma'am.

6 Q How long have you been living here?

7 A Four years.

8 Q About four years. Prior to that where are you
9 from?

10 A New Orleans.

11 Q I want to turn your attention --- do you know
12 Lorenzo Young?

13 A Yes, ma'am.

14 Q And how do you know Lorenzo Young?

15 A I just know him on the street.

16 Q On the street?

17 A Yeah.

18 Q And did you know Troy Stevenson?

19 A Yes, ma'am.

20 Q And Trenton Barnes?

21 A Yes, ma'am.

22 Q Same way?

23 A Yes, ma'am.

24 Q I want to turn your attention back to the first
25 of July of last year. Do you remember seeing Lorenzo

1 Young the night before this incident occurred?

2 A I plead the Fifth.

3 Q Let me ask it to you this way ---

4 MS. CAMPBELL: Your Honor, permission to lead?

5 THE COURT: Yes.

6 BY MS. CAMPBELL:

7 Q Do you remember meeting with police on July 2,
8 2013?

9 A I plead the Fifth.

10 Q Do you remember telling them certain things about
11 seeing Lorenzo Young with a gun the evening that this
12 occurred?

13 A I plead the Fifth.

14 Q Do you remember --- do you remember telling the
15 police when you met with them on July 2nd that on
16 Thursday prior to the incident that Troy Stevenson,
17 Lorenzo and another person told you about an
18 operational lick they were going to go do at the Ale
19 House?

20 A I plead the Fifth.

21 Q That they intended to rob the owner of his drop
22 money?

23 A I plead Fifth.

24 Q That you had seen Lorenzo with a Glock that
25 Sunday night that this occurred?

1 A I plead the Fifth.

2 Q And that according to you, you were within arm's
3 length of Lorenzo when he was playing with the
4 handgun?

5 A I plead the Fifth.

6 Q Do you remember telling the police that at that
7 point you told Lorenzo to go inside the house because
8 there were young children around?

9 A I plead the Fifth.

10 Q And that he actually pointed the gun at you that
11 night?

12 A I plead the Fifth.

13 Q And once your went into the house, which was Troy
14 and Trenton's house, that you followed him in and saw
15 him put the gun away?

16 A I plead the Fifth.

17 Q And the house they went into, which was Troy and
18 Trenton's house, was a burgundy and white house?

19 A I plead the Fifth.

20 Q Did you also tell the police in that same
21 interview that you had seen Lorenzo wearing the
22 clothing that you saw in that video?

23 A I plead the Fifth.

24 Q And that you specifically told the police you
25 recognized the cap that was underneath the hoodie, as

1 well as the hoodie itself, and that it was Lorenzo's?

2 A I plead the Fifth.

3 Q That when you viewed the video, you told the
4 police that you thought you recognized the people and
5 you thought Lorenzo was the one wearing the red
6 sweatshirt?

7 A I plead the Fifth.

8 Q And that you told them that you didn't know who
9 the third person involved was?

10 A I plead the Fifth.

11 THE COURT: Okay. For the record his attorney
12 Ms. Good is present in the courtroom. Ms. Good, is he
13 pleading the Fifth for any reason other than not
14 wanting to admit to lying to police?

15 MS. GOOD: As to these questions, yes, sir.
16 That's the basis of pleading the Fifth.

17 THE COURT: Okay.

18 MS. CAMPBELL: Beg the Court's indulgence.

19 (Pause.)

20 BY MS. CAMPBELL:

21 Q You also told the police that on that night that
22 Sunday evening he showed you the gun, it was somewhere
23 between 7:30 and eight o'clock that night?

24 A I plead the Fifth.

25 Q And you also told the police when you met with

1 them that the reason you were telling them was because
2 what he did just wasn't right.

3 A I plead the Fifth.

4 Q Do you recall on July 3rd being shown a photo
5 lineup?

6 A I plead the Fifth.

7 Q And when you were shown the six photographs in
8 the photo lineup that you circled one that you
9 recognized?

10 A (There was no response.)

11 Q Do you remember doing that?

12 A No, ma'am.

13 Q And there was one actually marked number four
14 when you met with him on July 3rd?

15 A I don't remember that.

16 Q And that you circled that and said you recognized
17 him as Lorenzo or a/k/a Shyne?

18 A I don't remember that.

19 Q Do you do you recognize your handwriting?

20 A Yeah.

21 Q That's your handwriting?

22 A Looks like it.

23 Q And then do you remember meeting with
24 investigators from our office on October 20th as you
25 testified before, and at the end of that after

1 reviewing or hearing your statement that was played
2 for you, you said you agreed with all of it, but there
3 was one lie is a what you said?

4 A I can't remember.

5 Q And then we had another hearing on November 3rd
6 where you came into this courtroom, and you testified
7 about these matters?

8 A Yeah, I remember.

9 Q At that point, you said that there were two lies
10 involved?

11 A I plead the Fifth.

12 Q Subsequent to that, that the next day or two that
13 you were interviewed by the people in my office, at
14 that point you said that the entire statement was a
15 lie except for the part where you were a member of a
16 gang and you were with a woman?

17 A I plead the Fifth.

18 MS. CAMPBELL: That would be the extent of our
19 questions, Your Honor.

20 THE COURT: Okay. Do you want to ask him any
21 questions?

22 CROSS-EXAMINATION:

23 (Proffered)

24 BY MS. PINNOCK:

25 Q Mr. Moore, you came in here November 3rd and

1 testified, right?

2 A Yes, ma'am.

3 Q And Mr. Schnee asked you some questions?

4 A Yes, ma'am.

5 Q Ms. Garfield asked you some questions?

6 A Yes, ma'am.

7 Q And they asked you about a statement you had
8 given back in February of 2013?

9 A Yes, ma'am.

10 Q February 2013?

11 MS. PINNOCK: I'm sorry?

12 THE COURT: February 2013?

13 MS. PINNOCK: Yes, sir. July, I'm sorry.

14 THE COURT: Okay.

15 MS. PINNOCK: That's what I meant. I apologize,
16 July 2013.

17 THE WITNESS: Yes, ma'am.

18 BY MS. PINNOCK:

19 Q And that statement was to Investigator McCoy?

20 A I plead the Fifth.

21 Q That statement was to Investigator Reeves?

22 A I plead the Fifth.

23 Q You said on November 3rd when you were on the
24 witness stand that everything you told them on that
25 day was a lie?

1 A I plead the Fifth.

2 Q They also had phone calls with you after that
3 day, right.

4 A Who did? The police?

5 Q Yes, the investigators called you on the phone.

6 A I don't remember.

7 Q But that was back in July of 2013, correct?

8 A I can't remember.

9 Q Okay. But that wasn't true either? The
10 information that happened, that wasn't true either?

11 A I plead the Fifth.

12 MS. PINNOCK: Your Honor, that's all I have.

13 THE COURT: Okay. Mr. Schnee?

14 MR. SCHNEE: Judge, I have no questions. I don't
15 believe I can meaningfully cross-examination this
16 witness anyway.

17 THE COURT: Well, I want you to attempt to if you
18 think you can. Now, is your opportunity to attempt
19 to.

20 MR. SCHNEE: Beg the Court's indulgence.

21 (Pause.)

22 CROSS-EXAMINATION:

23 (Proffered)

24 BY MR. SCHNEE:

25 Q Back in your original interview in July of 2013,

1 do you remember telling the police that you were sure
2 it was Lorenzo and Troy that were the shooters?

3 A I plead the Fifth.

4 MR. SCHNEE: Judge, I don't have any other
5 questions for this witness about that.

6 THE COURT: Okay.

7 MS. CAMPBELL: I'll clarify just one thing.

8 REDIRECT EXAMINATION:

9 (Proffered)

10 BY MS. CAMPBELL:

11 Q I'm asking this question, I think I used the
12 words, "Do you remember?" If I said the words, "Did
13 you tell the police?" would you still plead the Fifth
14 on all of those?

15 A Yes, ma'am.

16 THE COURT: All right. So what's your position,
17 Mr. Schnee?

18 MR. SCHNEE: My position on this issue, Judge, is
19 the witness is clearly going to plead the Fifth to any
20 relevant question about the case itself. Even if the
21 State goes in and asks him, knowing that he is going
22 to plead the Fifth on every single question about it,
23 I have no way of cross-examining this witness, and it
24 destroys my right to have a meaningful confrontation.

25 I believe it violates my client's Sixth Amendment

1 right to avoid confronting. In order to confront
2 witnesses and have effective assistance of counsel, I
3 think it will do nothing but disaffect the jury,
4 particularly the statement the solicitor is attempting
5 to use, Donald Moore has since said is completely a
6 lie. For them to proffer that in any way in front of
7 a jury, I think, would be inappropriate since they
8 don't know the truth or nontruth of it, and there is j
9 to do that effectively, so I'd ask he be excluded as a
10 witness.

11 THE COURT: What's your position?

12 MS. PINNOCK: Your Honor, we would also be asking
13 for Mr. Moore to be excluded. He is not available for
14 a meaningful cross-examination. Pleading the Fifth in
15 front of the jury is a danger --- there is a danger
16 that is going to create an inference that, you know,
17 he's --- I'll take that back, Judge. Let me start
18 again. We cannot cross-examine him.

19 Every statement that was made to law enforcement
20 has subsequently been admitted to being not true.
21 Now, we don't have the opportunity to get that
22 information from Mr. Moore. What this cross would be
23 is just a back doorway of getting his statement into
24 evidence being offered to the jury as something that
25 is true. They would have the inference that this

1 information is true.

2 THE COURT: You mean what his direct would be?

3 MS. PINNOCK: I'm sorry?

4 THE COURT: You said what his cross would be.

5 You mean what his direct would be.

6 MS. PINNOCK: I'm sorry. When the statement is
7 read into evidence by solicitor's office, they're
8 going to be offering it as true, and the jury will
9 infer that that statement is true. We don't have an
10 opportunity to cross him to attack that veracity of
11 his statement, Judge.

12 We are not able to effectively cross-examine Mr.
13 Moore. It is a violation of our right of
14 confrontation under the Sixth Amendment. We would ask
15 that he be excluded as a witness also.

16 THE COURT: And what's the State's position?

17 MS. CAMPBELL: Your Honor, our position would be
18 first of all he has already testified to this matter
19 and been cross-examined on these issues. We feel like
20 pursuant to that he has waived any right to do it
21 because they did have an opportunity to cross him at a
22 prior hearing on these issues.

23 In addition to that, Your Honor, if the
24 questioning is done in such a way that basically my
25 questions are phrased, "Did you tell the police this

1 on such and such a date," that would not in any way
2 --- I don't see how he can plead the Fifth on that,
3 because basically that would be whether he told the
4 police that, that would be whether he gave them false
5 information or anything of that sort and then, of
6 course, they would have the opportunity to
7 cross-examine. I don't believe he can get up there
8 and just blanketly say I plead the Fifth to every
9 single question, when clearly none of these are
10 incriminating. If they're asked in such a manner,
11 they would not be incriminating. In addition to that,
12 he's already, under his theory, he is saying he has
13 given false information to the police and he has
14 already testified to that and admitted to that. We
15 think he waived it as to that.

16 THE COURT: Okay. So after he testified in front
17 of me on November 3rd, did he meet with anybody from
18 the solicitor's office? If so, who was that?

19 MS. CAMPBELL: Yes, sir. He met the next day. I
20 believe present were --- who was present, Dolly
21 Garfield, Meghan Walker.

22 THE COURT: Was Anna Good there?

23 (WHEREUPON, there was an off-the-record
24 discussion.)

25 THE COURT: Okay. Ms. Garfield, so here is where

1 we are. We had a meeting with Mr. Moore on
2 November 3rd. Then did you speak with him and his
3 attorney the next day?

4 MS. GARFIELD: Yes, I believe it was the next
5 day.

6 THE COURT: And what did he say at that meeting?

7 MS. GARFIELD: He told me at that time ---

8 MS. CAMPBELL: I can hand that up.

9 THE COURT: Okay.

10 MS. GARFIELD: I summarized it afterwards, that
11 all of it was a lie except two things, one being in a
12 gang, one being with a woman the evening before.

13 THE COURT: And you were present for this?

14 MS. GARFIELD: Yes, sir.

15 THE COURT: And Investigator Streeter was present
16 for this?

17 MS. GARFIELD: Yes, sir.

18 THE COURT: And Mr. Good was present?

19 MS. GARFIELD: Yes, sir.

20 THE COURT: And who is Ashley Kent?

21 MS. GARFIELD: My law clerk.

22 THE COURT: Okay. Isn't Meghan Walker an
23 assistant solicitor?

24 MS. GARFIELD: Yes, sir.

25 THE COURT: They were all present?

1 MS. GARFIELD: Yes, sir.

2 THE COURT: Ms. Good, is there anything else you
3 want to add?

4 MS. GOOD: Your Honor, I just want to add that I
5 do believe he has the right to plead the Fifth in this
6 case. You know, while he may have taken the stand
7 previously, at this point there's subsequent
8 statements that they have not been able to
9 cross-examine him about that would potentially
10 implicate him further regarding false information to
11 law enforcement. Like I said, I don't know --- during
12 the proffered cross-examination there were no
13 questions regarding anything subsequent or prior to
14 regarding his involvement potentially in this case, so
15 that's definitely something I'm concerned about when
16 it comes to representing him in any implications
17 regarding this particular case.

18 THE COURT: Do you have any other questions you
19 want to ask him?

20 MS. PINNOCK: Yes, sir.

21 RECROSS-EXAMINATION:

22 (Proffered)

23 BY MS. PINNOCK:

24 Q Mr. Moore, on July 1st of 2013, you made multiple
25 phone calls to Trenton Barnes, right?

1 A I plead the Fifth.

2 Q And you made multiple phone calls to him on
3 June 30th?

4 A I plead the Fifth.

5 Q You made multiple calls to him on the days
6 leading up the July 5th, right?

7 A I plead the Fifth.

8 Q The first three numbers of your phone at that
9 point were 201?

10 A I don't remember.

11 Q You were present at Azo's studio on June 30th?

12 A I plead the Fifth.

13 Q You told investigators that you knew it was
14 Lorenzo on that video?

15 A I plead the Fifth.

16 Q You told the investigators that you knew he was
17 wearing that hat because that's what he always wore?

18 A I plead the Fifth.

19 Q You swore under oath November 3rd and you
20 admitted that you lied?

21 A I plead the Fifth.

22 Q Everything you told the investigators was a lie?

23 A I plead the Fifth.

24 MS. PINNOCK: Beg the Court's indulgence.

25 (Pause.)

1 Your Honor, that's it. That's all I have right
2 now.

3 THE COURT: Anything else you want to ask him?

4 MR. SCHNEE: Yes, just very briefly, Judge.

5 RECROSS-EXAMINATION:

6 (Proffered)

7 BY MR. SCHNEE:

8 Q Did you dispose of any of the guns after this
9 crime happened?

10 A I plead the Fifth.

11 Q Were you participating in the plan along with
12 Marcus Johnson or anyone else in this crime?

13 A I plead the Fifth.

14 Q Were you present with Marcus Johnson the Ale
15 House robbery was discussed?

16 A I plead the Fifth.

17 MR. SCHNEE: Judge, I have no further questions.
18 I do have a brief argument to make.

19 THE COURT: Anybody else want to ask this witness
20 in anything?

21 MS. CAMPBELL: No.

22 THE COURT: Okay. Ms. Good, will you take this
23 witness outside?

24 MS. GOOD: Yes.

25 THE COURT: I need to know the good faith basis

1 for the questions you just asked.

2 MR. SCHNEE: Me, Your Honor?

3 THE COURT: Yes.

4 MR. SCHNEE: That would be based on allegations
5 made by Troy Stevenson, along with a few other
6 witnesses and interviews. I don't know if any of that
7 will come up or come out in trial.

8 THE COURT: I'm not asking what's coming up or
9 out. I want to know what your good faith basis is for
10 asking him if he got rid of any of the guns.

11 MR. SCHNEE: That would be indicated by Troy
12 Stevenson in his last interview in the police.

13 THE COURT: That this witness got rid of the
14 guns?

15 MR. SCHNEE: Or may have. That's what Troy
16 Stevenson was saying, was that he may have.

17 THE COURT: May. That's what I'm wanting to know
18 more than anything.

19 MR. SCHNEE: Yes, sir.

20 THE COURT: All right. What's the State's
21 position on that, since the new line of questioning
22 deals with potential crimes unrelated to those that he
23 has already waived his Fifth Amendment right to?

24 MS. CAMPBELL: Your Honor, I think the only
25 reason that Troy Stevenson thought Donald Moore may

1 have wanted to get rid of the guns was because when
2 Donald Moore first came forward, they met with a
3 police. At that point they were trying to set up a
4 situation Donald Moore would have a conversation with
5 Troy Stevenson and offered to get rid of the guns
6 afterwards. I know that procedure was never
7 culminated because of problems in scheduling or
8 getting a motel room or something like that, and it
9 never came to fruition.

10 In addition, Your Honor, just because he is asked
11 that question, we have no indication that he was doing
12 that at any request other than what law enforcement
13 asked him to try to set up, so if that inference was
14 given to Troy Stevenson, that would be the reason he
15 would have thought that. There was absolutely no
16 evidence in the case that at any point did Donald
17 Moore have any involvement in getting rid of any guns
18 other than what I believe Troy Stevenson may have said
19 happened or may have been a possibility.

20 In addition, Your Honor, I don't know that the
21 questioning on that line would be relevant as far as
22 the guilt of these two defendants that we are going
23 forward on as far as any involvement, and I don't know
24 if this is just a fishing expedition on third party
25 guilt or if that would even be admissible at this

1 point. I guess if he is trying to give him a part on
2 the accessory after the fact theory that he helped get
3 rid of the guns afterwards --- I just don't think
4 there is a good faith basis to go into that line of
5 questioning even if there was an explanation that's
6 reasonable as far as what the police were trying to
7 get Mr. Moore to do.

8 THE COURT: So why doesn't the State just
9 immunize him? That's my question.

10 MS. CAMPBELL: As far as any perjury or false
11 information?

12 THE COURT: No. I mean, giving false information
13 to the police or being an accessory after the fact of
14 getting rid of guns.

15 MS. CAMPBELL: Your Honor, our position would be
16 that we don't think he has a right to assert a Fifth
17 Amendment right, therefore it wouldn't be necessary,
18 but if it's something the court wants to do as far as
19 to protect him from the perjury, false information, we
20 could consider that.

21 THE COURT: Okay. Let's get Ms. Barnes in here.

22 MS. CAMPBELL: Okay.

23 MR. SCHNEE: Judge, can I just put something on
24 the record before she comes in?

25 THE COURT: Sure.

1 MR. SCHNEE: In terms of the prior hearing we
2 had, I don't believe that would qualify as a
3 meaningful opportunity to cross-examine.

4 THE COURT: I don't think it does. I'm just
5 going under the theory --- I wouldn't --- I'm not
6 saying that's my ruling, but my ruling wouldn't be ---
7 you had a chance to cross him before so that makes up
8 for it.

9 MR. SCHNEE: All right. Thank you, Your Honor.

10 THE COURT: I'm not trying to cut you off.
11 That's not where my mind is thinking.

12 MR. SCHNEE: Yes, sir; yes, sir.

13 MR. AIKEN: This is Ms. Barnes, Your Honor.

14 THE COURT: Okay. Come on down, Ms. Barnes.

15 LATOYA BARNES,
16 after being duly sworn, testified as follows:

17 THE CLERK: Please have a seat, state your full
18 name for the record.

19 THE BAILIFF: Watch your step.

20 THE WITNESS: Latoya Barnes.

21 DIRECT EXAMINATION:

22 (Proffered)

23 BY MS. CAMPBELL:

24 Q Ms. Barnes, how old are you?

25 A Thirty-eight.

1 Q Do you work?

2 A No, ma'am.

3 Q Do you have any children?

4 A Yes, ma'am.

5 Q And who is Troy Stevenson?

6 A My son, Troy Stevenson.

7 Q And, Trenton Barnes, who is he?

8 A My son.

9 Q Do you know Lorenzo Young?

10 A Yes, ma'am.

11 Q Can you tell the court how you know him?

12 A Acquaint (sic) of Troy's.

13 Q Let me turn your attention back to when this
14 occurred. Do you recall that Sunday evening into the
15 early morning hours of Monday? Do you know who all
16 was at your house?

17 A I plead the Fifth.

18 THE COURT: Ma'am, that's not an incriminating
19 question. You need to answer the question.

20 BY MS. CAMPBELL:

21 Q The end of June, first of July. The night in
22 question. The night that everybody has been talking
23 about, do you remember who was at your house that
24 night?

25 A Who was at my house that night?

1 Q Uh-huh.

2 A Meaning what time? That's what I'm ---

3 Q Around midnight.

4 A Midnight because, I mean, the timing, what I told
5 them was like 11 or 12.

6 Q Okay. Around 11 or 12 there was somebody at your
7 house and then they left?

8 A Lorenzo Young, Trenton Barnes and Troy Stevenson.

9 Q They were all at your house then?

10 A Yeah.

11 Q At some point did two of those people leave your
12 house?

13 A I plead the Fifth.

14 THE COURT: Ma'am, that's not an incriminating
15 question. You need to answer the question.

16 MR. AIKEN: Judge, may I make a point about that
17 because under the circumstances of this case, that is
18 an incriminating question in this sense. She has
19 exposure for misprison of a felony and accessory after
20 the fact. One of the elements the government has to
21 prove is that the underlying offense was actually
22 committed, so to the extent that she provides
23 testimony showing that the underlying offense was
24 committed, she is incriminating herself.

25 THE COURT: That's an interesting argument,

1 Mr. Aiken, but I don't think it's right. You need to
2 answer the question. When she asks you an
3 incriminating question, you plead the Fifth when you
4 think you need to, but you answer when I tell you you
5 need to.

6 THE WITNESS: Okay.

7 BY MS. CAMPBELL:

8 Q Who left your house that night around midnight?

9 A Lorenzo and Trenton.

10 Q And Trenton?

11 A Uh-huh.

12 Q A couple hours later --- and was Troy still at
13 your house at that point?

14 A Yes, Troy had already left with some other
15 friends.

16 Q Okay. At some point did Troy come back to your
17 house that evening?

18 A He had went to the club. He didn't even leave
19 with Trenton and Lorenzo.

20 Q He did leave with them?

21 A He did not.

22 Q That's right. And he was at your house later
23 that evening?

24 A Later that night.

25 THE COURT: Who is he? I'm confused.

1 MS. CAMPBELL: Troy.

2 THE COURT: Okay.

3 BY MS. CAMPBELL:

4 Q Later that evening somewhere around three o'clock
5 between three and four, did you get two phone calls
6 from Lorenzo?

7 A Yes, ma'am.

8 Q Did you answer the phone on those phone calls?

9 A Yes, ma'am.

10 Q Did you recognize Lorenzo's voice?

11 A Yes, ma'am.

12 Q And who did Lorenzo want to speak to?

13 A Marquis Johnson.

14 Q Did you give the phone to Marquis?

15 A Yes, ma'am.

16 Q Did he also call back, Lorenzo call back a second
17 time?

18 A Yes, ma'am.

19 Q At that point, did you ask him to tell Trenton
20 something for you?

21 A To come home.

22 Q To come home?

23 A Yes, ma'am.

24 Q At that point did you also hand the phone off to
25 somebody else?

1 A Could you repeat that?

2 Q Did you hand the phone off to somebody else to
3 talk to Lorenzo?

4 A No, to Marquis Johnson, he called for him twice.

5 Q At some point did Troy get on the phone with
6 Lorenzo?

7 A Not that I know of.

8 Q After those two phone calls that evening, did
9 Troy leave your house?

10 A The next day of that day?

11 Q That night.

12 A No.

13 Q Okay. Do you remember talking to the police on
14 the telephone back in August of 2013? August 18th?

15 A Not the date. I remember speaking with her.

16 Q And do you remember --- let me be specific,
17 telling them that Troy was asleep and that Lorenzo
18 called and spoke to Marquis?

19 A Right, correct.

20 Q And then you told them that Troy told you he was
21 leaving?

22 A Troy told me he was leaving. I told him to go
23 look for his brother.

24 Q And he said he was going to go get Trent?

25 A Right.

1 Q And then he left the house at that point?

2 A Correct.

3 Q And after he left the house, did you go to sleep?

4 A I'm pretty sure I did. More than likely. I
5 can't remember.

6 Q Did Lorenzo come back to your house that night?

7 A Yes, ma'am.

8 Q Did Trenton come back to your house that night?

9 A Yes, ma'am.

10 Q Did Troy come back to your house that night?

11 A Yes, ma'am. They didn't come back together. It
12 was like different times.

13 Q The next morning did Lorenzo leave your house?

14 A Yes, ma'am.

15 Q Do you remember how he left?

16 A With a red truck, whatever.

17 Q Somebody came and got him?

18 A Like a Jeep, red truck or something. I thought
19 it was his baby mama.

20 Q Back when you spoke to police, do you remember
21 telling them that you had seen the video at the
22 bakery?

23 A Uh-huh.

24 Q That you had seen the video that was on TV of the
25 bakery?

1 A Right.

2 Q And do you remember telling them that it was
3 Trenton with the gray on?

4 A I don't recall that.

5 Q Did you tell them that you said, "I know my kid's
6 build. I know them from their fingers to their toes.
7 I know my kids"?

8 A Yes. But I never did identify them, say who was
9 who.

10 Q And did Investigator McCoy tell you --- ask you
11 about seeing the gray sweat shirt before and did you
12 tell him, "It was Troy's and when Trenton got
13 arrested, he was on probation. He got snagged on the
14 gate. Troy didn't want it anymore because it got a
15 hole in it. He let his brother have it and told
16 Trenton he could have it"?

17 A I plead the Fifth.

18 Q On the sweatshirt?

19 A On the sweatshirt, whatever, the whole statement,
20 I guess.

21 Q Did you tell police back on that same date that
22 when Lorenzo left the house, he had on a hoodie?

23 A I plead the Fifth.

24 Q Did you tell the police that when Troy left the
25 house, he had on a navy blue hoodie?

1 A I plead the Fifth.

2 Q Do you remember telling the police that Trenton
3 was wearing a jacket when he left with Lorenzo?

4 A I plead the Fifth.

5 Q And he was referring to the gray jacket?

6 A I plead the Fifth.

7 Q And you told them you had already told them that?

8 A I plead the Fifth.

9 Q And then they asked you was he the only one
10 wearing that jacket and then did you tell them, "Yeah,
11 because that's the only person that wears that jacket
12 ---"

13 A I plead the Fifth.

14 Q --- was Trenton"?

15 Finally, they asked you again about Trenton
16 wearing the gray sweatshirt you saw in the news
17 clipping, and you told them, "Yeah, the gray hoodie is
18 what Trenton was wearing"?

19 A I plead the Fifth.

20 Q Did you tell them when he left earlier, he had
21 the hoodie on?

22 A I plead the Fifth.

23 Q And then you told them that it has just a little
24 snag. Not a big rip, just a small hole?

25 A I plead the Fifth.

1 Q Do you recall getting a letter from your son
2 Trenton Barnes?

3 A I plead the Fifth.

4 THE COURT: Getting a letter is not
5 incriminating. You need to answer that question.

6 THE WITNESS: Yes, I received a letter from my
7 son.

8 BY MS. CAMPBELL:

9 Q Do you recall turning that letter over to Troy's
10 lawyer?

11 A Yes, ma'am.

12 Q And I'm going to show you State's Exhibit 404 and
13 403. Do you recognize that?

14 A Yes, ma'am.

15 Q And 403, I believe, is the envelope that goes
16 with it or a copy of it there?

17 A Yes, ma'am.

18 Q And did you recognize the handwriting in this?

19 A Yes, ma'am.

20 Q And whose handwriting is it?

21 A I plead the Fifth.

22 THE COURT: Ma'am, whose handwriting is it?

23 THE WITNESS: It's Trenton Malik Barnes'
24 handwriting.

25 THE COURT: Thank you.

1 BY MS. CAMPBELL:

2 Q And then you turned that over to the lawyer; is
3 that correct?

4 A Yes, ma'am.

5 Q And you don't want to be here, but you're under
6 subpoena?

7 A Yes. And I'm here.

8 THE COURT: All right. Who is cross-examining
9 her?

10 MS. PINNOCK: May it please the Court.

11 CROSS-EXAMINATION:

12 (Proffered)

13 BY MS. PINNOCK:

14 Q Who did you turn the letter over to, Ms. Barnes?

15 A Amy.

16 THE COURT: Is that Ms. Zmroczek?

17 THE WITNESS: Yes, ma'am --- yes, sir. I'm
18 sorry. Amy Zmroczek.

19 THE COURT: Okay. It's okay. I understand
20 you're nervous today. You're talking about --- that
21 would be Troy's lawyer, correct?

22 THE WITNESS: Correct.

23 THE COURT: Sorry, Ms. Pinnock.

24 MS. PINNOCK: No problem, Your Honor.

25 BY MS. PINNOCK:

1 Q You said you remembered --- you spoke to
2 Investigator McCoy after Trenton was arrested, right?

3 A Do I remember speaking with him?

4 Q Uh-huh.

5 A I plead the Fifth.

6 Q You were at headquarters while he was being
7 questioned?

8 A I didn't go with him.

9 Q Okay.

10 A No, I didn't.

11 Q You spoke to Investigator McCoy?

12 A Correct.

13 Q And McCoy told you that one of your sons was
14 going to get a deal out of this, right?

15 A Yes.

16 Q That was on July 1st when you were there at
17 headquarters?

18 A Yes.

19 Q You also had another phone call with him in
20 August. I'm not sure of the date, but your remember
21 speaking to him on the phone again?

22 A I remember speaking to him a lot.

23 THE COURT: And who is him, Investigator McCoy?

24 THE WITNESS: Yes.

25 MS. PINNOCK: Yes, Investigator McCoy.

1 BY MS. PINNOCK:

2 Q Investigator McCoy called you at your house?

3 A Yes, ma'am.

4 Q At that point, you provided him information about
5 a Marcus Johnson, right?

6 A Correct.

7 Q Nickname Shorty?

8 A Uh-huh.

9 THE COURT: Is that a yes?

10 THE WITNESS: Yes. I'm sorry.

11 THE COURT: It's okay.

12 THE WITNESS: Yes, ma'am.

13 BY MS. PINNOCK:

14 Q You told him that he needed to speak to Marcus
15 Johnson?

16 A Correct.

17 Q You told him that Marcus Johnson was in jail at
18 that point?

19 A Yes, ma'am.

20 Q That Marcus Johnson was at the jail and talking
21 about some major details involved in this case?

22 A Yes, ma'am.

23 Q And you felt the need give that to Investigator
24 McCoy ---

25 A Yes, ma'am.

1 Q --- so he could do further investigations?

2 A Yes, ma'am.

3 Q And he assured you at that point that that was
4 the next person on his list that he was going to talk
5 to?

6 A Yes, ma'am.

7 Q He said he was probably going to get that done
8 next week or very soon?

9 A Uh-huh.

10 Q You also gave him a number of people who were at
11 your house on that night?

12 A Uh-huh.

13 Q And he assured you that he was going to speak to
14 those people, as well?

15 A Yes, ma'am.

16 Q And he was going to make sure that he talked to
17 everyone in this case to make sure that his
18 investigation was complete?

19 A Yes, ma'am.

20 Q To make sure that the information he had was
21 right?

22 A Yes, ma'am.

23 Q And you provided him that information. It was
24 within weeks of when ---

25 A Yes, ma'am.

1 Q Within a couple of weeks of Trenton being
2 arrested?

3 A Yes, ma'am.

4 Q After Troy being arrested?

5 A Yes, ma'am.

6 Q And you gave him people's first and last names?

7 A Yes, ma'am.

8 Q And when you --- when he was speaking to you
9 originally about what you had seen on the news, you
10 said that you didn't recall --- you first said that
11 Lorenzo was at your house that evening at some point
12 earlier?

13 A Yes, ma'am.

14 Q You said he had left?

15 A Yes, ma'am.

16 Q But you didn't remember exactly what he was
17 wearing, right?

18 A I plead the Fifth.

19 Q Huh?

20 A I plead the Fifth.

21 MS. PINNOCK: Begging the Court's indulgence.

22 BY MS. PINNOCK:

23 Q And Ms. Barnes, the letter that you said you
24 received from the jail, you identified that as
25 Trenton's handwriting?

1 A Yes, ma'am.

2 Q That letter has at the top of it, do you recall
3 it says, "Your son, Trenton Barnes?"

4 A Yes, ma'am will is.

5 Q Does he always head his letters like that?

6 A Most of them, not all.

7 Q Most of them, not all?

8 A Uh-huh.

9 MS. PINNOCK: Thank you, Your Honor. Nothing
10 further.

11 MR. SCHNEE: Briefly, Your Honor.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION:

14 (Proffered)

15 BY MR. SCHNEE:

16 Q Good afternoon, Ms. Barnes.

17 A Good afternoon.

18 Q Is it your intention to plead the Fifth to any
19 question involving the actual incident in this case?

20 A Yes, sir.

21 Q So asking who was wearing what color sweatshirt
22 that night when they left, you're going to plead the
23 Fifth?

24 A Yes, sir.

25 Q Did you alter that letter that you got?

1 A Did I alter it?

2 Q Did you cut and paste it or change the letters or
3 words or anything like that?

4 A No, oh no.

5 Q Who has the original letter?

6 A Who has the original letter?

7 Q Yes, ma'am?

8 A Amy.

9 Q So you don't have it?

10 A No, I don't.

11 Q You haven't seen it since you turned it over to
12 Amy?

13 A I have seen it.

14 Q You've seen the original?

15 A The original, yes, sir.

16 Q Amy still has it?

17 A Yes, sir.

18 MR. SCHNEE: I have no other questions, Judge.

19 THE COURT: Okay. All right. Now, I want you
20 to --- anything else you want to ask her,
21 Ms. Campbell?

22 MS. CAMPBELL: No, Your Honor.

23 REDIRECT EXAMINATION:

24 (Proffered)

25 BY MS. CAMPBELL:

1 Q The only thing I want to clear up, you were
2 actually present when Trenton Barnes was being
3 interviewed by the police on the 5th of July, right?

4 A Was I present? Well, we didn't leave at the same
5 time.

6 Q I understand that, but you were actually there
7 when they were questioning him?

8 A Uh-huh.

9 Q In the room?

10 A Yes, ma'am.

11 Q Because he wanted you there?

12 A Yes, ma'am.

13 THE COURT: Okay. Would you wait outside for us?

14 THE WITNESS: Yes.

15 THE COURT: Thank you, ma'am.

16 All right. The first question is are you willing
17 to skip the clothing questions?

18 MS. CAMPBELL: The clothing questions?

19 THE COURT: Right.

20 MS. CAMPBELL: As far as what they were wearing
21 when they left that night? Yeah. If you tell me to,
22 I will be happy to, but she actually comes forward and
23 talks to them because she recognizes Trenton from what
24 she sees on TV.

25 THE COURT: I know.

1 Okay. Mr. Aiken, approach.

2 (WHEREUPON, there was a bench conference.)

3 THE COURT: Hold on. Yes, ma'am?

4 MS. CAMPBELL: Your Honor, may I approach?

5 THE COURT: Yes, ma'am.

6 (WHEREUPON, there was a bench conference.)

7 THE COURT: All right. Let's get Mr. Moore back
8 in here first.

9 MS. PINNOCK: Your Honor, if I could real quickly
10 --- with Ms. Barnes. You asked the State to maybe
11 skip over the shirt question. Identifying clothing is
12 going to be part of our cross.

13 THE COURT: Yeah. I should have asked you too,
14 but it's fine.

15 MS. PINNOCK: Okay.

16 THE COURT: I'm not going to hamstring you like
17 that.

18 MS. PINNOCK: Okay.

19 THE COURT: I'm glad you brought that to my
20 attention, and you should have. That was proper. I
21 should have asked you, too. Okay.

22 MS. PINNOCK: Thank you.

23 THE COURT: I'm not going to keep you --- yeah, I
24 wouldn't hamstring you like that. Where is Mr. Moore?
25 Did somebody go get him?

1 MS. Good: You want her him back on the stand,
2 Your Honor?

3 THE COURT: That's fine. Come on up, Mr. Moore.
4 Okay. Tell me how old you are?

5 THE WITNESS: Twenty-one.

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

7 THE WITNESS: I didn't go to high school.

8 THE COURT: Didn't go to high school?

9 THE WITNESS: No, sir.

10 THE COURT: Okay. When did you come to South
11 Carolina approximately.

12 THE WITNESS: 2010. That's when I came back.

13 THE COURT: Okay. And you've had some prior
14 convictions; is that correct?

15 THE WITNESS: Yes, sir.

16 THE COURT: You've been --- this isn't your first
17 time in court, right?

18 THE WITNESS: No, sir.

19 THE COURT: And you have a lawyer right,
20 Ms. Good?

21 THE WITNESS: Yes, sir.

22 THE COURT: And she represents you on your now
23 pending charges; is that correct?

24 THE WITNESS: Yes, sir.

25 THE COURT: Okay. You have a pending strong

1 armed robbery; is that right?

2 THE WITNESS: Yes, sir.

3 THE COURT: And she represents you on that,
4 right?

5 THE WITNESS: Yes, sir.

6 THE COURT: And have you met with her about this
7 case? The case that you're here potentially
8 testifying on?

9 THE WITNESS: Yes, sir.

10 THE COURT: I'm not going to ask you the
11 substance of your conversations with her, but have you
12 met with her?

13 THE WITNESS: Yes, sir.

14 THE COURT: Have you talked with her?

15 THE WITNESS: Yes, sir.

16 THE COURT: Have you explained your side of the
17 story or whatever you need explain to her about your
18 situation involving this case that we're here on?

19 THE WITNESS: Yes, sir.

20 THE COURT: And have you understood your
21 conversations with her?

22 THE WITNESS: Yes, sir.

23 THE COURT: During any of those conversations
24 were you under the influence of alcohol or drugs?

25 THE WITNESS: No, sir.

1 THE COURT: Are you under the influence of any
2 alcohol or drugs today?

3 THE WITNESS: No, sir.

4 THE COURT: Were you under the influence of any
5 alcohol or drugs the last time you testified in front
6 of me?

7 THE WITNESS: You're talking about just now?

8 THE COURT: No, I'm talking about back a week
9 ago.

10 THE WITNESS: No, sir.

11 THE COURT: Approximately --- I don't know, maybe
12 November 3rd, about a week or so ago. I don't remember
13 the exact date. Same courtroom, you were in the same
14 seat. Were you under the influence of any alcohol or
15 drugs then?

16 THE WITNESS: No, sir.

17 THE COURT: In your meeting where --- with
18 Investigator Streeter, I guess, the first meeting when
19 you met with him that time, were your under the
20 influence of any alcohol or drugs?

21 THE WITNESS: No, sir.

22 THE COURT: And when you met with Ms. Garfield
23 and Ms. Good and Investigator Streeter after you
24 testified in front of me, were you under the influence
25 of any alcohol or drugs?

1 THE WITNESS: No, sir.

2 THE COURT: All right. Mr. Moore, I'm going to
3 find that you have waived your Fifth Amendment right
4 to remain silent based upon the assertion that you
5 have lied to the police, and I'm going to explain to
6 you why I'm going to do that because I want you to
7 understand what I'm doing and what the requirements of
8 this court are.

9 My issue is this. Number one, you originally
10 gave a statement to law enforcement which, in October
11 of this year, according to you and according to your
12 lawyer, you told a member of the solicitor's office
13 who is an investigator that you lied to the police and
14 you didn't claim any Fifth Amendment right to remain
15 silent in that meeting.

16 You then came before this court on November 3rd,
17 swore to tell the truth, and you admitted to me with
18 your lawyer present and with the court reporter
19 present that your statement --- I don't remember if
20 you said your entire statement or portions of your
21 statement, but that something you had originally told
22 the police back in July of 2013 thereabouts was a lie
23 or portions of it were a lie.

24 In that hearing, you didn't invoke your right to
25 remain silent. You didn't invoke your Fifth Amendment

1 against privilege --- against self-incrimination and
2 your lawyer was present for that.

3 When you then again met with the solicitor's
4 office and two assist solicitors and a criminal
5 investigator, you again told them that your statement
6 was a lie without ever invoking your Fifth Amendment
7 right to remain silent or refusing to answer any
8 questions based upon self-incrimination.

9 So as it goes to the idea that your original
10 statement to police was a lie or was not a lie, you
11 have waived your Fifth Amendment right to remain
12 silent, and you are going to need to answer the
13 questions from the State and from the defense
14 concerning this case and your knowledge about this
15 case. Do you understand that?

16 THE WITNESS: Yes, sir.

17 THE COURT: Do you have any questions about that?

18 THE WITNESS: No, sir.

19 THE COURT: Okay. Do you want to confer with
20 Ms. Good and then determine if you need to ask me any
21 questions?

22 THE WITNESS: Uh-huh.

23 THE COURT: Okay. Why don't you walk up to her
24 and talk to her right now. I'll --- I want to make
25 sure you don't have any questions about what I'm

1 ordering you to do, okay.

2 THE WITNESS: All right.

3 MS. GOOD: Just to clarify, Your Honor, before I
4 speak with him, you're saying that's just as to lying
5 to the police, not other issues regarding the Fifth
6 Amendment right? The cross-examination of the phone
7 calls and ---

8 THE COURT: Well, the phone calls are not
9 incriminating. Meeting with people is not
10 incriminating. Being at someone's place of business
11 is not incriminating. Potentially whether or not he
12 disposed of any weapons in the case, that I'm still
13 thinking about.

14 MS. CAMPBELL: He has already been asked that and
15 denied that before.

16 THE COURT: Who did he deny that to?

17 MS. CAMPBELL: That was in his second interview,
18 Your Honor. That should have been in what I handed up
19 to you.

20 THE COURT: I'm sorry. I have that.

21 MS. CAMPBELL: You have that? Here it is.

22 THE COURT: I think you took it back. I'll hand
23 it back to the court.

24 And that was information that was turned over to
25 defense counsel.

1 THE COURT: Yeah, he needs to come back up here.

2 THE BAILIFF: Quiet, please. Quiet.

3 Okay. You can just stay right there.

4 THE COURT: That's fine. I don't need you to
5 walk all the way back up here. Did you understand
6 your conversation with your lawyer?

7 THE WITNESS: Yes, sir.

8 THE COURT: Now, you are going to be required by
9 this court to answer the questions that are proposed
10 to you today. Do you understand that?

11 THE WITNESS: Yes, sir.

12 THE COURT: And you will be under oath when you
13 are asked those questions. Do you understand that?

14 THE WITNESS: Yes, sir.

15 THE COURT: Do you have any questions about that?

16 THE WITNESS: No, sir.

17 THE COURT: I know that's not what you want to do
18 and I understand that, but do you understand the
19 ruling of this court?

20 THE WITNESS: Yes, sir.

21 THE COURT: Do you understand that I'm going to
22 require you to answer those questions?

23 THE WITNESS: Yes, sir.

24 THE COURT: Okay. Thank you very much. You can
25 go back outside. I don't know who the next witness

1 is, but thank you very much. Do not leave.

2 All right. Now, bring in Ms. Barnes.

3 Oh. I need to --- get him again. I'm sorry. I
4 completely forget something. All right. Mr. Moore,
5 you can just stay right there. That's fine. I'm
6 sorry. I forget something I needed to tell you, okay.
7 Can you hear me okay?

8 THE WITNESS: Yes, sir.

9 THE COURT: Okay. Now, I know that there's been
10 some information in the different statements that you
11 have given about gang activity, okay, and you're not
12 going to be allowed to say anything about any gang
13 activity. Do you understand that?

14 THE WITNESS: Yes, sir.

15 THE COURT: Do you have any questions about that?

16 THE WITNESS: No, sir.

17 THE COURT: Okay. Thank you very much. Didn't
18 somebody request that earlier?

19 MS. CAMPBELL: I did.

20 MS. GOOD: And I had already counseled him about
21 that earlier.

22 THE COURT: Okay. Great. Thank you, Ms. Good.
23 Okay, Ms. Barnes, have you had an opportunity to talk
24 to Mr. Aiken?

25 THE WITNESS: Yes, sir.

1 THE COURT: That's your lawyer?

2 THE WITNESS: Yes.

3 THE COURT: Are you under the influence of any
4 alcohol or drugs today?

5 THE WITNESS: No, sir, no, sir.

6 THE COURT: All right. Ms. Barnes, I'm going to
7 order that you answer the questions that have been
8 proposed to you today, all the questions that have
9 been proposed to you thus far. Okay?

10 THE WITNESS: Okay.

11 THE COURT: None of those questions in my
12 opinion, based upon the information that's been
13 provided to me and the questions that you were asked,
14 while I know that you do not want to answer them, and
15 you do not want to be here, none of those questions
16 incriminate you personally. They do not rise to the
17 level of anything that the State could prosecute you
18 for or that you would be exposing yourself to criminal
19 liability.

20 Okay. I know that you do not want to answer
21 those questions, and I understand that. I know that
22 in this case, you would rather be sitting behind your
23 son instead of having to wait outside to testify, and
24 I understand that. I appreciate that and respect
25 that, okay, but you are going to be required to answer

1 the questions put forth to you by both the State and
2 the defense as proposed when we did the in camera
3 hearing, which means outside the presence of the jury
4 just a little while ago. That same line of
5 questioning, you'll need to answer each one of those
6 questions. Do you understand that?

7 THE WITNESS: Yes, sir.

8 THE COURT: My basis for that is telling who was
9 at your house or what they had on is not --- it
10 doesn't incriminate you. It's not something that
11 looks --- that a prosecutor or a law enforcement
12 officer could look at you and say I'm going to
13 prosecute you based upon the way that you answered
14 those questions. Does that make sense?

15 THE WITNESS: Yes.

16 THE COURT: Thank you very much. You can go
17 back. Do you have any questions about that?

18 THE WITNESS: No.

19 THE COURT: Anything else, Ms. Campbell?

20 MS. CAMPBELL: The part that I want to make sure
21 we don't go there is ---the hoodie that Trenton has on
22 that she identifies, she talks about the snag or the
23 rip in it, she knows that's the hoodie because he
24 knows that's the hoodie because that's the hoodie the
25 hoodie he had on when he got arrested for running from

1 police ---

2 THE COURT: Right. Okay.

3 MS. CAMPBELL: So we just don't need to mention
4 that he was on probation or arrested on a prior
5 occasion.

6 THE COURT: Do you understand what Ms. Campbell
7 is saying?

8 THE WITNESS: Uh-huh.

9 THE COURT: Here is one of the things that I
10 don't want the jury to know, okay. I don't want ---
11 and I don't even know this to be a fact, okay, but I
12 don't want the jury to have any inference that your
13 son --- either one of your sons or Mr. Young was in
14 any type of gang. Now, I have no personal knowledge
15 as to whether they were or not. Does that make sense?

16 THE WITNESS: Yes, sir.

17 THE COURT: Now, if the hoodie, the gray hoodie
18 for lack of a better term, got ripped while somebody
19 was running from the police, I don't want the jury to
20 know that, okay.

21 THE WITNESS: All right.

22 THE COURT: I want them to make a decision based
23 upon the evidence in this case, not anything that may
24 have happened in the past or may not have happened in
25 the past, so don't go --- if you're asked about that,

1 you don't need to go into, well so and so ripped it
2 while they were running from the police because they
3 were about to get arrested. That's information that
4 would not be beneficial to Mr. Barnes in this case.
5 Does that make sense?

6 THE WITNESS: Yes, sir.

7 THE COURT: Okay. Do you understand that?

8 THE WITNESS: Yes, sir.

9 THE COURT: Okay. Thank you very much. You may
10 wait back outside. Okay.

11 Here is what we're going do. All right. It's
12 2:30. We've had our jurors waiting for a little
13 while. Let's take a short break so everybody can kind
14 of regroup. Who is the next witness?

15 MS. CAMPBELL: Mr. Moore.

16 THE COURT: Mr. Moore. Okay, and is Ms. Barnes
17 coming up this afternoon?

18 MS. CAMPBELL: Yes, sir.

19 THE COURT: Okay. So if everybody can kind of
20 regroup, process through what we just went through.

21 All right. Now --- we're just going to make a
22 new rule for this point forward. The new rule for the
23 audience is this. Mr. Dye, are you listening?

24 THE BAILIFF: Yes, sir.

25 THE COURT: Okay. So unless you're a lawyer, and

1 that means an active member of the South Carolina Bar
2 or in the media, I don't want any cell phones in the
3 courtroom at all. We're going to put a form of the
4 Judge Lee rule into effect. If you're with the media,
5 you're allowed to have a cell phone because I have you
6 under court order if I hear your phone go off, and if
7 you're a lawyer, you're an officer of this court and
8 you know your phone is not allowed to go off.

9 Otherwise, no one in the courtroom is going to
10 get to have a phone. You need to leave it in the car,
11 put it in the car, do whatever your need do with it.
12 That way we're just not going to have anymore cell
13 phone issues. It's not fair to this jury to be having
14 all this movement out here, and it's not fair to the
15 parties either. It's not fair to either defendant or
16 the State that a juror could miss something going on
17 because I got bailiffs running all over the place
18 looking for phones. Okay. So unless you're a lawyer
19 or you're a member of the media or you worked with
20 Mr. Schnee's office, the Public Defender's office or
21 the solicitor's office, no phones in the courtroom at
22 all. Okay.

23 Now, some of you may have phones right now, and I
24 understand that. So you will be given an opportunity
25 to go do whatever you need to do with those phones.

1 Whose phone is this (indicating).

2 THE COURT: Okay. All right. Now. You got me?

3 UNIDENTIFIED WOMAN: Okay.

4 THE COURT: You can get this back to her. So
5 when someone comes in here, Mr. Dye, if they're not a
6 lawyer, you tell them they can't come in with a phone.
7 They have to put it somewhere else.

8 THE BAILIFF: Yes, Your Honor.

9 THE COURT: I'm doing that so everybody knows,
10 out of fairness to the defendant and the State so the
11 jurors don't lose focus on what'd going on the witness
12 stand because everybody and their mama is running
13 around trying to get phones out of the courtroom.

14 Let's take about ten minutes. Everybody kind of
15 regroup and then we'll come back and get started.
16 Thank you very much.

17 (WHEREUPON, a short break was taken.)

18 (WHEREUPON, State's Exhibit Numbers 405-419 were
19 marked for identification only.)

20 THE COURT: Are you good?

21 MR. SCHNEE: I have a completely separate issue.

22 THE COURT: Do you have anything?

23 MR. KRZYSTON: No, Your Honor.

24 THE COURT: Okay. Do you have anything before we
25 start back?

1 MS. GARFIELD: No, sir.

2 THE COURT: Okay. Go ahead.

3 MR. SCHNEE: May it please the Court, Your Honor.
4 Over the lunch break, I was given an email by
5 Ms. Garfield. Apparently, it looks like on
6 October 22nd, a couple weeks ago, solicitors met with
7 a witness by the name of Carlos Smith.

8 I had previously been given a written statement
9 that he had given a long time ago or sometime ago, and
10 the entirety of the written statement contains
11 information that he got from Troy Stevenson allegedly
12 at jail.

13 The new version that I got just today says,
14 according to the investigators, that he also talked
15 with Lorenzo and that Carlos Smith also talked to
16 Trenton Barnes. Specifically, when he says he talked
17 to Trenton Barnes in the yard quote unquote on August
18 19th, 2014 --- August 14th, I'm sorry, August 19th at
19 the jail.

20 THE COURT: Of what year?

21 MR. SCHNEE: This year.

22 THE COURT: Okay.

23 MR. SCHNEE: And apparently then Trenton told him
24 that he shot the lady, he tried to pin it on his
25 brother first, and then Lorenzo finally admitted to

1 doing it. I've never been given that information
2 before. This was still during our lunch break. I
3 talked to Dolly about it, and I asked her to pull the
4 housing records from Alvin S. Glenn Detention Center.
5 The housing records show that Trenton Barnes for that
6 entire time that Mr. Smith claims this conversation
7 could have taken place, my client was housed in the
8 Kilo dorm at Alvin S. Glenn.

9 As for --- I'm sorry, not Kilo, India. Carlos
10 Smith, however, for that entire period of time was in
11 Kilo and then moved on August 19th to SHU, which is
12 the secure housing disciplinary unit.

13 The problem I have, Your Honor, in terms of
14 cross-examination is that this is the first time I'm
15 hearing it. I don't have witnesses available to
16 refute this. Clearly, I would want a map of the jail.
17 I would want the jail staff here to authenticate these
18 records in order to prove that Mr. Smith is clearly
19 lying about when this conversation could have taken
20 place. They've never been in the same dorm together.
21 Based on the fact that I've been given this today, I'm
22 moving to exclude Mr. Smith as a witness against my
23 client or in the alternative, I would need a
24 continuance for at least some amount of time before he
25 testified in order subpoena the jail and get a proper

1 map showing all the dorms, showing where the exercise
2 yards are, the recreational yard, and how far apart
3 those dorms are. They are in completely separate
4 wings.

5 THE COURT: I know where they are, yes.

6 MR. SCHNEE: It kind of leaves me in a difficult
7 spot cross-examining a witness with information that I
8 got less than an hour ago.

9 THE COURT: When is he up as a witness?

10 MS. GARFIELD: We're not anticipating calling him
11 today. And, Judge, just for the record, I found this
12 --- it was given to defense counsel in email fashion.
13 I went to my email to provide one to Mr. Smith's
14 attorney, Tivis Sutherland, just to make sure we
15 didn't have any further Riddle issue or anything of
16 that nature. At that time, I realized that my email
17 whatever date he referenced, I had sent it to Mark
18 Schnee, but I sent to the wrong email address. I
19 caught that and sent it to him.

20 THE COURT: Okay. We'll deal with this issue
21 later. Let's get through this afternoon. I'm not
22 making any decision, but I'm just letting him process
23 through it and get through where we are right now and
24 we'll circle back.

25 MR. SCHNEE: Yes, sir, Your Honor. I'm just

1 wanted to bring that to the Court's attention. I'm
2 not blaming the solicitor for trying to withhold this
3 information.

4 THE COURT: I understand.

5 MR. SCHNEE: I'm sure it was an oversight, but it
6 just generates a problem.

7 THE COURT: I didn't take it as you blaming
8 anyone.

9 THE COURT: Okay. Are you Mr. Schleuter?

10 THE WITNESS: Yes, sir.

11 MS. GARFIELD: We are not calling him. He was on
12 the witness list, but we will not be calling him.

13 THE COURT: I'm sorry if I'm saying your last
14 name wrong. I apologize, but I just remember the
15 female witness, and I remember two names on the list,
16 but the State is not calling him; is that right?

17 MS. GARFIELD: That's correct.

18 THE COURT: Do you plan on calling him that you
19 would need him excluded, Mr. Krzyston?

20 MR. KRZYSTON: No, Your Honor.

21 THE COURT: How about you, Mr. Schnee?

22 MR. SCHNEE: No, sir.

23 THE COURT: I just wanted to double check. I
24 didn't want to get started and then...

25 MS. GARFIELD: I apologize, Judge. I knew he was

1 coming. I did not know he was in here.

2 THE COURT: That's okay. All right.

3 MS. SIMPSON: I went ahead and told her we were
4 withdrawing those photographs.

5 THE COURT: Okay.

6 (WHEREUPON, the jury entered the courtroom at
7 2:53 P.M.)

8 THE BAILIFF: The jury is seated, Your Honor.

9 THE COURT: Ladies and gentlemen, I apologize for
10 keeping you outside so long. Most of the time, when
11 we are doing things outside of your presence, which
12 are legal matters, I'm trying to accomplish as much as
13 possible so that when I do have you in here, we can
14 move along as smoothly as possible. Now, as you know,
15 some things are out of my control. You understand
16 that, but I wouldn't keep you out for an extended
17 period of time if it wasn't an attempt to keep things
18 moving once you come back in instead of us having to
19 take multiple breaks.

20 I apologize. I accept responsibility. Nothing
21 should be thought or assumed against any of the
22 parties or anything else. It was me merely handing
23 issues that I'm required to handle outside of your
24 presence. Thank you.

25 You may call your next witness.

1 MS. CAMPBELL: May it please the Court. The
2 state calls Donald Moore.

3 DONALD MOORE,
4 after being duly sworn, testified as follows:

5 THE CLERK: Please have a seat. State your full
6 name for the record.

7 THE WITNESS: Donald DeAngelo Moore.

8 DIRECT EXAMINATION:

9 BY MS. CAMPBELL:

10 Q Mr. Moore, how old are you?

11 A Twenty-one.

12 Q Do you work?

13 A No.

14 Q Do you live in the Columbia area?

15 A Yes, ma'am.

16 Q How long have you been living in Columbia?

17 A Four years.

18 Q All right and prior to being in Columbia where
19 did you live?

20 A New Orleans, Louisiana.

21 Q Is that where you grew up?

22 A Yes, ma'am.

23 Q Do you know Lorenzo Young?

24 A Yes, ma'am.

25 Q Can you tell the jury how you know him?

1 A From the street.

2 Q And when you say from the street, do y'all
3 frequent the same area?

4 A I only seen him one time before.

5 Q On the street?

6 A Yeah.

7 Q Do you know Trenton Barnes?

8 A Yeah, that's my boy.

9 Q That's your boy?

10 A Yeah.

11 Q What you mean when you say that's your boy?

12 A We was friends.

13 Q You are friends?

14 A Yeah.

15 Q And did you know his brother, Troy Stevenson?

16 A Yes, ma'am.

17 Q How did you know Troy?

18 A He was my boy, too.

19 Q Did you live near them?

20 A Yes, ma'am.

21 Q What street do you live on?

22 A Lily Avenue.

23 Q Lily Avenue?

24 A Uh-huh.

25 Q And what street do Trenton and Troy live on?

1 A I don't know the name of the street, I just know
2 how to get there.

3 Q Do you know what the house looks like?

4 A Burgundy and white.

5 Q It's a white house with burgundy trim?

6 A Yes, ma'am.

7 Q It's near, it's within walking distance from your
8 house, right?

9 A Yes, ma'am.

10 Q I want to talk to you a little bit about what you
11 know about this case. I want to turn your attention
12 back to the Thursday before this murder occurred.

13 A I told them I lied about all that. There wasn't
14 nothing in that confession true.

15 Q Okay. So none of it was true?

16 A None of it.

17 Q Well, let me ask you this. Do you remember
18 talking to the police on Tuesday, July 2, 2013, around
19 6:44?

20 A Yeah.

21 Q Do you remember when you talked to them that they
22 recorded your statement?

23 A Yeah.

24 Q Do you remember when you came forward and talked
25 to them that that was at the Columbia Police

1 Department, I believe?

2 A Yes, ma'am.

3 Q In fact, they came and picked you up that day; is
4 that correct?

5 A Uh-huh.

6 Q How did they know to come pick you up?

7 A I called them.

8 Q Had you called anybody before you actually called
9 the police themselves?

10 A I called the number on the TV.

11 Q The number on the TV?

12 A Yeah.

13 Q And the reason you called the number on the TV is
14 because you had information?

15 A I lied in my story.

16 Q Okay. Let me ask you this. Do you remember in
17 that conversation with them --- who were you speaking
18 with? Do you remember Investigator McCoy?

19 A Yeah, right there.

20 Q Sergeant Reese?

21 A Those two right there.

22 Q Those two on either end of the table?

23 A Yes, ma'am.

24 Q Do you remember telling them that last Thursday
25 that you had seen Lorenzo and Troy?

1 A I probably did. All this is a lie. I don't
2 know.

3 Q Do you remember telling them that you had seen
4 them off Bonner Avenue, there is a cul-de-sac right
5 there?

6 A Yeah.

7 Q And there was Troy, Tyreek, and Lorenzo?

8 A Yeah.

9 Q So that would be Lorenzo Young and Troy Stevenson
10 and they were talking about the Ale House. Do you
11 remember that? Did you tell them that?

12 A Yeah, I told them that.

13 Q And that they told you about an operation they
14 had going on with the Ale House?

15 A That was a lie.

16 MR. SCHNEE: Judge, may we approach?

17 THE COURT: Yes, sir.

18 (WHEREUPON, a bench conference was held in the
19 presence, but not within the hearing of the
20 jury.)

21 MR. SCHNEE: Judge, I object for the record, and
22 I'll be putting the exact reason on later.

23 THE COURT: Overruled.

24 MR. SCHNEE: Thank you.

25 MR. KRZYSTON: I'll join in that objection,

1 Judge.

2 THE COURT: Very well.

3 MR. KRZYSTON: It's State v. Bottoms, Judge, is
4 the case.

5 BY MS. CAMPBELL:

6 Q And do you remember telling them, the police
7 officers you were talking to, did you tell them that
8 they were talking about doing a robbery at the Ale
9 House?

10 A Yeah, it was a lie though.

11 Q I'll get back to that part. And do you remember
12 telling them that they were trying get you to come in
13 and do the robbery with them?

14 A No, I don't recall that.

15 Q So you deny saying that?

16 A Yeah.

17 Q In that same conversation back on July 2nd, do
18 you remember telling --- did you tell them that
19 Lorenzo, he had bought a 40, a Glock 40 all black
20 because he had it out the door when I was walking down
21 the street?

22 A That's a lie.

23 Q You didn't tell him that or you did tell them
24 that?

25 A Yeah. That's what I said.

1 Q You did tell them that?

2 A Yeah.

3 Q Do you remember telling them it was black with
4 white down sites?

5 A I said everything that you got on that paper
6 right there, everything.

7 Q You just have to answer my questions, okay?

8 THE COURT: Here is how this works, Mr. Moore.
9 You need to answer her question and you'll be allowed
10 to explain yourself. Okay. I won't let her cut you
11 off, okay?

12 THE WITNESS: Okay.

13 THE COURT: But you need to answer the question
14 she asks you. If you need to explain yourself, you'll
15 be given that opportunity, okay?

16 THE WITNESS: Yes, sir.

17 MS. CAMPBELL: Thank you.

18 THE WITNESS: Yes, ma'am.

19 BY MS. CAMPBELL:

20 Q That that gun he showed it to you. Do you
21 remember telling them that?

22 A Yes, ma'am.

23 Q Because you got mad at him. You told him because
24 there was some kids on the street.

25 A Yes, ma'am.

1 Q And you asked him --- and this is your
2 terminology --- do you remember telling them that you
3 asked him what the fuck you're your pointing that gun
4 over here for?

5 A Yes, ma'am.

6 Q That you got real with him?

7 A Yes, ma'am.

8 Q And you called him my bad bro?

9 A Yes, ma'am.

10 Q And then you told them that --- did you tell them
11 that you told him to put the shit up and go in the
12 house?

13 A Yes, ma'am.

14 Q And that he did?

15 A Yes, ma'am.

16 Q Did you tell them that he, being Lorenzo, knew
17 better than to point that at your face?

18 A I don't remember saying that. I probably did
19 though.

20 Q You don't remember?

21 A I probably did.

22 Q Okay. Do you remember telling them that if you
23 wanted to punch him, you could have punched him?

24 A Yeah.

25 Q And that that was on that Sunday. That would

1 have been three days before you're talking about him
2 around 7:45, 8:00 o'clock at night?

3 A Yes, ma'am.

4 Q That's what you told them?

5 A Uh-huh, yes, ma'am.

6 Q Did you tell them that you were right under a
7 street light so you could see the gun?

8 A I probably --- yeah. Yes, ma'am.

9 Q And that when you told him to take the gun in the
10 house, you told the police officers back on July 2nd
11 that Lorenzo took the gun into Troy's house on
12 Lucille?

13 A Yes, ma'am.

14 Q Is that what you told them?

15 A Yes, ma'am.

16 Q And that you told them that the house was
17 burgundy and white?

18 A Yes, ma'am.

19 Q I'm going to move on. In that same conversation
20 you were having with the police back on July 2nd of
21 2013, do you remember talking to them about what you
22 had seen on the news as far as the bakery video?

23 A Yes, ma'am.

24 Q Did you tell them that the hat Lorenzo had on is
25 the one --- that he wears that hat all the time,

1 that's a red grizzly hat, the hoodie and all that. He
2 had that shit on all the time. Is that what you told
3 them?

4 A Probably, yeah.

5 Q And that you told them you had seen him with that
6 on plenty of times?

7 A Yes, ma'am.

8 Q And then they asked you about talking about the
9 hoodie. You said, "Snap back, no. Snap back. He had
10 it on under there. You can see him clutching it. You
11 got the video?"

12 A Yeah.

13 Q That's what you told them? You said the first
14 time basically you saw him, he had that hoodie on?

15 A Yes, ma'am.

16 Q And then they asked you about seeing the video
17 again and about the gray jacket in the video?

18 A Yes, ma'am.

19 Q And you said that Troy wears that all the time?

20 A Yes, ma'am.

21 Q And you told them that based on your view, you
22 thought it was Troy and Lorenzo in that video?

23 A Yes, ma'am.

24 Q Sorry. I just have to flip this.

25 (Pause.)

1 Then they went back and asked you some more
2 questions about what Lorenzo was wearing that night
3 when you saw him around 7:30 or 8:00 the night before
4 this happened, that Sunday night?

5 A Yes, the red clothes.

6 Q Do you remember what you told them?

7 A I said a red jacket, I think, and some black
8 pants.

9 Q Black pants?

10 A Uh-huh.

11 Q Do you remember anything your told them about the
12 shoes?

13 A No.

14 Q Do you remember telling them black and white
15 Barkley's?

16 A No, I don't remember that far.

17 Q Okay. Do you remember why you came forward?

18 A Yes, ma'am.

19 Q What did you tell them about why you came
20 forward?

21 A I said it was tragic.

22 Q It was tragic?

23 A Yeah.

24 Q Shouldn't happen to anybody like that?

25 A Yeah, that's what I said.

1 Q And that because of what you'd seen, you didn't
2 even think you should get paid for what you were
3 telling them?

4 A Yeah.

5 Q That's what you told them on July 2nd?

6 A Yes, ma'am.

7 Q And like you said over and over, now you're
8 saying that's a lie?

9 A Yeah, that's what I had the meeting for.

10 Q Okay. I'll get back to that?

11 A I'm sorry.

12 Q That's okay. Then the next day did you meet with
13 investigators again on July 3rd after this had
14 happened?

15 A Yeah. They tried to get me to get them to call.

16 Q Do you remember being shown some photographs?

17 A Yes, ma'am, of Lorenzo.

18 Q I'm going to show you some photographs.

19 MR. KRZYSTON: Judge, we're going to object.

20 MS. CAMPBELL: I need to mark this.

21 THE COURT: Approach.

22 (WHEREUPON, a bench conference was held in the
23 presence, but not within the hearing of the
24 jury.)

25 (WHEREUPON, State's Exhibit Number 420 was marked

1 for identification only.)

2 BY MS. CAMPBELL:

3 Q I'm going to show you what's been marked as
4 State's Exhibit ---

5 MR. SCHNEE: Hold on.

6 THE COURT: One second.

7 (WHEREUPON, a bench conference was held in the
8 presence, but not within the hearing of the
9 jury.)

10 BY MS. CAMPBELL:

11 Q I want to show you what's been marked as 420. Do
12 you recognize these as the photographs you were shown?
13 Do you want to look through it or do you want me to
14 look through it for you?

15 A It only shows one picture. I didn't get no
16 lineup right there.

17 Q And you recognize this person? You circled it?

18 A Yes, ma'am.

19 Q And then you wrote down the name of the person
20 you recognized?

21 A Yeah.

22 Q Okay. And that was shown to you by which
23 investigator, do you remember?

24 A McCoy.

25 Q Mr. McCoy?

1 A Uh-huh.

2 MS. CAMPBELL: Your Honor, at this time we would
3 offer it subject to the redactions. I'm not going to
4 publish it.

5 MR. SCHNEE: So long as it's redacted.

6 MR. KRZYSTON: No objection.

7 THE COURT: What's the number?

8 MS. CAMPBELL: 420, Your Honor.

9 THE COURT: Okay. 420 without objection.

10 (WHEREUPON, State's Exhibit Number 420 was
11 admitted into evidence.)

12 BY MS. CAMPBELL:

13 Q Without going into it again, and then in August
14 --- I think it's August --- I said the 9th or the 18th,
15 I'm not sure of the exact date, but in August of that
16 year, 2013, did you have another recorded phone call
17 with Investigator McCoy where he talked to you over
18 the phone?

19 A Yeah, yeah. Yes, ma'am.

20 Q And he basically asked you some additional
21 questions?

22 A He asked --- he said who I say which one was
23 Lorenzo, which one was Troy?

24 Q And you told him Lorenzo was in the red?

25 A Yes, ma'am.

1 Q And you thought the other one was Troy?

2 A I told him, I said that Troy was in the gray.

3 Q And then you had a conversation about whether it
4 could be Trenton?

5 A No, I never said nothing about Trenton.

6 Q In August, you were at your home about --- do you
7 deny saying that?

8 A Yes, ma'am.

9 Q About it could be Trenton?

10 A Yes, ma'am.

11 Q So you deny that part?

12 A Yes, ma'am.

13 Q And again, that took place August 9th with
14 Investigator McCoy. Do you remember where you were
15 when you received that phone call?

16 A Probably --- I was at home. Yeah, I was at home.

17 Q You were at home?

18 A He came and brought the phone to me.

19 Q And there was a recorded conversation of what you
20 said to them?

21 A That it was Lorenzo with the red on?

22 Q Uh-huh.

23 A And Troy with the gray on?

24 Q You deny talking about it could have been
25 Trenton?

1 A Yeah.

2 Q Moving forward then, you didn't have any more
3 contact with anybody from law enforcement for a long
4 time in this case, right?

5 A No, ma'am.

6 Q And then on October 20th of this year, just a few
7 weeks ago, you met with an investigator, I believe in
8 my office, and your lawyer?

9 A Streeter.

10 Q And then with your lawyer?

11 A Yes, ma'am.

12 Q And your lawyer is here in the courtroom, right?

13 A Yes, ma'am.

14 Q Is that her with the purple shirt on in the third
15 row?

16 A Yes, ma'am.

17 Q And when you met with them, basically you
18 listened to the recorded conversation?

19 A Yes, ma'am.

20 Q That we've been talking about?

21 A Yes, ma'am.

22 Q And at that point, according to you, you told
23 them that it was all right except there was one lie in
24 it?

25 A Yes, ma'am.

1 Q Is that what you told them at that time? But
2 then ---

3 A No, I said everything was a lie but one part.
4 Yeah, I ain't saying everything was right. I said
5 everything was a lie but one part.

6 Q Your lawyer was there.

7 A Yeah, she was in there.

8 Q Then there was a hearing in this courtroom on
9 November 3rd of this year, and that's when you said
10 that there were two lies?

11 A Yes, ma'am.

12 Q Is that right?

13 A Yes --- no, I said there was two things that was
14 the truth.

15 Q Well, I'm getting to that. Then the next day you
16 met with investigators from my office and lawyers from
17 my office, and That's when you said the entire
18 statement was a lie except for two parts. Does that
19 sound right?

20 A The day before I said --- the day before when I
21 came in I said I lied about everything and that's when
22 we had the meeting. Then I told them I lied about
23 everything but two parts, and I told him the two
24 parts, yes, ma'am.

25 Q And you said that you had made it all up just

1 because you were worried about getting implicated?

2 A No, I made it up because I didn't know Troy had a
3 stepdad in Charlotte. I thought he was about me, so I
4 made up a story.

5 Q Made up a story. You weren't scared?

6 A No, I wasn't scared. What was I going to be
7 scared of?

8 Q The person that you know as Lorenzo that we've
9 been talking about here today. Do you see him here in
10 the courtroom?

11 A Yes, ma'am.

12 Q And he's the one you picked out of the lineup?

13 A Yes, ma'am.

14 Q Can you point him out for the jury?

15 A Yeah, that's him right there.

16 Q What's he wearing?

17 A White shirt.

18 Q And what else?

19 A A blue tie.

20 Q Thank you. The person that we've talking about,
21 Trenton, do you see him here in the courtroom?

22 A Yes, ma'am.

23 Q Can you point him out for the jury?

24 A Right there, in the black shirt.

25 Q Farthest near the wall?

1 A Yes, ma'am.

2 MS. CAMPBELL: Your Honor, may the record reflect
3 that he has identified both defendants?

4 THE COURT: So reflected.

5 BY MS. CAMPBELL:

6 Q What did you say Trenton was to you?

7 A That's my boy, my friend.

8 Q Were you closer to Trenton or to Troy?

9 A Trenton.

10 Q And right now as we speak, you have pending in
11 our office a strong arm robbery?

12 A Yes, ma'am.

13 Q And we don't want to go into any details about
14 that. That's pending. Do you know what that carries
15 as far as penalties?

16 A Eight to 15 years, something like that.

17 Q If it's zero to 15, does that sound, right?

18 A Zero to 15, yes, ma'am.

19 Q So you could get anything from probation to 15
20 years?

21 A Yes, ma'am.

22 Q And as far as your prior record back to 2007, you
23 were convicted of false --- is it information or
24 conviction of a bomb or something, conveyance of a
25 bomb or something?

1 A Yes, ma'am.

2 Q That's when you were down in Louisiana, and since
3 you've been here, in 2012 you were convicted of two
4 counts of burglary in the second degree?

5 A Yes, ma'am.

6 Q That was back in April of 2012. You got
7 convicted of that?

8 A Yes, ma'am.

9 Q Sound right?

10 A Yes, ma'am.

11 Q Do you want to be here today?

12 A No, ma'am.

13 Q Are you under subpoena?

14 A Yes, ma'am.

15 MS. CAMPBELL: Beg the Court's indulgence.

16 (Pause.)

17 Thank you, sir.

18 MR. KRZYSTON: Thank you, Your Honor. May it
19 please the Court.

20 CROSS-EXAMINATION:

21 BY MR. KRZYSTON:

22 Q Donald?

23 A Yes, sir.

24 Q Ms. Campbell just asked you do you want to be
25 here today?

1 A Yes, ma'am.

2 Q Do you think anybody wants to be here today?

3 A No, sir.

4 Q All right. Now, you came into this courtroom on
5 November 3rd of this year?

6 A Yes, sir.

7 Q A few shorts weeks ago, and you put your hand on
8 this Bible?

9 A Yes, sir.

10 Q And you swore an oath that you would tell the
11 truth in this courtroom?

12 A Yes, sir.

13 Q And you got up on that stand?

14 A Yes, sir.

15 Q And what you told the court was that everything
16 you had said on the tape was a lie?

17 A Yes, sir.

18 Q Ms. Campbell asked you if you remember back in
19 July of 2013 and seeing or telling the police that you
20 saw Lorenzo and Troy off Bonner Avenue with Tyreek?

21 A Yes, sir.

22 Q And in July of 2013 you told them you did?

23 A Yes, sir.

24 Q But on November 3rd of 2014, you told them that
25 was a lie?

1 A Yes, sir.

2 Q You told the police on that day in 2013, that you
3 had had a conversation with Lorenzo and Troy and
4 Tyreek and that they had pitched to you to be part of
5 this robbery and asked you to be part of a robbery?

6 A Yes, sir.

7 Q But then on November 3rd, 2014, you said that was
8 a lie, didn't you?

9 A Yes, sir.

10 Q You said they were trying to get you to do the
11 robbery then, but when you came back and swore an oath
12 on that Bible, swore an oath on this Holy Bible, you
13 told them the truth, that it was a lie.

14 You told them Lorenzo had bought a Glock 40. It
15 was black with white sights at that point, right?

16 A Yes, sir.

17 Q What did you tell them on November 3rd, 2014?

18 A That it was a lie.

19 Q And in October 2013, you said that Lorenzo had
20 pointed a gun at your face?

21 A Yes, sir.

22 Q What did you tell them on November 3rd, 2014?

23 A That it was a big lie.

24 Q Now, I'm not going to curse, but you asked
25 Lorenzo why was he pointing that gun at your face,

1 right?

2 A Yes, sir.

3 Q And that was a lie?

4 A Yeah, it was lie.

5 Q And it was a lie when you told him on
6 October 2013 that you stood under a street light and
7 that you saw a Glock 40 with white sights and that it
8 was in Lorenzo's possession.

9 You came in here on November 3rd and told him that
10 was a lie?

11 A Yes, sir.

12 Q In October 2013, you said you and Lorenzo went to
13 Troy and Trenton's house on Lucille Drive, correct?

14 A Yes, sir.

15 Q And in October 2013, you said you saw Lorenzo put
16 a gun up?

17 A Yes, sir.

18 Q But on November 3rd, 2014 when you came in here
19 and swore an oath on that Bible in front of the judge,
20 what did you tell them?

21 A I told them I was lying.

22 Q Now, I want to talk about what you told them
23 about some clothing and some video that you had
24 already seen prior to coming and speaking with
25 Investigator McCoy over here and Investigator Reese.

1 A Yes, sir.

2 Q They picked you up, took you down to CPD
3 headquarters and put you in a room?

4 A Yes, sir.

5 Q Y'all started to have a conversation, right?

6 A Yes, sir.

7 Q It's in October 2013, right?

8 A Yes, sir.

9 Q At that point you told them you thought that you
10 could identify Lorenzo and that you could identify
11 Trenton or possibly Troy?

12 A I said Troy.

13 Q But on November 3rd, 2014, what did you come in
14 and tell this court about those facts?

15 A That it wasn't --- it was fixed.

16 Q That it was a lie?

17 A Yeah, it was a lie.

18 Q Now, Donald, you told the police some things that
19 weren't true in October of 2013?

20 A Yes, sir.

21 Q Because of that, three people got arrested.

22 MS. CAMPBELL: Objection, Your Honor.

23 MR. KRZYSTON: The police ---

24 THE COURT: Sustained. Disregard the last
25 statement.

1 MR. KRZYSTON: The Court's indulgence, Your
2 Honor.

3 (Pause.)

4 BY MR. KRZYSTON:

5 Q Now, the last thing that I'm going to ask you,
6 Donald ---

7 A Yes, sir.

8 Q Before you took the stand today ---

9 A Uh-huh.

10 Q --- you touched this Holy Bible again, didn't
11 you?

12 A Yes, sir.

13 Q And on November 3rd, 2014, you touched this Holy
14 Bible?

15 A Yes, sir.

16 Q And on both of those days you swore an oath to
17 tell the truth in this courtroom?

18 A Yes, sir.

19 Q But in October of 2013, when you met with these
20 two gentlemen, there wasn't a Bible in the room, was
21 there?

22 A No, sir.

23 Q And that's when you lied?

24 A Yes, sir.

25 MR. KRZYSTON: No further questions.

1 MR. SCHNEE: May it please the Court, Your Honor.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION:

4 BY MR. SCHNEE:

5 Q Donald, how many photos, on the lineup, how many
6 photos were you shown?

7 A Sir?

8 Q The photos you were shown by Ms. Campbell, how
9 many photos were you shown by the police?

10 A Just one.

11 Q Just one. They asked who that was?

12 A Yes, sir.

13 Q And you told them that was a picture of Lorenzo?

14 A Yes, sir.

15 Q Did they ask how you knew him or anything?

16 A No, no, sir.

17 Q Did they ask you to identify someone on the video
18 or were they just saying do you recognize this photo?

19 A Do I recognize this photo.

20 Q Okay. Now, obviously you're coming in here
21 potentially exposing yourself to more criminal charges
22 and providing false information to police. You talked
23 to your lawyer, right?

24 MS. CAMPBELL: Objection, Your Honor.

25 THE COURT: Sustained. Disregard the last

1 statement.

2 BY MR. SCHNEE:

3 Q When you met with the investigators from the
4 solicitor's office and with the solicitors on
5 November 3rd ---

6 A Yes, sir.

7 Q --- you told them why you lied, didn't you?

8 A Yes, sir.

9 Q Why is that?

10 A Because they said it was charged with Donald, but
11 they wasn't talking about me. I didn't find out until
12 later they was talking about Troy's stepdad.

13 Q When you say they, are you talking about people
14 on the street?

15 A Yeah.

16 Q So street talk out there is the --- if I'm
17 understanding, is that Shorty was involved with this?

18 A Yes, sir.

19 Q And that's a nickname you go by?

20 A Yeah.

21 Q Okay, but you weren't involved in this at all,
22 were you?

23 A No, sir.

24 Q You were never at a meeting the week before this
25 happened?

1 A None of that.

2 Q There wasn't a meeting the week before, was
3 there?

4 A All that was made up.

5 Q You made that up because you thought word on the
6 street was that you were a participant?

7 A Yeah, I know.

8 Q So you went to the police and tried to clear your
9 name?

10 A Yes, ma'am --- I mean, yes, sir, to stop it.

11 Q And by the time you went to the police, other
12 names had already been put out there, right?

13 A Yes, sir.

14 Q And that's why you put Lorenzo's name in there,
15 right?

16 A Yes, sir.

17 Q And that's why you put Troy's name in there?

18 A Yes, sir.

19 Q That's why they were talking about to you about
20 Trenton also?

21 A I told them that I didn't know Trenton. I said
22 me and Trenton don't have no intersection with each
23 other.

24 Q Okay. So you were kind of trying to protect him
25 too, a little bit?

1 A He is my boy.

2 Q I understand that, but Troy is, as well, right?

3 A Yeah.

4 Q You weren't protecting him when you lied to the
5 police?

6 A Yes, sir.

7 Q You were really just trying to protect yourself?

8 A Yes, sir.

9 Q Because you thought that your name was being put
10 out there as involved?

11 A Yes, sir.

12 Q You're coming in here today and you're telling
13 the truth?

14 A Yes, sir.

15 Q Did you ever see anyone in a red hoodie that
16 night or anything related to it?

17 A I wasn't even on that side of town.

18 Q How about the gray sweatshirt, anything like
19 that?

20 A No, sir.

21 Q Okay. I have no further questions.

22 MS. CAMPBELL: Just a few questions.

23 REDIRECT EXAMINATION:

24 BY MS. CAMPBELL:

25 Q And when you talked to the police and came

1 forward back --- that was in July or October?

2 A I think. July, I think.

3 Q July. Was Lorenzo there when you talked to
4 police?

5 A At the police station?

6 Q Uh-huh.

7 MR. KRZYSTON: Objection, Your Honor. Approach,
8 Your Honor?

9 THE COURT: Yes, approach.

10 (WHEREUPON, a bench conference was held in the
11 presence, but not within the hearing of the
12 jury.)

13 THE COURT: All right. Overruled.

14 BY MS. CAMPBELL:

15 Q Were either Lorenzo or Trenton there when your
16 were talking to police?

17 A No, ma'am.

18 Q But when you came to court on November 3rd, were
19 both of them looking at you?

20 A I don't remember.

21 MR. KRZYSTON: Objection.

22 BY MS. CAMPBELL:

23 Q Were both of them in the courtroom?

24 THE WITNESS: No, ma'am.

25 THE COURT: Overruled.

1 BY MS. CAMPBELL:

2 Q And as you said, Trenton is your boy?

3 A Yeah. He's my boy.

4 Q You're trying to protect him?

5 A No. I just ain't put him out there. I ain't
6 even know he was down.

7 Q Okay. You didn't know that part?

8 A No.

9 Q Okay. And Shorty --- the Shorty you heard about
10 who might have some knowledge of this on the street.
11 What relation is he to Trenton Barnes and Troy
12 Stevenson?

13 A Huh?

14 Q The Shorty you were talking about, the reason you
15 came forward?

16 A Yeah, I thought she was talking about me, but
17 they wasn't talking about me.

18 Q Who is the Shorty that you heard about on the
19 street?

20 A The old stepdad.

21 Q Whose stepdad?

22 A Troy and Trenton.

23 Q Troy and Trenton's stepdad.

24 And what is Lorenzo's relationship with Troy and
25 Trenton?

1 A No relationship. I only know Troy and Trenton.
2 I seen Lorenzo one time my whole life.

3 MS. CAMPBELL: Thank you, sir.

4 MR. KRZYSTON: Briefly, Your Honor.

5 RECROSS-EXAMINATION:

6 BY MR. KRZYSTON:

7 Q You said you had seen Lorenzo one time when you
8 identified him. I think today makes what, four, four
9 times that you've seen him your whole life?

10 A Yes, sir. Just seen him one time in my whole
11 life.

12 MS. CAMPBELL: Objection, Your Honor. He just
13 testified that he had only seen him once.

14 THE COURT: He has just testified he saw him once
15 in his whole life.

16 BY MR. KRZYSTON:

17 Q Donald, at the time that you identified ---

18 A Lorenzo?

19 Q Yes.

20 A Yeah, I only had seen him one time.

21 Q And you seen him subsequently you saw him on
22 November 3rd when you testified?

23 A Yeah.

24 Q And then earlier today?

25 A Yeah, I wasn't talking about like that. I was

1 talking about before the case.

2 Q And obviously now?

3 A Yeah, and now.

4 Q When you're in front of him?

5 A I've seen him four times now.

6 Q Now, Ms. Campbell asked you when you came in here
7 and you said that you lied, she asked you if Trenton
8 and Lorenzo were in here?

9 A Yeah.

10 Q And they were?

11 A Yes, sir.

12 Q But Trenton and Lorenzo weren't in the
13 solicitor's office on November 20th when you told them
14 it was a lie, were they?

15 A No, sir.

16 MR. KRZYSTON: No further questions, Judge.

17 MR. SCHNEE: Very briefly.

18 RECROSS-EXAMINATION:

19 BY MR. SCHNEE:

20 Q Is anyone threatening you?

21 A No, I'm good. Good.

22 Q Do you feel pressured at all?

23 A No, good.

24 MR. SCHNEE: All right.

25 THE COURT: Have a nice day. Thank you very

1 much.

2 All right. Call your next witness.

3 MS. CAMPBELL: The State calls Latoya Barnes.

4 MS. GARFIELD: Judge, may I approach while she is
5 coming up?

6 THE COURT: Yes, ma'am.

7 (WHEREUPON, a bench conference was held in the
8 presence, but not within the hearing of the
9 jury.)

10 THE COURT: Yes, ma'am. I'm sorry. I didn't see
11 you down there. I apologize. Come on up.

12 LATOYA BARNES,
13 after being duly sworn, testified as follows:

14 THE CLERK: Have a seat, state your full name for
15 the record.

16 THE BAILIFF: Watch your step. Slide up a little
17 bit forward. All right.

18 DIRECT EXAMINATION:

19 BY MS. CAMPBELL:

20 Q Good afternoon, Ms. Barnes.

21 A Hi.

22 Q Are you from the Columbia area?

23 A Yes, ma'am.

24 Q How long have you been living here?

25 A All my life.

1 Q Do you work?

2 A No, ma'am.

3 Q Where do you live?

4 A 2849 Lucille Drive.

5 Q How long have you been living at 2849 Lucille
6 Drive?

7 A Five years.

8 Q Five years?

9 A Yes, ma'am.

10 Q And do you have any children?

11 A Yes, ma'am.

12 Q And is one of your children Trenton Barnes?

13 A Yes, ma'am.

14 Q And is another one of your children Troy
15 Stevenson?

16 A Yes, ma'am.

17 Q And back in July of last year, were Trenton and
18 Troy living with you?

19 A Yes, ma'am.

20 Q Would that be at the Lucille Street address?

21 A Yes, ma'am.

22 Q Do you know Lorenzo Young?

23 A Yes, I did do.

24 Q Can you tell the jury what Lorenzo Young's
25 relationship is to your family?

1 A He is a friend of my son Troy.

2 Q He is a friend of your son Troy?

3 A Yes, ma'am.

4 Q Is it unusual for Lorenzo to come over to your
5 house?

6 A No, it wasn't unusual.

7 Q In fact, was it unusual for him to stay over at
8 your house?

9 A No, ma'am.

10 Q I want to turn your attention to that Sunday
11 evening, June 30th into the early morning hours of
12 July 1st that we're talking about?

13 A Yes, ma'am.

14 Q Were you at home that night, ma'am?

15 A Yes, ma'am.

16 Q What were you doing at home that night?

17 A Just home.

18 Q Okay. Were there other people in your home, too?

19 A Yes, ma'am.

20 Q At some point earlier in the evening, were
21 Lorenzo and Troy ---

22 A And Trenton.

23 Q And Trenton all there?

24 A Yes, ma'am.

25 Q And were there also some other young men staying

1 at that your house?

2 A Marquis Johnson.

3 Q Marquis Johnson?

4 A Yes, ma'am.

5 Q At some point though did any of these people
6 leave the house that evening?

7 A That night?

8 Q That night, I'm sorry.

9 A Trenton and Lorenzo left that night.

10 Q Do you remember what time that was?

11 A Like eleven, twelve, something like that.

12 Q Eleven or twelve, so that would that be close to
13 midnight?

14 A Yes, ma'am.

15 Q And did you know where they were going at that
16 point?

17 A No, ma'am.

18 Q Was Troy still in your house at that point?

19 A He had already left with other friends.

20 Q With other friends?

21 A He didn't leave with them so it was like a party
22 or whatever.

23 Q But at some point in the early morning hours did
24 Troy come home?

25 A Yes, ma'am.

1 Q And were Trenton and Lorenzo still were not home?

2 A Correct.

3 Q Was Marquis still in your house?

4 A He was like with Troy.

5 Q Okay.

6 A With that group.

7 Q With that group. Okay. So they came back and
8 came to your home?

9 A Yes, ma'am.

10 Q Later in the early morning hours going now to
11 like two or three in the morning were Trenton and
12 Lorenzo still gone?

13 A Yes, ma'am.

14 Q At some point did you receive a phone call that
15 morning around two or three in the morning?

16 A Yes, ma'am.

17 Q You tell me what time was it?

18 A Like two or three in the morning. I'd say about
19 three'ish.

20 Q Three'ish. Okay. And who did you get the first
21 phone call from that morning?

22 A Lorenzo Young.

23 Q And did you actually answer the phone that day?

24 A Yes, ma'am.

25 Q And what if anything did Lorenzo want?

1 A He wanted Marquis Johnson.

2 Q Marquis Johnson?

3 A Yes, ma'am.

4 Q What did you do as a result of what he asked you?

5 A I just gave him the phone. He asked to speak to
6 him.

7 Q Where was Marquis at that point?

8 A Asleep in Troy's room.

9 Q And where was Troy?

10 A Asleep in his room.

11 Q And again were Lorenzo and Trenton still not home
12 at that point?

13 A No, ma'am.

14 Q Once you gave Marquis the phone, did you take it
15 actually to him in the room?

16 A Yes, ma'am.

17 Q What did you do?

18 A I went back in my room.

19 Q Okay.

20 A Yes, ma'am.

21 Q And then a little while later did you get another
22 phone call?

23 A Yes, ma'am.

24 Q Did you answer that one?

25 A Yes, ma'am.

1 Q Who was it?

2 A Lorenzo Young.

3 Q At that point what if anything did you say to
4 Lorenzo about your other son Trenton?

5 A Where is Trenton? He said that we're right down
6 the street, Ms. Barnes. And I was like tell Trenton
7 to come on home.

8 Q At that point what did you do with the phone?

9 A Gave the phone to Marquis Johnson.

10 Q And, again, did you walk it down to the room
11 where Troy was?

12 A Well, across the hall.

13 Q Across the hall, I'm sorry. Please don't let me
14 put words in your mouth, okay.

15 At that point, did you leave the phone with
16 Marquis?

17 A Yes, ma'am.

18 Q And where did you go?

19 A Back to my room.

20 Q Did you go to sleep that night?

21 A Yeah, I went to sleep.

22 Q At some point, do you know when or if Trenton ---
23 oh, excuse me. At some point, did you know if anybody
24 else the house that evening?

25 A No, ma'am.

1 Q What about Troy?

2 A When I --- he went to go get his brother.

3 Q That's why I'm getting at. Was that after the
4 second phone call?

5 A Yes, ma'am.

6 Q Okay.

7 A Not like after or whatever. When it took a
8 minute for him not to come home after I spoke to
9 Mr. Young.

10 Q After you spoke to Mr. Young?

11 A And told him to come home. It was a good little
12 minute, so I told him to go get your brother.

13 Q And who did you tell to get his brother?

14 A Troy Stevenson.

15 Q What did Troy do as a result of what you told him
16 to do?

17 A He went to go look for his brother.

18 Q So this would have been sometime after
19 three o'clock in the morning?

20 A Yes, ma'am.

21 Q And when he left, what did you do?

22 A I just went back to my room.

23 Q At some point, did you see Troy or Lorenzo or
24 Trenton anymore that night?

25 A No, ma'am.

1 Q The next morning, who is the first one you saw
2 the next morning?

3 A Oh, gosh.

4 Q Do you remember?

5 A All three of them was at my own home.

6 Q At your home?

7 A Right. All three of them was in there. So I
8 don't know who I seen first.

9 Q Okay. But they were all there the next morning
10 when you got up?

11 A Yes, ma'am.

12 Q Do you remember about what time it was when you
13 got up?

14 A About six or seven.

15 Q Six or seven in the morning?

16 A Yes, ma'am.

17 Q At some point did one of them leave?

18 A Yes, ma'am.

19 Q Who was it that actually left?

20 A Lorenzo Young.

21 Q Do you know how he left?

22 A A ride picked him up.

23 Q A ride picked him up?

24 A Yes, ma'am.

25 Q That night, do you remember what each of them was

1 wearing when they left the house?

2 A Around 11 or 12?

3 Q Yeah, when Trenton and Lorenzo left, do you
4 remember what they were wearing?

5 A Trenton had a gray jacket and Lorenzo had a red
6 jacket or hoodie.

7 Q Lorenzo had on a red jacket or hoodie?

8 A Uh-huh.

9 Q And Trenton had on what?

10 A A gray jacket or hoodie. It was gray.

11 Q Was that something he wore a lot?

12 A Yeah. You know, they're brothers and friends.
13 They share clothes, but he wears it a lot.

14 Q Was there anything specific about that hoodie, a
15 certain tear in it that he wore it and Troy didn't
16 like to wear it anymore?

17 A Yeah, it had a little hole in it.

18 Q Is that why Troy didn't like to wear it anymore?

19 A Correct.

20 Q So Trenton wore that. That's what he was wearing
21 that night when he left?

22 A That's what he had on, the gray jacket.

23 Q And then later on, several hours later, when Troy
24 left to go look for him, when you asked him to leave
25 and go look for Trenton?

1 A Yes, ma'am.

2 Q What was he wearing?

3 A It was dark. I couldn't see if it was Navy blue
4 or black.

5 Q But it was a dark jacket.

6 A Yeah.

7 Q But it wasn't gray one?

8 A No, ma'am.

9 Q And again, you didn't see any of them come back
10 in the house?

11 A No, ma'am.

12 Q Okay. How did you become aware of what had
13 happened at the bakery? Is the bakery near your
14 house?

15 A Yes, ma'am.

16 Q In fact, is it within walking distance?

17 A Yes, ma'am.

18 Q How did you become aware of what had happened at
19 the bakery?

20 A The news.

21 Q The news?

22 A I still didn't know where, what bakery, because I
23 used to go to the bar.

24 Q Okay.

25 A So it was never a bakery when I was going to the

1 bar so...

2 Q So let me backup for a minute. You're familiar
3 with the bar that's next door?

4 A Yes, ma'am.

5 Q And what's the name of that bar?

6 A Ale House.

7 Q Ale House?

8 A Yes, ma'am.

9 Q And you had been there before?

10 A Yes, ma'am.

11 Q You knew there was a building next door. Did you
12 know what it was?

13 A No, ma'am.

14 Q But once video was on the news, did you see it?

15 A Yes, ma'am.

16 Q When you saw the video, did you recognize who was
17 on it?

18 A No, I didn't.

19 Q Okay. I'll get back to that. Several days later
20 on the 5th, did the police come to your home?

21 A Yes, ma'am.

22 Q And what were they there for?

23 A To arrest --- I guess, to arrest my kids. I
24 don't know. They just came. I didn't know what was
25 going on. I was in shock.

1 Q You were in shock?

2 A Yes, ma'am.

3 Q At that point, did they execute, I think, a
4 search warrant at your home?

5 A Yes, ma'am.

6 Q To look for things?

7 A Yes, ma'am.

8 Q At that point when the police came, was Troy at
9 your home?

10 A No, ma'am.

11 Q Was Trenton at your home?

12 A Yes, ma'am.

13 Q Was Lorenzo at your home?

14 A No, ma'am.

15 Q And once they came, did they then want to talk to
16 Trenton?

17 A Did they want to talk to Trenton? Yes, ma'am.

18 Q Did Trenton end up going with them down to the
19 police station?

20 A Yes, ma'am.

21 Q Later on did you end up going to the police
22 station, as well?

23 A Yes, ma'am.

24 Q At some point did you contact Troy?

25 A Yes, ma'am.

1 Q And let him know the police were looking for him?

2 A Yes, ma'am.

3 Q And he actually went to the police station, as
4 well?

5 A Yes, ma'am.

6 Q Later on, do you recall having a conversation
7 with Investigator McCoy about a month later or six
8 weeks later?

9 A Yes, ma'am.

10 Q Over the phone and you and he discussed some
11 things that you had had an opportunity to see at that
12 point; is that correct?

13 Do you remember?

14 A Ma'am?

15 Q Y'all had a conversation?

16 A Yes, ma'am.

17 Q And you told them just like you told this jury
18 about what they were wearing that night when they
19 left?

20 A Yes, ma'am.

21 Q And you told them about the phone calls?

22 A Yes, ma'am.

23 Q And about the tear in the hoodie?

24 A Yes, ma'am.

25 Q And about Troy leaving to go get Trenton?

1 A Yes, ma'am.

2 Q Do you remember telling them at that time that
3 Trenton was the only one that ever wore that gray
4 hoodie?

5 A Telling them that, yeah, Troy put it on but he
6 wore it more than Trent --- than Troy.

7 Q And do you remember telling them in that
8 conversation that Trenton was the one on the video in
9 the gray sweatshirt?

10 A Do you recall telling him that?

11 Q Uh-huh.

12 A I never told him that.

13 Q But do you remember having the recorded
14 conversation in August of 2013?

15 A Yes.

16 Q With Investigator McCoy?

17 A Yes, ma'am.

18 Q And you were cooperating with them?

19 A Yes, ma'am.

20 Q And at that point both Troy and Trenton were
21 under arrest; is that correct?

22 A Yes, ma'am.

23 Q Do you remember telling them --- and I'm just
24 going to okay say what was in the recorded
25 conversation, "I mean, yeah, it was ---

1 MR. SCHNEE: Judge, I'm going to object to
2 Ms. Campbell reading from that. That's not a valid
3 transcript.

4 THE COURT: She can read from it.

5 MS. CAMPBELL: Thank you. "Yeah, I mean, yeah,
6 it was Trenton with the gray on. Like I said, I know
7 my kids' build. I know them from their fingers to
8 their toes. I know my kids."

9 A I never stated that's Trenton, never. I said I
10 know my kid's body build, yes, I did.

11 Q Okay.

12 A Clearly, that is not Troy. When he was
13 questioning me about the video.

14 Q Do you remember saying it was Trenton with the
15 gray on?

16 A I never stated that to Mr. McCoy.

17 Q So you didn't say that?

18 A No.

19 Q Okay. And do you remember telling him about the
20 gray sweatshirt, that Troy didn't want it anymore
21 cause it got a hole in it?

22 A Yeah, I told him that, yes.

23 Q So he let his brother have it and told Trenton he
24 could just have it?

25 A Right.

1 Q Okay. Later on, did you get a letter from your
2 son Trenton?

3 A Yes, ma'am.

4 Q I'm going to show you'll what's been marked as
5 State's Exhibit Number 404 and 403, are these copies
6 of the letter and the actual envelope it came in? Do
7 you want to look at those?

8 A Thank you.

9 Q Is that a copy of the letter?

10 A Yes, ma'am.

11 Q And at the top of State's Exhibit 404, who does
12 it say is writing you?

13 A Your son, Trenton Barnes, well, Trenton B.

14 Q Trenton B. and is this a copy of the letter you
15 actually got from him?

16 A Yes, ma'am.

17 Q And do you actually recognize the handwriting?

18 A Yes, ma'am.

19 Q Whose handwriting is it?

20 A Trenton.

21 Q Your son Trenton.

22 A Yes, ma'am.

23 MS. CAMPBELL: Your Honor, at this time we'd
24 offer State's Exhibit 404 and 403 into evidence.

25 MS. PINNOCK: Your Honor, we would object. We

1 have a matter of law.

2 THE COURT: All right. Ladies and gentlemen,
3 return to your jury room. Do not discuss the case.
4 Keep an open mind.

5 (WHEREUPON, the jury left the courtroom at 3:46
6 P.M.)

7 MS. PINNOCK: May it please the court, Your
8 Honor. The item that the solicitor is attempting to
9 introduce is a letter written by Trenton Barnes to his
10 mother that includes Lorenzo Young in the body of the
11 letter. This was brought Your Honor's attention
12 earlier this week in chambers. There was mention of
13 them trying or suggesting it be redacted to remove any
14 mention of Mr. Young, but it is a statement written by
15 Mr. Barnes. We are not going to be cross-examining
16 about Mr. Young and things that he did or alleged to
17 have done, and it's a --- it's a due process violation
18 at this point.

19 It's not a statement that was taken by law
20 enforcement, but it is still a statement against our
21 client offered by a witness that we do not have the
22 opportunity to cross-examine, so it is a due process
23 issue at this point and a fundamental fairness
24 violation with our right to a fair trial. They're
25 introducing a statement written by a non-testifying

1 witness. So as far as Mr. Young's case, that letter
2 in its entirety is hearsay.

3 I understand it's admissible against Mr. Barnes,
4 but it's not admissible against Mr. Young. The only
5 solution I can come up with is either exclude it from
6 evidence because we are being tried jointly, it is a
7 violation of his constitutional rights to have that
8 introduced into evidence. I don't believe that any
9 curative instruction would be able to only get a jury
10 to consider that only against Mr. Barnes and not
11 Mr. Young, so our right to a fair trial at this point
12 is going to be violated when that letter is
13 introduced.

14 THE COURT: Ms. Campbell.

15 MS. CAMPBELL: May it please the Court. This was
16 non-testimonial. This was not taken by police
17 officers. This was mentioned in court the other day.
18 Quite frankly, I thought they might make a motion on
19 this, but there was no pretrial motion to exclude
20 this. We did hand up case law. We handed up United
21 States Supreme Court, I believe, in the Garvin case.

22 THE COURT: Fourth Circuit Court of Appeals.

23 MS. CAMPBELL: I'm sorry, yes, Fourth Circuit.

24 MS. PINNOCK: Your Honor, can I see your copy so
25 I can ---

1 MS. CAMPBELL: I gave it to you.

2 THE COURT: US vs Garvin 738 ---

3 MS. PINNOCK: That was a few days ago.

4 MS. CAMPBELL: I believe, pursuant to that case,
5 Your Honor, the letter would come in in its entirety.

6 MS. PINNOCK: And, Your Honor, I would cite
7 Williamson vs. United States. It's a US Supreme Court
8 case 512 US 594, as well as State vs. Fuller. The
9 Supreme Court of South Carolina 1999. It's 337 S.C.
10 236 and Lilly vs. Virginia. I do apologize. I don't
11 have the cite for that one, but I could get the cite.
12 I can't seem to find it.

13 THE COURT: Do any of those deal with --- are
14 those all statements to law enforcement?

15 MS. PINNOCK: No, sir, these are statements made
16 --- they are inculpatory as to one person's
17 involvement, but still references a codefendant. They
18 are not any statements given to law enforcement.
19 That's not a situation that these cases deal with.

20 They are situations where just because a
21 statement may be considered a statement against
22 interests with the person who is making the statement,
23 it does not necessarily mean that it's admissible
24 against the other people who are involved. This was
25 brought up Wednesday morning, I believe.

1 Your Honor did say that you would address these
2 issues because they came up during the course of the
3 testimony from the witnesses.

4 I believe Mr. Schnee actually submitted a written
5 motion on this, but this is a situation that we all
6 predicted was going to come up.

7 Your Honor, this letter --- again, I admit that
8 yes, everybody can agree that this letter is
9 admissible against Mr. Barnes, but the body of letter,
10 I would ask Your Honor to review it.

11 It fully implicates our client. We would not
12 have an opportunity to cross-examine Ms. Barnes, so it
13 is inadmissible against Mr. Young. If they were being
14 tried separately, this letter would not be introduced
15 into evidence.

16 The only reason it's got the possibility of being
17 introduced is because Mr. Barnes is in here with us.

18 MS. CAMPBELL: Can I get a copy of the cases you
19 just mentioned?

20 MS. PINNOCK: I only have one.

21 MS. CAMPBELL: You don't have them?

22 MS. PINNOCK: I only have one.

23 MS. CAMPBELL: Your Honor, could I just make
24 copies real quick of their cases?

25 THE COURT: Sure.

1 MS. PINNOCK: You can have those.

2 THE COURT: I need copies of those cases.

3 MS. PINNOCK: I want you to have these.

4 Your Honor, we can --- we are going to go print
5 copies for you.

6 THE COURT: My question is --- the Garvin case
7 wasn't a joint trial.

8 MS. CAMPBELL: But I believe it addresses even if
9 it is a joint trial in the body.

10 I guess I'm at a little bit of a loss as to why
11 this wasn't brought up in pretrial matters.

12 MS. PINNOCK: Your Honor, I did actually bring
13 this up about evidence that would be introduced that
14 was admissible against Mr. Barnes that was not
15 introducible against Mr. Young in our motion to sever.

16 THE COURT: So how is this statement testimonial?

17 MS. PINNOCK: Your Honor, I'm not saying the
18 statement itself is testimonial. The only reason ---

19 THE COURT: It has to be testimonial for the
20 confrontation clause to apply.

21 MS. PINNOCK: Your Honor, the only reason that
22 this statement is admissible against Mr. Barnes is
23 because of the interviews and the statement against
24 interest.

25 The interest that --- the interest that is at

1 issue is Mr. Barnes' interest. The exceptions to
2 hearsay do not apply to Mr. Young when they are using
3 the exceptions to the hearsay rule against Mr. Barnes
4 and that's the situation we have. It is not
5 admissible against Mr. Young. It fully implicates
6 him, but they're going about it through any exception
7 to the evidence rules that allows them to get it in
8 against Mr. Barnes.

9 THE COURT: So how is the statement testimonial
10 or is your position that it's not?

11 MS. PINNOCK: I'm not arguing that it's
12 testimonial.

13 THE COURT: Your position is that it's not
14 testimonial.

15 MS. PINNOCK: No. I'm not arguing that the
16 statement itself is testimonial. I'm acknowledge that
17 it's not given to law enforcement. It's a letter that
18 was written by Mr. Barnes and sent to his mother. The
19 letter is admissible with Mr. Barnes' case under the
20 hearsay exceptions. The statement against interest
21 for Mr. Barnes does not apply to Mr. Young.

22 In those cases, Judge --- and again, I apologize.
23 I don't have extra copies, but Lilly vs. Virginia
24 was --- Lilly vs. Virginia, Judge, was reversed.

25 All of these cases that we're going to be

1 providing you in just a moment all deal with the
2 804(3) exception to the hearsay rule in dealing with
3 statements against interests with multiple parties, so
4 I guess for clarity purposes my objection is hearsay
5 for Mr. Young.

6 THE COURT: So your objection is hearsay?

7 MS. PINNOCK: Yes, sir, the objection to that
8 letter for Mr. Young is hearsay, and for his situation
9 it does not fall under any of the exceptions to the
10 hearsay rule.

11 THE COURT: Is somebody going to get those
12 copies?

13 MS. PINNOCK: Yes, sir, Mr. Krzyston just ran
14 downstairs to speed things up a bit.

15 THE COURT: What's your response to the hearsay
16 argument?

17 MS. CAMPBELL: Your Honor, it's not hearsay
18 because it's an issue against interest against
19 Mr. Barnes. It is non-testimonial. She's admitted
20 that. Therefore it comes in its entirety the same way
21 a jail phone call would, Your Honor. It's being
22 offered against Mr. Barnes. If she wants a limiting
23 instruction, I have no problem with that.

24 MS. PINNOCK: Your Honor, to cite Lilly, the
25 court said that when dealing with the admission

1 against penal interest we have taken great care to ---

2 THE COURT: That's not the rule she cited.

3 MS. PINNOCK: I'm sorry?

4 THE COURT: That's not the rule she is saying.

5 She is saying it's not hearsay because it's an
6 admission by a party opponent. She is not even making
7 to it 804.

8 MS. CAMPBELL: You're, right.

9 MS. PINNOCK: It has to fall under some
10 exception.

11 THE COURT: Well, it can be just not hearsay.

12 MS. PINNOCK: For Mr. Barnes, yes, but not
13 Mr. Young. This is one of the reasons we were asking
14 for a severance because there is evidence they are
15 trying to introduce this. It's not admissible against
16 Mr. Young. Being admitted as presented in its
17 entirety denies us the right to a fair trial. He is
18 being implicated by a letter ---

19 THE COURT: You can't just say a fair trial.
20 Courts have held over and over again that you have to
21 point to a specific constitutional right. You can't
22 just say fair trial. The specific constitutional
23 right is the confrontation clause, which is not
24 implicated because the statement is not testimonial
25 according to your own admission and the law is very

1 clear that non-testimonial statements do not invoke
2 the confrontation clause. Therefore, there is no
3 Bruton issue.

4 MS. PINNOCK: He is being denied due process,
5 Judge.

6 THE COURT: You can't just say due process.

7 MS. PINNOCK: It's fundamental fairness.

8 THE COURT: You can't just say due process. The
9 law says you have to point to a specific
10 constitutional right. You just can't say due process,
11 fair trial. It's like answering fundamental fairness
12 on the bar exam. It doesn't work. There has to be
13 something concrete. So your argument is that it falls
14 under --- or it doesn't fall under 804(d)(3). Is that
15 it?

16 MS. PINNOCK: Your Honor, the objection is
17 hearsay. As applied to Mr. Young, it is hearsay.

18 MR. KRZYSTON: Permission to approach, Judge.

19 MS. PINNOCK: Your Honor, I would just note Lilly
20 talks about a recorded statement by police, not a
21 codefendant.

22 MS. CAMPBELL: It talks about confessions.

23 (Pause.)

24 THE COURT: So where do you want me to read in
25 Lilly?

1 MS. PINNOCK: Sir?

2 THE COURT: What do you want me to read in Lilly?

3 MS. PINNOCK: Well, Lilly because it's been
4 represented they're not offering it against a penal
5 interest, that's what Lilly dealt with, but it's still
6 a hearsay statement against Mr. Young.

7 They are offering this letter for its truth. We
8 are being denied the right to question the witnesses.

9 THE COURT: So you're back to confrontation.

10 MS. PINNOCK: Your Honor, we have a Fourteenth
11 Amendment right to confront the witnesses against us.

12 THE COURT: Actually, you have a Sixth Amendment
13 given to you by the Fourteenth Amendment.

14 MS. PINNOCK: Yes.

15 THE COURT: But are you back to confrontation?
16 Just a minute ago you said it was hearsay.

17 MS. PINNOCK: Your Honor, it is hearsay and the
18 fact it is hearsay is a statement from somebody else
19 being offered into evidence, and they're offering it
20 for the truth. That is the definition of hearsay, and
21 if it's introduced into evidence. We are then being
22 denied the right to question the witness making the
23 statement. That is why hearsay is not admissible in
24 court because we have a right to question witnesses
25 who make statements. When they're out-of-court

1 statements, we have a right to do that.

2 THE COURT: But not when they're non-testimonial.

3 MS. PINNOCK: Your Honor, I would argue that we
4 do have the right to question witnesses who make out
5 of court statements --- that's why the solicitor can't
6 call a witness to say Ryan told me this. They would
7 have to bring Ryan into court. We do have the right
8 to question witnesses who make statements.

9 THE COURT: I'm talking about when it's
10 non-testimonial.

11 MS. PINNOCK: That would be the situation when it
12 is non-testimonial, Judge. We still have the right to
13 cross-examine witnesses called against us. It doesn't
14 only apply to statements made to law enforcement. It
15 applies to any witness who makes any statement.
16 Again, Steve can't come in here and say that Ryan told
17 him something.

18 THE COURT: That's not necessarily true, but
19 okay.

20 MR. KRZYSTON: Your Honor, if I may approach. I
21 have State vs. Holmes here.

22 MS. CAMPBELL: Holmes and Crawford specifically
23 are confrontational.

24 THE COURT: This case says our court has rejected
25 the Lilly decision.

1 MS. CAMPBELL: Uh-huh.

2 MS. PINNOCK: Your Honor, I would direct --- I
3 would ask you to direct your attention to Williamson.

4 THE COURT: So now I'm not reading this because
5 it says we declined to adopt the reasoning of the
6 Lilly plurality, which would be the Lilly case you
7 just told me about.

8 MS. PINNOCK: You're referring to Holmes?

9 THE COURT: Yes.

10 Now you want me to read the 11th Circuit Court of
11 Appeals Williamson case?

12 MS. PINNOCK: Sir, I'm sorry. It's a US Supreme
13 Court case.

14 THE COURT: Which one?

15 MS. PINNOCK: Williamson.

16 THE COURT: I have an 11th Circuit Court of
17 Appeals case called Williamson. Oh no, no, no. Yeah,
18 they're Supreme Court. I'm sorry. I read it wrong.
19 Hold on. Let me pull it up on here so I can see it
20 easier.

21 MS. CAMPBELL: And I would just point out, Your
22 Honor, while you're pulling it up in Williamson, we're
23 talking about two custodial interviews by police, so
24 clearly those are testimonial.

25 MS. PINNOCK: Your Honor, clearly the case is not

1 hinged on the confrontation clause. It only addressed
2 the hearsay issue.

3 THE COURT: Let me read it. Hold on. That is
4 drug case?

5 MS. CAMPBELL: Yes, sir.

6 THE COURT: Okay. I wanted to make sure I was
7 reading the right one.

8 Can somebody give me the actual letter so I can
9 see that?

10 MS. CAMPBELL: Yes, sir.

11 (Pause.)

12 THE COURT: How is the statement admissible
13 against Mr. Young? That's my question.

14 MS. CAMPBELL: How is it admissible against
15 Mr. Young?

16 THE COURT: Right.

17 MS. CAMPBELL: It's admissible against the
18 codefendant in this case. It's a non-testimonial
19 statement. Therefore it's not subject to the
20 safeguards of a testimonial statement.

21 THE COURT: All right. But how is it admissible
22 under the --- how is it not hearsay?

23 MS. CAMPBELL: It's not ---

24 THE COURT: I mean, as to Mr. Young. I
25 understand how it's not as to Mr. Barnes.

1 MS. CAMPBELL: I don't think we have to preempt
2 it from being hearsay against Mr. Young. I mean, if a
3 limiting instruction were given, if they could
4 consider it, that would limit any prejudice to
5 Mr. Young since it is non-testimonial, and I believe,
6 and I don't have the case before me, Your Honor, the
7 but the Garvin case we handed up does address this
8 issue.

9 THE COURT: The Garvin case addresses the
10 confrontation issue and the Bruton issue and the
11 non-testimonial issue. It doesn't discuss the hearsay
12 issue.

13 What is it you want me to read in Williamson?

14 MS. PINNOCK: Your Honor, actually Williamson
15 deals with --- it's dealing with an exception to the
16 hearsay rule.

17 THE COURT: 804(d)(3).

18 MS. PINNOCK: Yes, sir, and the court went
19 through the analysis and made the determination on it
20 pretty much a line by line basis whether or not the
21 self --- the interest against the writer exists and if
22 it didn't, they had to then decide if it was a
23 statement against the other party's interest.

24 They made --- they went through that analysis.
25 There is a difference when dealing with statements by

1 a codefendant or statements by other witnesses, and in
2 that case they use the --- the exception to the rule,
3 but I think the analysis they went through and the
4 whole ruling they came to shows that there is supposed
5 to be a separation. They're not one in the same.
6 It's not just because it's admissible against Barnes
7 it's admissible against Young. There is an analysis
8 and it's a separate issue.

9 As to Mr. Young again, this letter falls under
10 none of the exceptions to the hearsay rule. They are
11 offering this letter for its truth. There is no other
12 reason this letter would be introduced into evidence.
13 That is --- by definition that is hearsay and there is
14 no exception that applies to Mr. Young.

15 (Pause.)

16 THE COURT: All right. Ms. Campbell, what's your
17 argument?

18 MS. CAMPBELL: Your Honor, I just had a chance to
19 glance at Williamson. I'm not familiar with it.
20 However, in this case, it's very case-specific. This
21 is where a codefendant alone was on trial. They
22 called up the codefendant in the case and implicated
23 him. He refused to testify, and they allowed it to
24 come in. They specifically talk about the
25 trustworthiness of ---

1 THE COURT: They allowed the cop to testify.

2 MS. CAMPBELL: The cop to testify as to what the
3 witness would have testified to.

4 THE COURT: Right.

5 MS. CAMPBELL: And again, they don't even reach
6 the confrontation clause issue. They do another
7 thing, and they talk specifically about what's an
8 admission against interest. In this case, Your Honor,
9 they also note that a forced statement may be
10 admissible under other previous positions of rules
11 like under 801(d)(2)(E) and other statements that you
12 guarantee circumstantial evidence of trustworthiness
13 and 804(b)(5), which is the hearsay exception.

14 Specifically they talk about co-conspirator
15 statements. If you read this letter, in addition to
16 our position that it would be admissible because it is
17 a statement against interest against the codefendant.
18 Number two, even if you find that not to be enough,
19 then a limiting instruction would be enough to make
20 sure that the jury did not consider it against
21 Mr. Young. Number three, if you don't find that in
22 this confession, he specifically talks about the
23 conversation he had with Lorenzo Young that night in
24 furtherance of this conspiracy to commit the crime,
25 the robbery, the conversation between the two of them.

1 So that would be an additional exception it could come
2 under if you were to find the others didn't put up.

3 We feel the cases we handed up and the law ---
4 since this is non-testimonial, which the defense
5 admits it should come in under the exception for
6 804(b)(3), but if you go back to 801 to the conspiracy
7 and you read the actual part, in Williamson, they
8 specifically about how it wasn't fair to Williamson
9 because they're using the codefendants statements,
10 which basically minimize what the codefendant did but
11 implicate Mr. Williamson as the broader person.

12 In this case, Your Honor, an additional exception
13 as co-conspirator, what the defendant in this case
14 talks about Mr. Barnes about what about Mr. Young said
15 to him would be a co-conspirator statement in
16 furtherance of the conspiracy that night. Basically
17 he outlines the conversation that he had in addition
18 to other exceptions that follows against the party
19 opponent exception line. Your Honor, and if --- I
20 just haven't had a lot of time to read through
21 Williamson, but that's my take in glancing at it.

22 MS. PINNOCK: Judge, the Lilly court does address
23 this. The case was based on a confrontation clause,
24 but the court did address this exact issue. They said
25 that had the non-testifying codefendant been in trial,

1 the use of the non-testifying codefendant's confession
2 to prove his guilt might have had an adverse impact on
3 the rights of the accomplices. The court also stated
4 in this regard that when dealing with the admissions
5 against penal interest, the courts have taken great
6 care to separate using admissions against the
7 declarant from using them against another criminal
8 defendant.

9 So if they're now arguing 804(b)(3) for the
10 exception, it's still a statement made by Mr. Barnes
11 that would be a statement against his interest, but
12 it's not applied to Mr. Young's interest, so if
13 they're going to be arguing that that exception
14 applies, then we have come full circle.

15 THE COURT: What did he say about Troy in this
16 letter?

17 MR. SCHNEE: He said Troy had nothing to do with
18 it, that he simply went down there to get him. He
19 completely takes Troy out of the picture as to any
20 culpability.

21 THE COURT: So the letter, State's 404, would be
22 exculpatory as to Troy.

23 MR. SCHNEE: 100 percent exculpatory, yes.

24 THE COURT: Okay. But it would be inculpatory,
25 self-inculpatory against himself.

1 MR. SCHNEE: Yes, Your Honor.

2 THE COURT: And inculpatory against Mr. Young.

3 MR. SCHNEE: Correct.

4 MS. CAMPBELL: Your Honor, the only other thing I
5 would point out in having reviewed their Holmes
6 decision, they talk about ---

7 THE COURT: Which one?

8 MS. CAMPBELL: If it's just a truly
9 self-inculpatory statement, it could be offered as
10 relevant to further a co-conspirator liability theory.
11 We are going under the theory of a hand of one, hand
12 of all in this case.

13 MS. PINNOCK: Judge, if the State is now going to
14 argue co-conspirator theory. Before it's introduced,
15 the letter itself indicates that Mr. Barnes didn't
16 even want to do it. That is not in furtherance of any
17 conspiracy of me saying he was never planning on doing
18 it.

19 MS. CAMPBELL: I don't think anybody is going to
20 get up here and say this statement is not an admission
21 against interest against Mr. Barnes, which is what
22 Williamson's focus is on.

23 THE COURT: How about the notes on Federal Rules
24 of Evidence on 804(b)(3) that says the statement
25 admitting guilt and implicating another person ---

1 that would be Mr. Young --- made while in custody may
2 well be motivated by a desire to curry favor with
3 authorities and hence fail to qualify as against
4 interest, but the same word spoken under different
5 circumstances, for example to an acquaintance would
6 have no difficulty in qualifying under 804(b)(3).

7 MS. PINNOCK: I'm sorry, can you say the last
8 part again?

9 THE COURT: The same statements given under
10 different circumstances, meaning not to the police,
11 for example to an acquaintance, would have no
12 difficulty in qualifying under this rule.

13 All right. The letter is in. I find --- I'm
14 going to overrule the hearsay objection. It's
15 non-testimonial. It's non-testimonial, thus there is
16 no confrontation clause issue. Thus there is no
17 Bruton issue. I don't even know that they're arguing
18 that, but I'm ruling that anyway, and I find that it
19 falls under a hearsay exception, that being 804(b)(3).
20 It has an inherent level of trustworthiness and based
21 on the corroborating circumstances, the State's 404 is
22 in over Defendant Young's objection.

23 We're going to take about a five minute quick
24 bathroom break and then we'll be right back.

25 MS. PINNOCK: Your Honor, if I could, just for

1 the record, we will object to any sort of jury
2 instruction. The Bruton court did address that. They
3 recognized the practical limitations on juries. So, I
4 think in this situation, there is no curative
5 instruction.

6 THE COURT: So you don't want a curative
7 instruction?

8 MS. PINNOCK: Well, Your Honor, if you choose to
9 give it, we're going to be objecting to the
10 sufficiency.

11 THE COURT: So the question is do you want a
12 curative instruction or a --- it's not actually a
13 curative instruction. It's a limiting instruction.
14 Do you want a limiting instruction that the statement
15 could not be used against your client?

16 MS. PINNOCK: Yes, Your Honor.

17 THE COURT: Okay. Draft it up. Okay. Five
18 minutes. Ms. Barnes, I'm sorry. I forgot you were
19 sitting there. I really do apologize. I would have
20 let you get down. I literally did forget that you
21 were there. I apologize. That was completely my
22 fault. You were free to use whatever facilities you
23 need to. You are not allowed to discuss your
24 testimony with anyone in any way, shape, or form.
25 When we come back into court if you'll just be sitting

1 right there for me. Is that okay?

2 THE WITNESS: Yes.

3 THE COURT: I apologize, Ms. Barnes.

4 THE WITNESS: Okay

5 THE COURT: Thank you for being here and ready to
6 go.

7 THE WITNESS: Okay.

8 THE COURT: Okay. You can bring them in,
9 Mr. Tolbert.

10 (WHEREUPON, the jury entered the courtroom at
11 4:53 P.M.)

12 THE BAILIFF: The jury is seated, Your Honor.

13 THE COURT: All right. Thank you. Hold on just
14 a moment, ladies and gentlemen. I lost a lawyer.
15 They have so many different things going on, so I've
16 sent for them. They should be right here.

17 (Pause.)

18 THE COURT: We didn't do anything without you.

19 Okay, Ms. Campbell, you may continue.

20 MS. CAMPBELL: Thank you. Your Honor, I believe
21 we were offering State's Exhibit 403 and 05 --- 404,
22 excuse me.

23 THE COURT: Over Defendant Young's objection.

24 (WHEREUPON, State's Exhibit Numbers 403 and 404
25 were admitted into evidence.)

DIRECT EXAMINATION:(continued)

BY MS. CAMPBELL:

Q This is your son's Trenton's handwriting?

A Yes, ma'am.

Q That would be his signature up here?

A Yes, ma'am.

Q Just so I can be sure for the record, on
August 9th of 2014, you had a phone conversation with
Investigator McCoy?

A Yes, ma'am.

Q From the Columbia Police Department?

A Yes, ma'am.

Q And that phone conversation, it was recorded?

A Yep.

Q Okay, and basically you told them some of the
things we talked about in front of the jury here
today. Where were you when that conversation took
place. Were you at home?

A Yes.

Q He was returning your phone call?

A Yes, ma'am.

Q At that point --- and I just want to be sure for
the record. You didn't say "Yeah, I mean, it was
Trenton with the gray on. Like I said, I know my

1 kid's build. I know them from their fingers to their
2 toes. I know my kids."

3 A Did I say that?

4 Q You did say that.

5 A About the fingers and the toes?

6 Q Yes. And about it being Trenton with the gray
7 on.

8 A I never said that to him. No, ma'am.

9 Q So you did not at that point?

10 A No, ma'am.

11 Q And finally did you tell him that Trenton was
12 wearing the jacket when he left with Lorenzo?

13 A He was wearing a gray jacket.

14 Q That was the gray jacket?

15 A He had on a gray jacket when he left with
16 Lorenzo, yes, ma'am.

17 Q You also told him that he was the only person
18 that wears that jacket?

19 A Wears a gray jacket, yes, ma'am.

20 Q Thank you. The people in the courtroom that
21 we're talking about, Lorenzo Young, do you see him
22 here in the courtroom?

23 A Yes, ma'am.

24 Q Can you point him out for the jury?

25 A Sitting right there.

1 Q At the table with the white shirt?

2 A Yes, ma'am.

3 Q And then your son Trenton Barnes, whose
4 handwriting you recognized. Do you see him here?

5 A Yes, ma'am.

6 Q Where is he seated?

7 A Right there.

8 Q To the far left with his lawyer, wearing the kind
9 of dark sweater?

10 A Yes, ma'am.

11 MS. CAMPBELL: Your Honor, may the record reflect
12 she has identified the defendants.

13 Thank you very much, Ms. Barnes.

14 THE COURT: Okay. Cross-examination?

15 MS. PINNOCK: May it please the Court, Your
16 Honor.

17 CROSS-EXAMINATION:

18 BY MS. PINNOCK:

19 Q How are you doing, Ms. Barnes?

20 A Hey.

21 Q Ms. Campbell asked you a lot about some phone
22 calls you had with the investigators?

23 A Yes, ma'am.

24 Q That was back in August?

25 A Yes, ma'am.

1 Q And she asked you about a clothing description
2 you gave at that point?

3 A Yes, ma'am.

4 Q She asked you if you said that Lorenzo was
5 wearing red. Do you remember her asking you that?

6 A Yes, ma'am.

7 Q But didn't you tell Investigator McCoy back in
8 August that you can't remember what the color was?

9 A I don't remember.

10 Q You don't recall him asking you?

11 A I just said what they had on when they left my
12 house.

13 Q You don't recall him asking you was it red, was
14 it orange, was it something like that?

15 A Yeah, he did ask me.

16 Q And you told him ---

17 A --- wasn't a ---

18 Q And you told him it wasn't ---

19 THE COURT: Hold on, now.

20 THE WITNESS: Okay.

21 THE COURT: You both can't talk at the same time.

22 THE WITNESS: Okay.

23 THE COURT: The court reporter can only take one
24 down at a time, so she will let you finish.

25 THE WITNESS: Okay.

1 THE COURT: You let her finish. If she asks you
2 a question, you have the right to answer it.

3 THE WITNESS: Okay.

4 THE COURT: And you have the right to explain
5 your answer.

6 THE WITNESS: Okay.

7 THE COURT: I won't let her cut you off from
8 doing that, but if you talk over each other, we can't
9 accurately get down what anybody says, okay.

10 THE WITNESS: Okay.

11 THE COURT: Go ahead, Ms. Pinnock.

12 MS. PINNOCK: Thank you, Your Honor.

13 BY MS. PINNOCK:

14 Q Do you remember telling him it was not a dark
15 color, but you weren't 100 percent sure what it was?

16 A Right.

17 Q And you said that Lorenzo and Trenton were at
18 your house earlier that night?

19 A Yes, ma'am.

20 Q And they left anywhere between 11 and 12?

21 A Yes, ma'am.

22 Q You don't know where they went?

23 A No, ma'am.

24 Q You don't know who they were with?

25 A No.

1 Q You don't know really even if they were together?

2 A Exactly, they just left together.

3 Q You said that Troy had gone out separately?

4 A Yes, ma'am.

5 Q And when he got back, you still didn't know the
6 whereabouts of Lorenzo or Trenton?

7 A Correct.

8 Q They just were not at the house?

9 A No, ma'am.

10 Q Now, I want to ask you about some conversations
11 you had with Investigator McCoy after arrests were
12 made, and that would have been back in August.

13 A Okay.

14 Q He called you at your house?

15 A Yes, ma'am.

16 Q And you were trying to get in touch with him,
17 right?

18 A Yes, ma'am.

19 Q Because you had come across some information that
20 you wanted to give him?

21 A Yes, ma'am.

22 Q Some information you felt was important?

23 A Yes, ma'am.

24 Q Some information that you wanted to pass along to
25 him because you knew he was investigating this case?

1 A Exactly, yes, ma'am.

2 Q And you called him about somebody named Marcus
3 Johnson?

4 A Yes, ma'am.

5 Q His nickname is Shorty?

6 A Yes, ma'am.

7 Q The reason you called him is you heard he had
8 some details about what happened that night?

9 A Yes, ma'am.

10 Q And that caused you concern?

11 A Yes, ma'am.

12 Q He was in the jail at that point?

13 A Yes, ma'am.

14 Q Mr. Johnson was in the jail?

15 A Yes, ma'am.

16 Q You told Investigator McCoy that?

17 A Yes, ma'am.

18 Q And you told him, you know, something is --- this
19 doesn't feel right to me. Something is going on. You
20 need to talk to Marquis Johnson?

21 A Yes, ma'am.

22 Q Again, his nickname is Shorty?

23 A Yes, ma'am.

24 Q At that point Investigator McCoy told you he was
25 going to talk to him?

1 A Yes, ma'am.

2 Q It was really important he was going to talk to
3 him?

4 A Yes, ma'am.

5 Q He was the next person on his list to go talk to
6 him?

7 A Yes, ma'am.

8 Q He also told you he was going to speak to --- who
9 was at your house, Marquis?

10 A Marquis Johnson.

11 Q Marquis Johnson. He was at your house?

12 A Yes, ma'am.

13 Q And he told your he was going to talk to Marquis
14 Johnson?

15 A Yes, ma'am.

16 Q He said that was very very important.

17 A Yes, ma'am.

18 Q He told you in August that he was still actively
19 investigating this case?

20 A Yes, ma'am.

21 Q Be he called you and thanked you for letting him
22 know?

23 A Yes, ma'am.

24 Q He even wanted to sit down with you again a week
25 or so after the phone call to take a statement, a

1 written statement?

2 A Yes, ma'am.

3 Q That didn't happen, did it?

4 A No, ma'am.

5 MS. PINNOCK: Beg the Court's indulgence.

6 THE COURT: Yes, ma'am.

7 MS. PINNOCK: Thank you, Your Honor. I have no
8 further questions.

9 Thank you, Ms. Barnes.

10 THE COURT: Okay. Yes, sir.

11 MR. SCHNEE: May it please the Court.

12 CROSS-EXAMINATION:

13 BY MR. SCHNEE:

14 Q Good afternoon.

15 A Good afternoon.

16 Q Ms. Barnes, in August of last year when you were
17 talking with Investigator McCoy, did he indicate to
18 you that one of your sons would have to take a fall
19 for this?

20 A Yes, sir.

21 Q He didn't say which one, but that's what he told
22 you?

23 A Yes, sir.

24 Q That was in August of last year?

25 A Yes, sir.

1 Q Now, this letter that was written, State's 404.
2 Could you read the date on that letter?

3 A March 31st of '14.

4 Q So approximately six, seven months after ---

5 A Yes, sir.

6 Q --- your conversation with McCoy?

7 A Yes, sir.

8 Q When Lorenzo --- you said Lorenzo and Trenton
9 left somewhere around eleven o'clock, midnight?

10 A Yes, sir.

11 Q Okay. Troy was already gone at that point?

12 A Yes, sir.

13 Q He was out doing things with other friends?

14 A Yes, sir.

15 Q At some point later, Troy comes back and that's
16 when the phone calls from Lorenzo comes?

17 A Well, Troy wasn't even home yet.

18 Q Oh, Troy wasn't even home?

19 A He was like asleep or he wasn't even home.
20 Because I was asleep. It was like three or four in
21 the morning. It was like three or four in the morning
22 when Lorenzo called for Marquis.

23 Q At some point after that, Troy is there and you
24 sent Troy to go get Trenton?

25 A Yes, exactly.

1 Q You don't go with Troy?

2 A (There was no response.)

3 Q You don't go with Troy, do you?

4 A To go get him? No, sir.

5 Q So you send Troy out to get your other son
6 Trenton?

7 A Yes, sir.

8 Q Do you have any idea --- do you have personal
9 knowledge as to what actually happened?

10 A No, sir.

11 Q You weren't physically there?

12 A No, sir.

13 Q Does Trenton love his older brother? Does
14 Trenton love his older brother?

15 A Yes, sir.

16 Q Does he want to protect his older brother?

17 A I don't know.

18 Q I mean, you're his mother, right?

19 A Yeah. I'm his mother, but I can't feel what he
20 feels.

21 Q But you're sure that he loves him?

22 A Yeah.

23 Q And he wants to do anything he could to help him,
24 right?

25 A Yes.

1 MR. SCHNEE: That's all I have.

2 THE COURT: Ms. Campbell?

3 MS. CAMPBELL: Just a minute, Your Honor.

4 REDIRECT EXAMINATION:

5 BY MS. CAMPBELL:

6 Q You were just asked one question about you didn't
7 know who was with whom after Lorenzo and Trenton left
8 the house?

9 A Yeah.

10 Q You don't even know if they were together?

11 A I stated that they left together.

12 Q They left together, but you don't know what
13 happened after that?

14 A Yeah, I don't know if they parted or what.

15 Q But on that second phone call, you testified
16 earlier that you told Lorenzo to tell Trenton to come
17 home?

18 A Yes, ma'am.

19 Q And that was the second phone call after 3:00
20 A.M.?

21 A Yes, ma'am. The question was asked so apparently
22 they were still together.

23 MS. CAMPBELL: Thank you, ma'am. I don't have
24 anything further.

25 MS. PINNOCK: Beg the Court's indulgence.

1 (Pause.)

2 Nothing further, Judge.

3 MR. SCHNEE: No more questions.

4 THE COURT: Have a nice day, Ms. Barnes. Have a
5 nice day, ma'am.

6 MR. AIKEN: Your Honor, since she testified, I
7 think your rule was if she leaves and nobody says
8 anything she is free of her subpoena. May she be in
9 the courtroom for the remainder of the trial?

10 THE COURT: Yes, sir. Yes, sir.

11 MR. AIKEN: Thank you, sir.

12 THE WITNESS: Thank you.

13 THE COURT: Yes, ma'am.

14 Do you have a short one or do you want to...

15 MS. SIMPSON: Your Honor, that's what I was about
16 to approach about scheduling issues.

17 THE COURT: Do you want to stop?

18 MS. SIMPSON: We actually have two witnesses
19 available, but can I approach?

20 THE COURT: Sure.

21 (WHEREUPON, a bench conference was held in the
22 presence, but not within the hearing of the
23 jury.)

24 THE COURT: All right. We're going to do one
25 more witness, and I'll get you out of here tonight.

1 I've already looked at the time for tomorrow night.
2 We're going to shoot to stop tomorrow about 4:30 to
3 make sure everybody gets home in time for whatever. I
4 know there's football games and all those things that
5 people go to on Friday night, so we're going to push
6 to stop a little closer to 4:30 tomorrow night to make
7 sure everybody gets to whatever they need to

8 All right. You can call your next witness.

9 MS. GARFIELD: Thank you, Your Honor, Your Honor.
10 The State calls Gail Heath.

11 THE COURT: Okay.

12 BRENDA GAIL HEATH,
13 after being duly sworn, testified as follows:

14 THE CLERK: State your full name for the record
15 and have a seat.

16 THE WITNESS: My name is Brenda Gail Heath
17 H-E-A-T-H.

18 DIRECT EXAMINATION:

19 BY MS. GARFIELD:

20 Q Good afternoon, Ms. Heath.

21 A Good afternoon.

22 Q Please share with the jury what your profession
23 is.

24 A I am a forensic document examiner, that is, I
25 look at handwriting, hand printing, any form of

1 written communication to determine authorship or the
2 originality of the document.

3 Q And where do you work?

4 A I work for the South Carolina Law Enforcement
5 Division commonly known as SLED.

6 Q How long have you work at SLED in this capacity?

7 A For 30 years.

8 Q And just share a little bit with the jury about
9 your professional background, about 30 years in
10 handwriting?

11 A That's correct. I have two other graduate
12 degrees from the University of South Carolina. I've
13 taken courses from the United States Secret Service,
14 the Federal Bureau of Investigation and have attended
15 continuing education over the last 30 years in my
16 chosen profession.

17 Q Have you ever been qualified before in court as
18 an expert?

19 A Yes, I have.

20 Q And what types of courts have you testified in?

21 A I have testified in municipal, state and federal
22 court.

23 Q In South Carolina?

24 A Yes, ma'am.

25 Q How many times have you been qualified?

1 A I've been qualified 179 times.

2 MS. GARFIELD: Your Honor, at this time, I'd
3 introduce Ms. Heath as an expert in question document
4 comparison analysis.

5 THE COURT: Voir dire?

6 MR. KRZYSTON: No, Your Honor.

7 THE COURT: Voir dire?

8 MR. SCHNEE: No, Judge.

9 THE COURT: Okay. Ladies and gentlemen. Agent
10 Heath will be qualified as an expert in the area of
11 question document comparison and analysis. Normally
12 as --- I don't think I've told you this today, but
13 normally a witness is not allowed to give opinion
14 testimony. Normally they have to testify as to what
15 they either saw, heard, did, smelled or something of
16 that nature. However, there is an exception when
17 someone is qualified because of education or
18 experience. They are permitted to give their opinion.
19 Ms. Heath will be qualified as an expert in the area
20 of questioned documents --- how do you say it again?

21 THE WITNESS: Forensic document examination or
22 questioned document examination.

23 THE COURT: Okay, examination. She will be
24 allowed to give opinion testimony in that area. That
25 does not mean that you have to accept her opinion, but

1 it is evidence for you to use in any way that you see
2 fit and give it the weight and the credibility you
3 believe is appropriate, which you are required to do
4 with each and every witness which appears before you.
5 Ms. Garfield.

6 MS. GARFIELD: Thank you, Your Honor.

7 BY MS. GARFIELD:

8 Q Ms. Heath, I'm going to hand you State's Exhibits
9 Number 403 and 404. Are you familiar with these two
10 documents?

11 A Yes, I am.

12 Q And please share with the jury what they are?

13 A They are an envelope addressed to Latoya Barnes
14 and a two page letter dated March 31st, 2014.

15 Q And what capacity --- why are you familiar with
16 those documents?

17 A These two documents were submitted to the SLED
18 forensic laboratory for me to examine for questioned
19 handwriting on them.

20 Q Specifically, if you will look at the envelope,
21 which I believe is State's Exhibit 403?

22 A That's correct.

23 Q And you said that was addressed to Latoya Barnes?

24 A That is correct.

25 Q What was the address it was addressed to?

1 A 2849 Lucille Drive, Columbia, South Carolina
2 29204.

3 Q And what was the return address?

4 A The return address is 201 John Mark Dial Drive,
5 Columbia, South Carolina, 29209.

6 Q And that would be the address for our local
7 detention center?

8 A That is my understanding, yes, ma'am.

9 Q And who was that from? Is it listed on there?

10 A It does not say who it was --- well, it may be,
11 but it's cut off on the photocopy.

12 Q On what you were provided, it didn't have a
13 return name?

14 A That's correct.

15 Q And then the next document, I believe it's
16 State's Exhibit 30 ---

17 A 404.

18 Q I'm sorry, 404. What is that document?

19 A It is a two page letter.

20 Q And have you had an opportunity to review that
21 document?

22 A Yes, I have.

23 Q And at this time, Ms. Heath, would you mind
24 publishing it to the jury by reading it?

25 A Okay.

1 MR. KRZYSTON: Objection, Your Honor. Previously
2 mentioned grounds.

3 THE COURT: Overruled. Now, don't read too fast.

4 THE WITNESS: Okay.

5 THE COURT: When people read, they read faster
6 than they normally talk. Don't read too fast.

7 BY MS. GARFIELD:

8 Q Go ahead.

9 A It's dated March 31, 2014. It starts off:

10 "Your son, Trenton B. What's up mom? They
11 got me in lock-up for 25 days for some crazy
12 stuff. They was gonna let me stay in the dorm,
13 but I came down here so I can talk to Troy.
14 I'm down here with Troy and Renzo. I talked to
15 Troy about the case. I'm ready to talk back with
16 them people and tell them the truth, ma, tell
17 them Troy ain't had nothing to do with it.

18 "I should have told them that Troy really
19 came down here to get me. Ma, what really
20 happened was I was on the phone with Ty Inco's
21 (phonetic) little sis and Renzo was on the phone
22 with his baby mama.

23 "We was only two up, and he got off the
24 phone and was like, Let me talk to you when you
25 done. Then he was like, I got this little lick,

1 and then I was like, I don't know, bro. I'm
2 cooling, talking to my lady, and I was like,
3 money come first.

4 "I tell him you or no --- I tell him you or
5 no yet, so I woke Troy up and asked him what I
6 should do, and he says hell no. Don't go with
7 that man, and he went back to sleep. I went back
8 in my room. Renzo was back on the phone. Then
9 Ty had texted me. Renzo got off the phone and
10 was like, you ready? And I told him I'm cooling.
11 Then he start talking about how much money was
12 going to be there. Then he says let's go scoop
13 it out and we ain't got nothing --- we ain't got
14 to do nothing.

15 "Then we went outside, and I said Bro, I
16 ain't trying to go to jail, and he said on my
17 baby, you ain't going to jail little Bro. He
18 asked me what --- he asked me do I have a gun,
19 and I said no, but I know way one at and he said
20 way at and I said I know way Shorty be putting
21 his gun at outside, so I took him to it, and he
22 pulls out his gun and says which one you ---
23 which one you want, and I said the small one.

24 "Then we started back walking. Then I said
25 what type of lick is it, because I don't be on

1 that other stuff. I just take mopeds and dirt
2 bikes, and he was just a little lick, so I was at
3 the bar down the street from the house, and it
4 started raining hard.

5 "I was like I'm about to go home, and he
6 said hold on little bro. Then he was like damn,
7 they closed. So I said come on, let's go back to
8 my house. Then he said you see that lady over
9 there? I said I don't see nobody. He --- he was
10 like come on. Then we was by the door, and I
11 seen a lady walk past, and I looked back and I
12 seen Troy waving his hand telling me to come
13 back. Then Renzo walked in the place, and I went
14 behind him. Then he grabbed her and put the gun
15 to her head and told me to get in front of her,
16 and she swung at me. And I closed my --- and
17 jumped --- I got scared, ma.

18 "I didn't do it. I'm sorry. I said it was
19 Troy because I was scared to go to jail with
20 Renzo by myself. I'm sorry, mama. I just want
21 to come home. I'll be good, mama. I promise.
22 I miss you, mama. I should have never listened
23 to Renzo. I just want to come home and be with
24 you. People keep telling me I'm going to prison
25 for a long time. Love you, mama. I just want to

1 come home real soon, not no grown man. Love you,
2 mama, your baby boy, Trenton."

3 Q Thank you. Have you had an opportunity to
4 compare a standard --- a handwriting standard from the
5 defendant Trenton Barnes with those two documents you
6 have?

7 A Yes, I have.

8 Q Explain to the jury how you went about doing
9 that?

10 A Okay. The documents came into the laboratory. I
11 initially --- I microscopically examined the
12 questioned documents, and then I microscopically
13 examined the known documents. Those are the ones that
14 I have the handwriting standards from Mr. Barnes. I'm
15 looking for similarities, as well as differences. I
16 compare beginning and ending strokes. I compare
17 terminal strokes. I compare height ratios. I compare
18 how the letters connect to another. After microscopic
19 comparison, I then begin what I refer to as a side by
20 side comparison where I put the questioned document
21 and the known document up beside each other looking
22 for similarities or differences that I might find
23 within the two sets of documents. After that I make
24 photocopies of both the questioned and known
25 documents.

1 On the questioned and known documents, I have a
2 yellow highlighter pen for similarities and a red
3 arrow that I place on any differences that I might
4 find.

5 So I do my comparison letter by letter throughout
6 the entire document based on the evidence that I have
7 to examine.

8 Q How do you go about getting a known standard from
9 the person that you're comparing to?

10 A A known standard can come from a person's work or
11 social environment or it can be requested and you can
12 dictate the information to the person and they
13 actually provide writing for you. Sometimes I do it
14 myself. Sometimes a police officer will do it and
15 submit it to the laboratory.

16 Q In this case was a known standard requested from
17 the defendant Trenton Barnes?

18 A That's correct.

19 Q And please explain to the jury what kind of
20 standard you asked for him to submit for your
21 comparison?

22 A Okay. I asked Mr. Barnes if he would --- I
23 dictated the letter as I just read to you and
24 published to you and the envelope --- the actual
25 verbiage off of that letter one time, and then I went

1 back and picked out several phrases and all from the
2 letter. Then after that I went back and picked out a
3 couple of words from each of the documents and had him
4 write that. Then I asked him to write the alphabet
5 for me.

6 Q Then at that time did you make comparisons
7 between the documents?

8 A Yes, I did.

9 Q Did you render an opinion?

10 A Yes, I did.

11 Q And what was your opinion of the known document
12 and the questioned document?

13 A In my opinion Trenton Barnes wrote both the
14 envelope and the questioned entries on the two page
15 letter.

16 Q Did you prepare blow-ups of your --- of the known
17 document and the questioned document for purposes of
18 court today?

19 A Yes, I did.

20 Q And have you had an opportunity to review those
21 for court today?

22 A Yes, I have.

23 MS. GARFIELD: And I'm going to ask the witness
24 to step down, Judge.

25 THE COURT: Keep your voice up, Ms. Heath.

1 THE WITNESS: Sure.

2 MR. SCHNEE: Judge, if I can take a look?

3 MS. GARFIELD: Sure.

4 THE COURT: Sure.

5 (Pause.)

6 MR. SCHNEE: May we approach, Judge?

7 (WHEREUPON, a bench conference was held in the
8 presence, but not within the hearing of the
9 jury.)

10 BY MS. GARFIELD:

11 Q Ms. Heath, if you will just please look at ---
12 I'm on the wrong side --- exhibits 405 through 419.
13 Are these the exhibits you prepared to illustrate your
14 testimony to the jury today?

15 A Yes, they are.

16 MS. GARFIELD: Your Honor, at this time I'd like
17 to introduce these into evidence and allow Ms. Heath
18 to present them to the jury and explain her
19 comparison.

20 THE COURT: What are the numbers?

21 MS. GARFIELD: 405 through 419.

22 THE COURT: All right. Admitted over defense
23 objection.

24 MR. KRZYSTON: I would join in Mr. Schnee's
25 objection. I also would add the additional grounds

1 that this is cumulative at this point.

2 THE COURT: All right.

3 (WHEREUPON, State's Exhibit Numbers 405-419 were
4 admitted into evidence.)

5 MR. KRZYSTON: And obviously based on my
6 additional previously mentioned grounds, as well.

7 BY MS. GARFIELD:

8 Q At this time, Ms. Heath, I'll give you a pointer
9 and allow you to explain to the jury how you went
10 about ---

11 A Well, it's right here. It doesn't matter.

12 Q --- how your went about your comparison process.
13 Please proceed and explain to the jury what you did
14 when you were preparing the known document and the
15 questioned document?

16 A This is a photographic enlargement of the
17 questioned document, and this is one of the known
18 standards that I took from Mr. Barnes. I began by
19 starting at the first of it. One of the great
20 uniquenesses that I noticed in this letter was the
21 space in between the initial step at the end and the
22 arch. We have it over here in the known document ---
23 in the questioned document, excuse me, and then we
24 also have it over here in the known document.

25 If you'll notice the formation of the "R", the

1 "R" is up higher than the --- what should be a capital
2 "M". This should be a lower case "a" and a lower case
3 "r". If you'll notice, it's up higher, the height
4 ratio, than the rest of the word. We also have that
5 in several of the samples that I obtained from
6 Mr. Barnes and all where the "R" is up higher in a
7 height dimension. We also have it over here on the
8 word "drive".

9 Same thing we went through with the "b", initial
10 stroke down, almost a three formation. We have that
11 within the known writing. The "U" has no retrace on
12 it, and the "U" from this writer has no retrace on it.
13 Again, we still have that same spacing that we found
14 in the "M" formation. One of the more unique --- I
15 think it was more so in the whole letter. If we can
16 move the ---

17 Q Absolutely, before you do, will you just publish
18 the exhibit numbers for the record?

19 A Certainly. This was State's Exhibit Number 405
20 and State's Exhibit 409, okay. This is a photographic
21 enlargement of the questioned letter, and this is a
22 photographic enlargement of the known standard. One
23 of the uniquenesses that I noticed of this particular
24 writer was to make the "S" formation, and then he
25 would add an additional little stroke.

1 Sometimes to the front of it, but then sometimes
2 within the writing here, he added it inside of the "S"
3 coming in this way. Sometimes he did it from this
4 side and sometimes from this angle, but that is
5 constant throughout the writing. This was a
6 uniqueness in all. As we go through school and we
7 learn to write and all, we all learn to write from
8 copy book style, which means it has to look alike for
9 people to be able to recognize it and be able to read
10 it. We do that when we were first learning to write.
11 As we go through school and the process of getting
12 older and all, we develop uniquenesses that are unique
13 to our writing and our writing alone. In this
14 particular instance the "S" formation is very
15 individualized to this particular writer. It carries
16 throughout the writing and throughout the sample that
17 he gave me. We can see the "S" there with the stroke
18 added on it, and the "S" right there with the stroke
19 added to it.

20 This particular writer, the "S" is also more
21 pointed. Instead of down lower with the rest of the
22 writing, the "S" is kind of a prominent letter in all
23 of the writings and all that begin with an "S" or even
24 have an internal "S" within them. I went through and
25 looked for each and every one of the letter

1 formations. One of the other ones, too, this
2 particular writer makes a lot of circle "i" dots. I
3 also found that in the known standards that he gave,
4 and in some of the other standards that I have for
5 comparison purposes and all, I found those circle "i"
6 dots in those, too. Sometimes the writer would add an
7 kind of an initial curl into the strokes. That is on
8 some of the writings that I have on some of the these
9 standards and on some of these, as well. I looked at
10 each and every one of the letter formations to compare
11 them to the set of known standards and then arrived at
12 my conclusion.

13 Q Ms. Heath, again for the record will you just
14 publish the exhibit numbers?

15 A The questioned letter is Exhibit Number 407 and
16 the known is Exhibit 419.

17 Q Do you have other documents to share with the
18 jury to explain?

19 A They're basically all kind of cumulative of the
20 same thing, but I can go through them if you like.

21 Q No, that's fine.

22 A But that's basically how I examined the
23 documents.

24 Q Go ahead. And take the stand.

25 Ms. Heath, you said this writer. When you were

1 talking about this writer, were you referring to the
2 questioned document?

3 A I was referring to Trenton Barnes who was the
4 writer of the questioned document.

5 Q Okay.

6 MS. GARFIELD: Beg the Court's indulgence.

7 (Pause.)

8 Thank you, Ms. Heath.

9 MS. GARFIELD: Please answer any questions
10 defense counsel may have.

11 THE COURT: Mr. Krzyston?

12 MR. KRZYSTON: I have nothing for this witness,
13 Judge.

14 THE COURT: Mr. Schnee?

15 MR. SCHNEE: Very briefly.

16 CROSS-EXAMINATION:

17 BY MR. SCHNEE:

18 Q Ms. Heath, your determination only goes so far as
19 to say that Trenton Barnes wrote this letter, correct?

20 A That's correct.

21 Q So you have no way of knowing if anything in
22 there is actually a true statement of fact?

23 A That is correct.

24 MS. GARFIELD: That's all I have.

25 MS. GARFIELD: Nothing further.

1 THE COURT: Thank you, Ms. Heath. Have a nice
2 night.

3 A Thank you.

4 THE COURT: All right. Ladies and gentlemen,
5 we're going to break there for the evening. You have
6 been going for a very long time today. I think we
7 made it through maybe 11 witnesses with some breaks in
8 between, so I want to say thank you for your service
9 today. You're all doing an excellent job of staying
10 with me, paying attention, keeping up what's going on
11 and giving it this time attention it deserves
12 regardless of who is asking questions or what may be
13 going on. I know on behalf of all the parties, they
14 would all want me to say thank you for the attention
15 you have given us today.

16 If you'll be in your jury room tomorrow morning
17 at 9:15, we will be ready to go. Do not discuss the
18 case and keep an open mind. You will recall that I
19 told you before you must decide this case solely on
20 what happens in this courtroom and the evidence in
21 this courtroom because we're about to take a break
22 overnight, I'm now reminding you of that warning. You
23 made a commitment to me, you made a commitment to each
24 other, and you made a commitment to the parties that
25 you will not discuss this case with anyone in any way,

1 shape, or form. You will not use any type of
2 electronic device, phone, tablet, computer or TV,
3 radio, news media, print newspaper or anything that
4 you can imagine to do any type of research or look up
5 anything on this case. We will see you bright and
6 early tomorrow morning. Thank you for your hard work
7 today and have a safe night.

8 Thank you.

9 (WHEREUPON, the jury left the courtroom at 5:34
10 P.M.)

11 THE COURT: Okay. Ma'am, in the pink, who do you
12 work for?

13 UNIDENTIFIED WOMAN: Fox.

14 THE COURT: Stand up. What's your name?

15 UNIDENTIFIED WOMAN: My name is Tonya Alley, WACH
16 Fox.

17 THE COURT: Have you submitted a request to be in
18 this courtroom?

19 NEWS REPORTER: Yes, I have.

20 THE COURT: Did you understand my ruling that you
21 were not allowed to take down equipment or remove
22 equipment during testimony?

23 NEWS REPORTER: No, sir. I did not. Who was
24 here earlier there are week that heard that from your
25 agency?

1 NEWS REPORTER: No one.

2 THE COURT: Well, I don't have a request for you.
3 Do you have it signed by me?

4 NEWS REPORTER: I didn't get anything signed by
5 you.

6 THE COURT: If you don't have something signed by
7 me that means you can't be in my courtroom with a TV
8 camera. Do you understand that?

9 NEWS REPORTER: I understand.

10 THE COURT: On every one that I signed it says
11 you can't set up or take down during testimony. You
12 can only do it before court, after court, or during a
13 break. Do you understand that now?

14 NEWS REPORTER: I do, yes.

15 THE COURT: I expect to see a signed document by
16 me before you bring a camera in here again or your
17 news station is going to be banned from this courtroom
18 with a TV camera. Do you understand me?

19 NEWS REPORTER: Yes, sir.

20 THE COURT: Do you have any questions about that?

21 NEWS REPORTER: No, sir.

22 THE COURT: Thank you very much. You may be
23 excused.

24 Anything from --- you can leave the courtroom if
25 you need to, ma'am. I forget to give the limiting

1 instruction.

2 Okay. I'll give the limiting instruction. I
3 have it sitting here with a big fat note on it saying
4 to give the limiting instruction first thing in the
5 morning.

6 MR. KRZYSTON: I'm also going to have a motion
7 concerning the limiting instruction, as well, as some
8 additional stuff.

9 THE COURT: Okay. What is that?

10 MR. KRZYSTON: Judge, I would at this point move
11 for a mistrial based on what has just happened.
12 Earlier we objected to the introduction of the letter
13 that was just published to the jury against Mr. Young.
14 Specifically we cited USC Williamson. In that case,
15 the court noted that the most favorable ruling of
16 804(b)(3) is that it does not allow the admission of
17 non self-inculpatory statements even if they are made
18 within a broader narrative that is generally self-
19 inculpatory. The court may not just assume for
20 purposes of 804(b)(3) that a statement is
21 self-inculpatory because it is part of a fuller
22 confession and this is especially true when the
23 statement implicates somebody else. The court goes on
24 to note that the trial courts should engage in a
25 phrase by phrase analysis of the statement in order to

1 sanitize the statement so that in enjoined trials such
2 as this inadmissible evidence is not admitted.

3 That letter was admitted to this trial or into
4 evidence on the basis of the --- an exception ---
5 excuse me, a statement against interest to exception
6 to hearsay. That hearsay exception specifically
7 requires the unavailability of the defendant. State
8 v. Cheeseboro is instructive on this, Your Honor.

9 THE COURT: I know what Cheeseboro says. I don't
10 need it. I've read it already.

11 MR. KRZYSTON: State v. Cheeseboro is instructive
12 on this and says that where it a defendant or
13 codefendant pleads the Fifth Amendment or hides under
14 his Fifth Amendment protection, he is not unavailable
15 for purposes of the State against interest. Based on
16 that, Your Honor, I would ask that a mistrial be
17 granted. I would assert that manifest necessity
18 dictates as much. And further, Your Honor, I would
19 move --- and I understand you have not given the
20 limiting instruction.

21 When you do give it, I am going to have
22 additional objections for the preservation of the
23 record.

24 THE COURT: All right. So you're going to object
25 to your own limiting instruction?

1 MR. KRZYSTON: Judge, I'm in kind of a tough
2 position because Bruton is instructive on limiting
3 instructions. Bruton has --- the US Supreme Court in
4 Bruton has recognized explicitly the common sense and
5 practical limitations that the jury not be --- excuse
6 me. Bruton has recognized there is a common sense
7 limit on what the jury can do. I believe they have
8 said it's impractical for the jury to consider
9 evidence against one defendant and not the other. For
10 that reason in Bruton, the limiting instructions were
11 found insufficient to cure the prejudice that was
12 imposed upon the petitioner.

13 In this case, I have got to object to the
14 limiting instruction, but I have also got to ask for
15 it. I can't waive an objection to a limiting
16 instruction which I think is by its very nature
17 insufficient without seeding my preservation of the
18 appeal. So for that record --- based on that I have
19 to ask for you to give the limiting instruction and
20 then object to the sufficiency of the overall remedy.

21 THE COURT: Just for the record, you wrote the
22 limiting instruction that I'm going to give.

23 MR. KRZYSTON: It was a collaboration between
24 Mr. Young's counsel, yes.

25 THE COURT: Okay. All right. What else?

1 MR. KRZYSTON: Additionally, Your Honor, I would
2 ask for a curative instruction. The jury was seated
3 outside the presence of me and Ms. Pinnock when we
4 arrived back in the courtroom after writing the
5 limiting instruction. The entire courtroom was full.
6 All parties were here save for Ms. Pinnock and myself.

7 I would ask that --- I think there is a possible
8 negative inference that the jury would draw from that.
9 I would ask for some type of curative instruction.

10 THE COURT: All right. Your motion for a
11 mistrial is denied. We haven't reached the level of
12 manifest necessity, and in fact we are not even close
13 to it. I am going to give the limiting instruction
14 because somebody in the room --- I am required to
15 protect your client in this case and I think he needs
16 to be protected via a limiting instruction. I'm going
17 to given the limiting instruction that you have given
18 me.

19 Furthermore, as to you not being in here when
20 court started, I told the break was seven minutes. I
21 gave you ten minutes and you still weren't in here. I
22 told them that lawyers have a million different things
23 going on and we are getting other lawyers here and
24 nothing took place outside of their presence. It's
25 impossible to draw any kind of negative inference from

1 you or Ms. Pinnock not being here. I specifically
2 gave a very reasonable reason as to why you were not
3 here, but in regards to that, you were both
4 disregarding a court order. I told you a seven minute
5 break. I came back in ten minutes and neither one of
6 you were here.

7 All right. 9:00 o'clock.

8 MR. KRZYSTON: Thank you, Judge.

9 MS. SIMPSON: Thank you, Your Honor, Your Honor.

10 (WHEREUPON, Court was adjourned for the day.)

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12 THE COURT: Okay. We got another note from a
13 juror about an end date so they can adjust
14 appointments as needed. Does anybody want to give a
15 proposed end date?

16 MS. CAMPBELL: Our case should be through Monday.

17 MR. KRZYSTON: We don't have anything.

18 THE COURT: Okay.

19 MR. SCHNEE: If I put up anyone, I would not
20 anticipate it being long.

21 THE COURT: Okay.

22 MR. SCHNEE: If they finish Monday, it will wrap
23 up Tuesday maybe.

24 MS. CAMPBELL: Tuesday or Wednesday with closing
25 arguments.

1 MR. SCHNEE: Tuesday or Wednesday at the latest, I
2 would guess.

3 THE COURT: What I'll tell them if it's okay with
4 y'all when we come back in, at this point we're not
5 going to work Saturday or Sunday. They have asked
6 about travel on the weekends and that best case
7 scenario probably Tuesday would be the earliest that
8 we would finish. I am not holding any of the lawyers
9 to that. If things change, I'm just asking you to
10 give an estimate. I know you're doing the best you
11 can. Things change and cases change and that's
12 normal, but just to kind of --- I don't want them to
13 think anything is set in stone or anything like that.
14 I don't want any of you all feeling hampered by me
15 giving any time frame, but I'll probably say Tuesday,
16 early Wednesday next week.

17 (WHEREUPON, Court's Exhibit Number 13 was marked
18 for identification only.)

19 MR. KRZYSTON: Judge, while we're on issue of
20 jurors, I need to put something on the record. This
21 morning, I was walking out of the public defender's
22 office at a rather brisk pace in order to make it to
23 court on time and I bolted through the door. There
24 was a lady within a couple inches of the door. Before
25 she even turned around, her back was to me, I began to

1 say, "I'm sorry, ma'am." She turned around. It was
2 one of the jurors. Her and I locked eyes. She did
3 not speak to me. Took me about a second-and-a-half to
4 realize it was her. I turned around and went back
5 into the office. I told Ms. Garfield prior to a
6 tribunal convening and just wanted to put it on the
7 record.

8 THE COURT: Did you say tribunal?

9 MR. KRZYSTON: I did. I've been wanting to say
10 it for awhile.

11 THE COURT: Mr. Li is laughing at you. I think
12 it's hilarious.

13 THE COURT: Okay. That's fine. That was
14 appropriate for you to turn around and go back in and
15 not have any conversation, so that's good. Okay. All
16 right. Anything from the State before we get started?

17 MS. CAMPBELL: Yes, Your Honor. If we could
18 settle the records on a couple of witnesses real
19 quick.

20 THE COURT: Okay.

21 MS. CAMPBELL: Also, Your Honor, yesterday I
22 moved for a bench warrant on Mary Brown. We got in
23 contact with her last night. She has been ill and
24 back and forth in the emergency room. She is here
25 today. She came here voluntarily, we would ask to

1 lift that bench warrant.

2 THE COURT: Okay. That's fine. Whose records
3 are we dealing with? I don't have a copy of that to
4 vacate it, but whatever you need for me to vacate
5 that, I can do that. I don't have it with me. I
6 can't physically do it. I don't have a copy of it.
7 Okay. So who are we starting with on records?

8 MS. CAMPBELL: If we could go ahead with Alfred
9 Wright.

10 THE COURT: Alfred Wright.

11 MS. CAMPBELL: He has a pending murder charge.

12 THE COURT: Okay.

13 MS. CAMPBELL: Which, of course, has 30 to life.
14 That comes in. Your Honor, I'm not sure, he has some
15 drug convictions.

16 THE COURT: Who is this?

17 MS. CAMPBELL: Alfred Wright.

18 THE COURT: Okay. It looks like he has a
19 conviction from 2005 for possession of cocaine.

20 THE COURT: Okay.

21 MS. CAMPBELL: And it looks like maybe a PWID
22 cocaine, as well. Is that how you're reading it?

23 MS. BAMBACH: It looks like a lot. I'm thinking
24 maybe it's a probation violation.

25 MS. CAMPBELL: Yes, a probation violation, but

1 there are maybe two underlying convictions.

2 MS. BAMBACH: Yes.

3 MS. CAMPBELL: Do you agree with that?

4 MS. BAMBACH: Yes, they're all 2005, so I'm
5 thinking that it would just be a probation violation
6 on those charges.

7 MR. SCHNEE: To me it looks like a PWID cocaine
8 and unlawful carrying of a pistol are the two charges
9 from the 2005 charges.

10 MS. CAMPBELL: So we agree it's one PWID cocaine
11 and then the other one is not admissible. Do we agree
12 on that one, Mark?

13 MR. SCHNEE: Yes.

14 MS. CAMPBELL: And then other than that it's
15 magistrate's level and then, of course, he's got the
16 pending, it looks like murder and burglary in the
17 first degree.

18 THE COURT: That's pending murder, pending
19 burglary first and a pending armed robbery.

20 MS. BAMBACH: I also have a pending conspiracy.

21 MS. CAMPBELL: I need to ---

22 MR. SCHNEE: Judge, there's also a federal
23 conviction. It's ---

24 THE COURT: Hold on just one second.

25 MR. SCHNEE: I'm sorry.

1 MS. CAMPBELL: It looks like he has a conspiracy
2 conviction from federal court; is that right?

3 MS. BAMBACH: No. It says pending conspiracy
4 here. It's on the bottom of the document ---

5 MS. CAMPBELL: Okay. We'll go with that, too.

6 MS. BAMBACH: --- in between the two pages.

7 MS. CAMPBELL: And then I believe he has a
8 conviction --- we're double checking --- for
9 conspiracy, and then in 2008 it looks like the federal
10 conviction was for a drug charge, as well as a gun
11 charge?

12 MR. SCHNEE: Yes.

13 THE COURT: Is that what you were about to tell
14 me about, Mr. Schnee?

15 MR. SCHNEE: Yes, Your Honor, it looks like he
16 was sentenced to it looks like 130 months so I think
17 those both qualify.

18 THE COURT: Correct. Okay. So we have --- let's
19 make sure we have it right. Mr. Wright has a pending
20 murder, pending burglary first, pending armed robbery
21 and a pending conspiracy.

22 MS. CAMPBELL: Yes.

23 THE COURT: And those are State Court charges?

24 MS. CAMPBELL: Yes.

25 THE COURT: Fair enough. Then he has a

1 conviction from around 2005 for possession with intent
2 to distribute cocaine.

3 MS. CAMPBELL: Uh-huh.

4 THE COURT: Then he has a 2008 federal conviction
5 involving drugs and guns.

6 MS. CAMPBELL: Looks like cocaine and guns. Do
7 you agree with that?

8 THE COURT: Is that right?

9 MR. SCHNEE: It looks like --- it says cocaine
10 sell. I don't know if that's just a general
11 conspiracy for drugs or actual distribution. It says
12 cocaine on there.

13 THE COURT: I think in federal court, it's all
14 the same thing. They get you three ways to Sunday.

15 MS. CAMPBELL: Right.

16 THE COURT: But it clearly involves drugs and at
17 least a gun.

18 All right. Who else?

19 MS. SIMPSON: Your Honor, with respect to this
20 witness, we just want to make sure that you advise
21 Mr. Wright that he cannot mention anything regarding
22 gang involvement because that is in his letter and
23 some people referenced with regard to gang activity,
24 as well as the fact that Mr. Young was actually told
25 him that he was out on bond for armed robbery,

1 kidnapping.

2 THE COURT: Okay. Mr. Wright. Is Mr. Geise your
3 lawyer?

4 THE WITNESS: Yes.

5 THE COURT: All right. I'll let him explain this
6 to you, too, before we get started. You're not going
7 to be allowed to mention anything about any kind of
8 gang activity. Does that make sense?

9 THE WITNESS: Right.

10 THE COURT: I don't want you saying either --- I
11 don't even know what you're going to testify to, I
12 mean, literally, so I don't want anything about any
13 gang activity said during your testimony. Do you
14 understand that?

15 THE WITNESS: Yes, sir.

16 THE COURT: And if somebody allegedly said to you
17 they were out on bond while they committed some
18 offense, I don't want anything about that either.
19 Does that make sense?

20 THE WITNESS: Yes, sir.

21 THE COURT: Okay. Do you have any questions
22 about that?

23 THE WITNESS: No, sir.

24 THE COURT: Mr. Geise, are you comfortable with
25 his ability to understand my instructions?

1 MR. GEISE: Absolutely.

2 THE COURT: Okay. Thank you, Mr. Geise.

3 MR. GEISE: Can I have a minute to speak with
4 him?

5 THE COURT: Absolutely. Yes, sir.

6 (Pause.)

7 MR. KRZYSTON: I'm going to have some issues
8 before for jury comes back. I don't know if we're
9 finished settling records, maybe Mary Brown, maybe a
10 couple others.

11 THE COURT: Okay. Let's finish settling records.
12 I have that page open in my book.

13 MS. GARFIELD: I can do Michael Schaefer next.
14 It appears, Judge, that he has a fighting conviction
15 in 2006. He was sentenced to nine days, and that's in
16 South Carolina. He also just pled this past summer to
17 three counts of armed robbery. What's what he is
18 currently incarcerated for and in Georgia in 2011 he
19 had two convictions for cruelty to animals and
20 criminal trespass, which would be before a magistrate.
21 I believe the only thing he could be impeached with
22 are his convictions for armed robbery for which he is
23 currently serving time for.

24 THE COURT: Ms. Bambach? Does he have any
25 pending charges?

1 MS. GARFIELD: I'm sorry?

2 THE COURT: Does he have any pending charges?

3 MS. GARFIELD: No, sir.

4 THE COURT: Okay.

5 MS. CAMPBELL: Are we good with that?

6 MS. BAMBACH: That's for Georgia.

7 (Pause.)

8 I'm okay with that.

9 MR. SCHNEE: Judge, the only thing I'd perhaps
10 raise, and I'm not sure exactly how Georgia works, it
11 appears there's a probation violation for one of
12 those. It's entirely possible it would carry more
13 than one year and be impeachable. If's the cruelty to
14 animals charge. I'm trying to find where it says what
15 the actual sentence was.

16 MS. GARFIELD: He was sentenced to four days, 80
17 hours service, and 12 months probation. That was on
18 the trespass charge, and then on the cruelty to
19 animals, it was a fine and probation. It looks like a
20 concurrent sentence.

21 MR. SCHNEE: I would argue if he's on probation
22 for 12 months, we may need to look up the statute to
23 find out.

24 THE COURT: You'll have to look up the statute.

25 MS. GARFIELD: Okay.

1 THE COURT: You could get 12 months of probation
2 on ---

3 MS. GARFIELD: Magistrate level in Georgia,
4 right?

5 THE COURT: I don't know. You could get it on an
6 unlawful carrying of a pistol here and not carry more
7 than a year. Somebody just needs to look it up.

8 MS. GARFIELD: Yes, sir.

9 THE COURT: I'm not saying it does or doesn't. I
10 don't know.

11 MR. SCHNEE: That's why I bring it up. I don't
12 know either.

13 THE COURT: Yes, you need to look it up before he
14 testifies.

15 Who else?

16 MS. SIMPSON: Your Honor, we --- you're still on
17 records?

18 THE COURT: We're still on records.

19 MS. CAMPBELL: Mary Brown.

20 MR. KRZYSTON: Your Honor, I do not have a copy
21 of Ms. Brown's record.

22 MS. CAMPBELL: We've given you a copy before, but
23 we'll give you another one.

24 MR. KRZYSTON: Okay. Thank you.

25 MS. CAMPBELL: It looks like nothing is

1 impeachable on her.

2 MR. KRZYSTON: No juvenile adjudications?

3 MS. CAMPBELL: Do you want to look at her date of
4 birth? Sixty-eight?

5 MR. KRZYSTON: Still could be.

6 MS. CAMPBELL: She has no juvenile record in the
7 last ten years.

8 THE COURT: All right. Do you see anything,
9 Mr. Schnee?

10 MR. SCHNEE: The only thing I could even remotely
11 argue is a fraudulent check involving a crime of
12 dishonesty, but that's from 1994.

13 THE COURT: All right. Okay, it's outside of the
14 ten years.

15 MS. SIMPSON: And, Your Honor, one of our
16 witnesses who will be up and coming is Investigator
17 Gaston. He is one of the crime scene investigators
18 who processed the scene at Bronx Street during the
19 execution of the search warrant.

20 In that search, there was paperwork found
21 regarding Lorenzo Young's DJJ, I guess involvement or
22 adjudications, and there are photographs which have
23 been marked, so I just want to go ahead withdraw them.
24 I've indicated to the defense that we will withdraw
25 them, as well. It's State's 201 and 202.

1 (WHEREUPON, State's Exhibit Numbers 201 and 202
2 were withdrawn.)

3 THE COURT: Okay. Anything else on settling
4 records for today?

5 MS. SIMPSON: Nothing from the State at this
6 time.

7 THE COURT: On records? Okay.

8 MR. KRZYSTON: Your Honor, Your Honor at this
9 point I'm going to again renew my mistrial motion I
10 made yesterday. I certainly understand and respect
11 Your Honor's ruling. I do feel that I need to make an
12 additional motion for mistrial on the grounds that the
13 limiting instruction which I, for the record, object
14 to the sufficiency of. I feel that, you know --- this
15 is through no fault I think of anybody here. It was a
16 long day, and we neglected to give the limiting
17 instruction yesterday after the letter was introduced.
18 The letter that was introduced was extremely
19 prejudicial to my client.

20 The taint of that evidence has sat in their mind
21 for over eight hours at this point. I think based on
22 the failure to give a timely instruction, I do think
23 it warrants a mistrial and so on those grounds --- on
24 those additional grounds, I'm also moving for a
25 mistrial. I certainly do understand Your Honor's

1 ruling.

2 THE COURT: All right. Your motion is denied. I
3 believe that the jury has the ability to listen to and
4 follow instructions. They have paid attention
5 throughout this entire trial, and I have no knowledge
6 that they would disregard my instructions or fail to
7 follow my instructions, so your motion for a mistrial
8 is denied.

9 MR. KRZYSTON: Thank you, Your Honor.

10 MR. SCHNEE: Judge, I have a couple of things
11 from yesterday ---

12 THE COURT: Okay.

13 MR. SCHNEE: --- that we did at sidebar that I
14 need to put on the record.

15 THE COURT: Okay.

16 MR. SCHNEE: First would be the testimony of
17 Donald Moore. I would direct Your Honor to State v.
18 Bottoms. It's 260 S.C. 187. Essentially after the in
19 camera hearing of Donald Moore, Your Honor ordered
20 that he was required to testify, could not plead the
21 Fifth. Donald Moore got up there. The solicitor
22 called him to the stand knowing full well he was going
23 to say that everything in his prior statements to
24 police were lies, which is exactly what he did.

25 The solicitor then pretty much ripped through all

1 the actual statements he made to law enforcement. He
2 continued to deny them saying they were lies.

3 State v. Bottoms is pretty clear on this. The
4 witness was called for the express purpose of
5 impeachment.

6 What Bottoms really describes is the fact that
7 the questions by the lawyer are not evidence.
8 Impeachment of a witness is not actual substantive
9 evidence.

10 The only purpose of impeachment is to show the
11 jury that the witness may or may not be credible, but
12 not to actually introduce that evidence as substantive
13 evidence.

14 Considering Donald Moore's testimony, every
15 single question or almost every question asked by the
16 State, he said, "Well, that was a lie." That was the
17 entire line.

18 I believe the jury is going to have a very hard
19 time understanding that. I don't believe there was
20 ever an instruction regarding that, and I believe that
21 would require that this witness should be struck from
22 the record entirely. Based on that, I don't believe
23 you could remove the taint from the jury. I would
24 request a mistrial from that.

25 MS. CAMPBELL: Your Honor, if I could be provided

1 a copy of the case law he is relying on.

2 THE COURT: It's from 1973.

3 MS. CAMPBELL: The rules have even changed since
4 1973, Your Honor.

5 THE COURT: Right. The Rules of Evidence weren't
6 even in effect when that case was decided.

7 MS. CAMPBELL: Your Honor, clearly State v.
8 Bottoms doesn't apply. The Rules have changed.
9 Specifically, the Rule now allows that either party
10 can impeach a witness. Additionally, Your Honor it's
11 not that we also impeached him. We also just asked
12 him and he did say voluntarily that he believed he
13 made those statements to police, so he admitted to
14 doing that.

15 THE COURT: Right. He admitted to making all the
16 statements.

17 MS. CAMPBELL: Yes.

18 THE COURT: He just said when he made them they
19 were a lie.

20 MS. CAMPBELL: Yes.

21 THE COURT: But he did not deny making all the
22 statements. So your motion under Bottoms is overruled
23 and the testimony will stand.

24 Bottoms was early 1970's before the Rules of
25 Evidence we are in effect. The Rules of Evidence are

1 very clear now that either side can impeach a witness.
2 You can actually impeach your own witness now pursuant
3 to some rule in the 600 range in the Rules of Evidence
4 and I think it was proper. It's for the jury to
5 determine the believability and the credibility and
6 the weight of the evidence that is presented and your
7 motion for a mistrial is denied.

8 MR. SCHNEE: Thank you, Your Honor. Secondly
9 dealing with the handwriting expert, Ms. Heath,
10 yesterday, I'm again --- I know we did this sidebar.
11 I'm objecting to the actual exhibits that were
12 introduced, the blow ups. That's particularly
13 important because the only thing that was shown to the
14 jury on those blow ups, at least the main thing was
15 the original letter that was received by the
16 solicitor's office and then the sample, and those were
17 the only things shown to the jury and that's exactly
18 the fear that I had when this was the request from the
19 SLED agent to take that type of sample as opposed to
20 any other type of valid writing sample, so now the
21 jury was forced to look at two copies of an identical
22 letter. I believe that's highly prejudicial, and I
23 would request that it be stricken from the record and
24 I request a mistrial for that. I understand Your
25 Honor's ruling. You already ruled on it yesterday. I

1 just wanted to put it on the record.

2 The only other issue that I would raise very
3 briefly is if there is some reason the court
4 determines that Mr. Krzyston's motion for a mistrial
5 should be granted, I would, of course, join in at this
6 point. If he would be separated from the trial I
7 would have a --- would be unable to continue the
8 trial, so I would request a mistrial with him.

9 THE COURT: Your motions are denied. An expert
10 is allowed to go into the information that they used,
11 gathered, created, collected. It was never presented
12 to the jury that he had on a separate occasion written
13 this letter in some confession or anything. She
14 explained very clearly that she collected this as part
15 of her gathering process to determine the validity of
16 the question document and that it was given at her
17 request or that he gave the sample at her request and
18 therefore I can't really even see or understand any
19 prejudicial effect. Any prejudicial effect that is
20 made is outweighed by the probative value of documents
21 and concerning that and concerning the existence of
22 the information about who penned the letter, so your
23 motion for a mistrial is denied.

24 MR. SCHNEE: Yes, Your Honor.

25 THE COURT: Thank you very much.

1 MR. SCHNEE: The only other brief thing I would
2 ask at this point is I'm going to renew my pretrial
3 motion and memorandum that I gave Your Honor on
4 Wednesday. That would be dealing with the 804(b)(3)
5 hearsay evidence. I know there are a number of
6 jailhouse witnesses coming up or in the next few
7 minutes I believe the very first one even gets
8 information from people other than my client.
9 Anything that would be tending to inculcate my client,
10 exonerate the client or shift blame in any way, shape,
11 or form is inadmissible by those rules. My notice has
12 been discussed ad nauseam. Just wanted to point out
13 for the record that I'm renewing that objection to any
14 such hearsay testimony.

15 THE COURT: Okay. I'll have to hear it. I can't
16 make that decision in the abstract.

17 Where is Ms. Heath on the witness list?

18 MR. SCHNEE: I don't believe she is, Your Honor.

19 MS. GARFIELD: She should have been, Judge. If
20 she is not, that was a complete oversight.

21 Okay. Let's bring in the jury.

22 (WHEREUPON, the jury entered the courtroom at
23 9:33 A.M.)

24 MS. CAMPBELL: May we approach?

25 (WHEREUPON, a bench conference was held in the

1 presence, but not within the hearing of the
2 jury.)

3 THE BAILIFF: The jury panel is present, Your
4 Honor.

5 THE COURT: All right. Good morning. Welcome
6 back. Thanks for being on time. It's completely
7 different weather today and tomorrow, so make sure you
8 dress appropriately.

9 THE JUROR: Yes, it is.

10 THE COURT: All right. Ladies and gentlemen, one
11 of the things that I told you in my opening
12 information to you or what we call the opening on the
13 law is that certainly things are not evidence. I know
14 we have talked about that since then. One of those
15 categories of things that are not evidence is anything
16 that I tell you to disregard. So there's been a
17 couple of times throughout this trial, I don't
18 remember specifically when, that I ordered you to
19 disregard certain information and so I want you to
20 understand that backdrop as I read this information
21 I'm about to read to you.

22 Members of the jury, the State has introduced a
23 letter purported to be written by Trenton Barnes.
24 Now, you heard about this letter last night. The
25 admission of this evidence, the admission of the

1 letter is only to be considered against Trenton
2 Barnes. This evidence cannot be considered against
3 Mr. Young at all.

4 You are not to weigh this evidence whatsoever
5 when considering if the State has met their burden of
6 proof against Lorenzo Young, so that's a further
7 instruction that I'm giving you on things that are not
8 evidence. Essentially the letter would not be
9 evidence against Mr. Young, and so you are to
10 disregard the letter in regards to Mr. Young's
11 involvement.

12 Okay. All right. You may call your next
13 witness.

14 MS. SIMPSON: The State calls Alfred Dominique
15 Wright.

16 THE BAILIFF: Raise your right hand, place your
17 left hand on the Bible.

18 ALFRED DOMINIQUE WRIGHT,
19 after being duly sworn, testified as follows:

20 THE CLERK: Have a seat. State your full name
21 for the record.

22 THE WITNESS: Dominique Wright.

23 DIRECT EXAMINATION:

24 BY MS. SIMPSON:

25 Q Can you state your full name for the record?

1 A Alfred Dominique Wright.

2 Q Mr. Wright, how old are you?

3 A Thirty-four.

4 Q And are you from Columbia?

5 A Not originally, but I've lived here since '94.

6 Q Ninety-four. So did you go to school here in
7 Columbia?

8 A Yes, ma'am.

9 Q Where did you go to school?

10 A Hammond.

11 Q Hammond and how far did you go in school?

12 A About a year into college.

13 Q A year into college. Where did you attend
14 college?

15 A South Carolina. I want to turn your attention to
16 this case. Do you know the defendant, Lorenzo Young?

17 A I met him on one occasion.

18 Q How did you come to meet him? How did you know
19 him?

20 A They have a law library at Alvin S. Glenn, and I
21 happened to be in there one time when he was also in
22 there.

23 Q Are you in the law library a good bit?

24 A Yes, ma'am.

25 Q And at the time, did you know Lorenzo by his

1 name, Lorenzo Young, or did you know him by a
2 nickname?

3 A I heard his nickname, you know, through other
4 people.

5 Q Okay. And tell us about your conversation with
6 Mr. Young.

7 A Well, I was helping an individual with some legal
8 work, and he came up to me and asked me if I knew some
9 people that were in my dorm that he knew and then
10 asked for some assistance with his situation.

11 Q And how did you respond to that statement --- did
12 you know anybody he knew?

13 A Yes, ma'am.

14 Q Were you friends with some of those people?

15 A Yes, ma'am.

16 Q So Mr. Young actually asked you for some help
17 with the legal portion of his case?

18 A Yes, ma'am.

19 Q In that process, tell us what occurred and what
20 you learned.

21 A He told me that he was with two other individuals
22 and that ---

23 MR. SCHNEE: Objection, Your Honor. My prior
24 hearsay objection.

25 THE COURT: Overruled.

1 MR. SCHNEE: Thank you.

2 BY MS. SIMPSON:

3 Q You can continue. What did he tell you about his
4 case?

5 A That he was with two other individuals that he
6 called Trigg and Trap, and I later got their names
7 from somebody else, but not from him. He just gave me
8 their nicknames. He said they went to rob a club, but
9 the club was closed, so they went next door to a
10 bakery where Trap stayed outside as a look out and he
11 and Trigg went in. A woman resisted when they
12 demanded for money and swung a knife at them, and he
13 shot her two times.

14 Q And backing up just a little bit, you said he
15 mentioned that he did this with two other individuals?

16 A Right.

17 Q Did you learn who Trigg was?

18 A I was told by someone else, not him, that Trigg
19 was Troy Stevenson and Trap was Trenton Barnes and
20 they were both brothers.

21 Q They were both brothers?

22 A Uh-huh.

23 Q So Mr. Young actually said to you that he and
24 Stevenson were the was who went in with guns?

25 A Yes, ma'am.

1 Q At that point he also indicated that he himself
2 is one of the people that actually shot the
3 individual?

4 A Yes, ma'am.

5 Q What was his purpose again for telling you this
6 information?

7 A I was speaking with another individual on ways
8 to, you know --- recently the individual was using the
9 stand your ground law. I think it was State v. Isaac
10 case because it was about a year ago.

11 Q So he was just asking for advice, essentially, on
12 this case?

13 A I told him he could try the stand your ground and
14 maybe he could get a better chance at voluntary
15 manslaughter or something like that.

16 Q So he was willing to talk to you and he gave this
17 information?

18 A Yes, ma'am.

19 Q Did you actually know Trenton Barnes or ever meet
20 him?

21 A No.

22 Q What about Troy Stevenson? Did you ever have any
23 conversations or meet him?

24 A I never had any conversations, but I saw him
25 quite frequently because we were both in programs. We

1 were in the same section at the jailhouse. We would
2 often have to walk down the hallway, but I never
3 talked to him.

4 Q Again, Trap or who your later learned was
5 Trenton, was the look out?

6 A Yes, ma'am.

7 Q According to Mr. Young?

8 A Yes, ma'am.

9 Q But Mr. Young went in with the gun?

10 A Yes, ma'am.

11 Q And their initial plan, you said, was to rob a
12 club?

13 A Right, but the club was closed.

14 Q What was Mr. Young's demeanor as he was talking
15 to you and telling you about his case?

16 A It was pretty calm.

17 Q It was calm? He was just asking you questions?

18 A Yes, ma'am.

19 Q And did you actually kind of record this
20 conversation or document the conversation that you had
21 with Mr. Young in some way?

22 A I wrote it down later. I just tried to remember
23 it.

24 Q Okay. And what did you do with that information?

25 A I handed it over to an investigator.

1 Q Okay. And in the form of a letter?

2 A --- handwritten, yes.

3 Q And you sent that letter to our office?

4 A Well, to the investigator, and then it got there
5 to your office.

6 Q Okay. And did you also --- are you currently
7 facing some charges yourself?

8 A Yes, ma'am.

9 Q What are your current charges?

10 A Murder, first degree burglary, criminal
11 conspiracy and armed robbery or attempted robbery.

12 Q So for murder, you're actually looking at a
13 minimum of 30 years up to life, correct?

14 A I believe so.

15 Q And for burglary first, do you know what amount
16 of time you're facing?

17 A Fifteen to life, I believe.

18 Q Fifteen years to life? And with respect to your
19 armed robbery, what are you facing on those charges?

20 A I know armed robbery is ten to 30, but I have
21 attempted armed robbery, so I don't know if there is a
22 difference.

23 Q So it's attempted armed robbery, but up to 30
24 years?

25 A Yes, ma'am.

1 Q And then criminal conspiracy is?

2 A Zero to five.

3 Q Do you actually have an attorney?

4 A Yes, ma'am.

5 Q Who are you represented by?

6 A Right now I'm being represented by Barney Geise.

7 At the time I wrote these statements, I think ---

8 Q Well, you were actually represented by someone
9 else at the time of the statements, right?

10 A Yes, ma'am.

11 Q But right now you were presented by Mr. Geise?

12 A Yes, ma'am.

13 Q Is he actually present in the courtroom today?

14 A Yes, ma'am.

15 Q Along with one of your other attorneys, Justin
16 Kata?

17 A Yes, ma'am.

18 Q And you turned that information over to them, as
19 well?

20 A Right.

21 Q At some point did you also meet with an
22 investigator, along with your lawyers, from my office?

23 A Yes, ma'am.

24 Q To discuss the case?

25 A Yes.

1 Q But you've never talked to me, right?

2 A Right.

3 Q And you actually dealt with law enforcement and
4 been in the penitentiary before, correct?

5 A I'm still serving my sentence right now.

6 Q You're currently actually in federal custody, I
7 believe?

8 A Yes, ma'am.

9 Q For drugs and a weapons charge?

10 A Firearm, yes, ma'am.

11 Q That's from 2008?

12 A Yeah. I was arrested in 2007, but sentenced in
13 2008.

14 Q And you also have a prior conviction for
15 possession with intent to distribute cocaine?

16 A Yes, ma'am.

17 Q And did you actually know the victim in this case
18 or anyone else involved in this case?

19 A Not at all.

20 MS. SIMPSON: Beg the Court's indulgence.

21 (Pause.)

22 BY MS. SIMPSON:

23 Q Finally, the individual that you met in the law
24 library who indicated to you that he shot the woman in
25 the bakery, do you see him here in the courtroom

1 today?

2 A Yes, ma'am.

3 Q Can you point him out for the jury and tell them
4 what he is wearing?

5 A A blue suit with a cup in his hand right now.

6 Q Is he sitting at the center table?

7 A Yes, ma'am.

8 MS. SIMPSON: Your Honor, let the record reflect
9 that the witness has identified the defendant Lorenzo
10 Young.

11 THE COURT: So redirected.

12 MS. SIMPSON: Thank you.

13 THE COURT: All right. Mr. Krzyston or --- I'm
14 sorry. I apologize, Ms. Bambach.

15 MS. BAMBACH: Thank you, Your Honor. May it
16 please the Court.

17 THE COURT: Yes, ma'am.

18 CROSS-EXAMINATION:

19 BY MS. BAMBACH:

20 Q Mr. Wright, you had this conversation with
21 Lorenzo on February 28th?

22 A Yeah.

23 Q 2014, correct?

24 A I believe before the end of February, yes, ma'am.

25 Q Yes. Your letter states February 28th, 2014.

1 You met him in the law library at the jail?

2 A Yes, ma'am.

3 Q You only met him that one day, right?

4 A That's it.

5 Q You were never in the same dorm as him?

6 A No.

7 Q So the only interaction was in the law library at
8 the jail?

9 A Yes, ma'am.

10 Q And after meeting you for the first time he
11 wanted your advice?

12 A Well, as I mentioned, I knew some people he knew,
13 and he heard me helping someone else with the same ---
14 well, a similar situation.

15 Q Okay. So you've been in the Mike dorm almost the
16 entire time you've been at Alvin S. Glenn, right?

17 A Yes, ma'am.

18 Q So that would be from March 2013 until today,
19 you're still in Mike dorm?

20 A No, sir.

21 Q You're not at Mike?

22 A I'm not at Alvin S. Glenn right now.

23 Q Oh, I'm sorry. You moved, right? You know
24 Michael Schaefer, don't you?

25 A He was in my dorm, as well.

1 Q And he was in the same dorm as you for about 11
2 months then?

3 A Off and on.

4 Q Back and forth?

5 A He went back and forth.

6 Q Do you know Michael Schaefer and Lorenzo were in
7 Juliette together?

8 A I believe so. Yeah, of course, because that's
9 one of the people he actually asked me about and asked
10 did I know when I was --- when we had the whole
11 conversation.

12 Q Okay.

13 A They used to play cards. They were friends or
14 something.

15 Q Okay. You were in the jail in July of 2013,
16 right?

17 A Yes, ma'am.

18 Q When this incident happened?

19 A Yes, ma'am.

20 Q Okay. And during this time you were in Mike dorm
21 so you did have access to television, right?

22 A Yes, ma'am. They do watch TV there a lot.

23 Q I know in each pod they have the TVs in each pod
24 at Mike, right?

25 A Right.

1 Q So there is cable in Mike dorm?

2 A Yes, there is.

3 Q And as Ms. Simpson said, you're currently in jail
4 for a pending murder, burglary, armed robbery ---
5 attempted armed robbery and conspiracy, right?

6 A Yes, ma'am.

7 Q And murder carries up to life?

8 A Yes, it does.

9 Q Day for day?

10 A Yes, it does.

11 Q And burglary first carries up to life, and the
12 solicitor's office is prosecuting your case, right?

13 A Yes, ma'am.

14 Q Actually, the Deputy Solicitor is prosecuting
15 your case. And you met with the solicitors a few
16 weeks ago to discuss your testimony, right?

17 A Yes, ma'am.

18 Q So on February 28th, 2014, you were in the law
19 library. Would it surprise you to know that you're
20 not able to go to the law library if your in SHU dorm?

21 A That wouldn't surprise me, but I'm confused what
22 is a dorm right now.

23 Q Okay. Well, just if your in SHU dorm, you aren't
24 allowed to go ---

25 A Right.

1 Q --- to the law library?

2 A I do know that.

3 Q Also, did you know that you're not allowed to go
4 to the library for 30 days after you get out of the
5 SHU dorm?

6 A Yes, I do know that.

7 MS. BAMBACH: I have nothing further.

8 THE COURT: Mr. Schnee?

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

10 THE COURT: Yes, sir.

11 CROSS-EXAMINATION:

12 BY MR. SCHNEE:

13 Q Mr. Wright, do you recognize the man sitting over
14 there?

15 A No.

16 Q Never seen him before? Sitting at the table
17 where I got up from?

18 A I can't really see with his hand covering his
19 face, sir.

20 Q Trenton, move your hand.

21 A No.

22 Q Never seen him before?

23 A No.

24 Q Never talked to him?

25 A Pretty sure I haven't.

1 Q Okay. All the information you have about this
2 case you're saying came from Lorenzo Young?

3 A Yes, sir.

4 Q And he told you that it was him inside with Troy
5 Stevenson?

6 A Yes, sir.

7 Q Okay. And Trenton never went inside according to
8 the Lorenzo?

9 A Yes, sir.

10 Q Okay.

11 MR. SCHNEE: No further questions.

12 MS. SIMPSON: Brief redirect, Your Honor.

13 THE COURT: Yes, ma'am.

14 REDIRECT EXAMINATION:

15 BY MS. SIMPSON:

16 Q Have you actually spoken with either myself,
17 Ms. Campbell or Ms. Garfield?

18 A No.

19 Q About your case or about this case?

20 A No.

21 Q And were you threatened or coerced to come
22 forward in any way?

23 A No, not at all.

24 Q And have you been made any promises or offered
25 any deals ---

1 A Not at all.

2 Q --- in this case with respect to your charges?

3 A Not at all.

4 Q But you're hoping for some benefit or help down
5 the road or consideration by either my office or a
6 Judge?

7 A Of course.

8 Q Additionally, you said Lorenzo told you that she
9 had resisted with a knife?

10 A Uh-huh.

11 Q And again you were in jail during July?

12 A Right.

13 Q And had seen something on the news to about this
14 case?

15 A I mean, I heard about it. I actually missed it
16 because I was playing cards at the time. I just know
17 I didn't see it on TV, but I heard about it.

18 Q But he told you that she resisted with a knife?

19 A No, sir yeah.

20 Q And he and Troy are the ones that went in?

21 A Yes, ma'am.

22 MS. SIMPSON: Thank you.

23 THE COURT: Ms. Bambach.

24 RECROSS-EXAMINATION:

25 BY MS. BAMBACH:

1 Q Mr. Wright, would it surprise you to learn that
2 Lorenzo Young was in SHU dorm on February 19th, 2014?

3 A It would. Maybe I put down the wrong date. I
4 was pretty sure it was toward the end of February.

5 Q Okay. February 28th he was in Juliette. Would
6 that surprise you?

7 A Not at all.

8 Q And per the policy at Alvin S. Glenn, you're not
9 allowed to go to the library ---

10 A Thirty days.

11 Q --- for 30 days?

12 A Yes, ma'am.

13 Q And February 19th to February 28th is nine days?

14 A It is not 30 days.

15 Q It is not 30 days.

16 A I understand that.

17 MS. BAMBACH: Thank you.

18 R. SCHNEE: Thank you, no further questions,
19 Judge.

20 THE COURT: Have a good day, sir.

21 Call your next witness.

22 MS. SIMPSON: The State calls Investigator
23 Gaston.

24 INVESTIGATOR JOHNSON GASTON, JR.,
25 after being duly sworn, testified as follows:

1 THE CLERK: Please have a seat, state your full
2 name for the record.

3 THE BAILIFF: Pull your chair up. Thank you.

4 DIRECT EXAMINATION:

5 BY MS. SIMPSON:

6 Q Can you state your name for the record?

7 A Officer Gaston from the CPD.

8 Q And your first name?

9 A Johnny Gaston, Jr.

10 Q Investigator Gaston, how long have you been with
11 the Columbia Police Department?

12 A Eight-and-a-half years.

13 Q Eight-and-a-half years?

14 A Yes, ma'am.

15 Q And what position do you currently hold?

16 A I'm a crime scene investigator.

17 Q And prior to being a crime scene investigator,
18 did you work some other aspect within the department?

19 A I was on patrol for about six years.

20 Q For about six years?

21 A Yes, ma'am.

22 Q During your time on patrol, what types of cases
23 did you respond to?

24 A Murders, attempted murders, burglaries, auto
25 break-ins, just domestics, basically anything you

1 could think of.

2 Q A little bit of everything? And then later you
3 became a crime scene investigator, correct?

4 A Correct.

5 Q And are you actually trained or qualified with
6 respect to some forensics?

7 A Yes.

8 Q What are your qualified in or have training in?

9 A I'm a latent print examiner, palm print advanced
10 classes, as well as AFIS operator.

11 Q And ---

12 THE COURT: As well as what?

13 THE WITNESS: AFIS operator.

14 THE COURT: AFIS. I'm sorry. I didn't hear what
15 you said.

16 BY MS. SIMPSON:

17 Q And as a crime scene investigator, tell the jury
18 about what your duties include, what are you required
19 to do?

20 A Basically my job is to photograph, document, and
21 collect evidence.

22 Q What types of things do you respond to?

23 A Basically any auto break-ins, burglaries,
24 attempted murders, murders, assaults, any kind of
25 assault where anything is involved, fatalities,

1 accident with injuries, as well.

2 Q So you're called out generally to the scene by
3 either an investigator or dispatch or something of
4 that nature?

5 A Or supervision on the street.

6 Q So in addition to crime scenes themselves, do you
7 also respond with respect to search warrants and
8 things of that nature?

9 A Yes, search warrants, as well.

10 Q I want to turn your attention to July of 2013,
11 July 5th. Were you contacted to respond to a certain
12 location involved in this case?

13 MS. BAMBACH: Objection, Your Honor. I would
14 just renew our previous search warrant objection.

15 THE COURT: Understood. Overruled. Thank you
16 very much.

17 BY MS. SIMPSON:

18 Q Again, were you contacted to, I guess --- and
19 notified to respond to a certain location involved in
20 this case?

21 A Yes.

22 Q What was that location?

23 A That location was --- let me look at it real
24 quick, 3054 Bronx Road.

25 Q 3054 Bronx Road?

1 A Yes, ma'am.

2 Q If you could speak up a little bit so we can
3 hear, please.

4 A Okay.

5 Q And who were your notified by?

6 A I was notified by investigations, but I can't
7 remember which investigator notified me.

8 Q So investigations was already on the scene?

9 A Correct.

10 Q And were they actually executing a search warrant
11 at the location?

12 A Correct.

13 Q And when you arrived --- what was the date and
14 time of your arrival?

15 A The date and time was July 5th at approximately
16 11:15 in the morning.

17 Q So there were already some investigators who were
18 executing the search warrant and you were called out?

19 A Yes, ma'am.

20 Q And when you arrived, did you actually make
21 contact with one of the investigators on the scene?

22 A Yes, ma'am.

23 Q Who did you make contact with?

24 A Investigator McCoy.

25 Q And did he apprise you some certain information?

1 A No.

2 Q Did he let you know that --- anything about a
3 search that was currently being conducted or a
4 previous search at another location?

5 A No, just that the residence itself had already
6 been --- some of the search had already begun.

7 Q Okay.

8 A And they were pointing out evidence, items in the
9 house they wanted me to collect.

10 Q So they had conducted pretty much a search of the
11 entire home and wanted you to document some of
12 relevant stuff found within the home?

13 A It was parts of the home they had already
14 finished and was working on another area when I got
15 there.

16 Q And what was the primary location where the
17 relevant evidence was found that you documented in
18 that home?

19 A That would be Lorenzo's room, I guess.

20 Q Lorenzo's room?

21 A Correct.

22 Q Right. Did you learn later that he shared that
23 room with his girlfriend or the mother of his child,
24 Rolanda Coleman?

25 A I was unaware of who actually shared the room

1 with him.

2 Q But you did learn that it was his room?

3 A Correct.

4 Q Tell the jury what you did with respect to your
5 crime scene investigation and his room?

6 A Basically when I got there the investigators had
7 already done a search of room and found certain
8 evidence. They pointed out evidence to me, which at
9 that time I placed markers on the evidence and
10 photographed the room and the markers and then I
11 collected evidence that shows markers.

12 Q And what is the purpose of photographing and
13 documenting at a scene?

14 A Basically to show the location where evidence is,
15 you know, prior to me collecting it to show what kind
16 of evidence it is, what it could be, like a pair of
17 shoes or something in a room that I located possibly.

18 Q So to actually document and preserve where it is
19 at the time?

20 A Right.

21 Q Because again you would respond to a number of
22 different locations?

23 A Correct.

24 Q So you photograph it. You do that before you
25 actually collect an item?

1 A Yes.

2 Q And when you collect an item, do you take special
3 procedures or precautions with respect to collecting
4 that item and placing it in evidence?

5 A Yes.

6 Q And did you actually collect some items in this
7 case?

8 A Yes, I did.

9 Q And did you document that ---

10 A Yes, I did.

11 Q --- in some way? Did you also construct a
12 diagram of the scene?

13 A Yes, I did.

14 Q Of the home just to kind of, I guess --- what was
15 the purpose of that?

16 A To kind of lay out where the evidence was located
17 inside the room.

18 Q Okay. I'm going to show you what's been marked
19 as State's Exhibit 400?

20 THE COURT: Is that 400?

21 MS. SIMPSON: Yes, Your Honor.

22 BY MS. SIMPSON:

23 Q Do you recognize State's 400?

24 A Yes, I do.

25 Q Was this actually a computerized version of what

1 you created in your hand drawn diagram?

2 A Correct.

3 Q With the additional location of markers?

4 A Correct.

5 Q In preparation for trial?

6 A Correct.

7 Q Does it fairly and accurately depict what you
8 recall?

9 A Yes, it does.

10 MS. SIMPSON: Your Honor, at this time I'd offer
11 State's 400 into evidence.

12 MS. BAMBACH: No objection.

13 MR. SCHNEE: None from here.

14 THE COURT: Okay. State's 400 without objection.

15 (WHEREUPON, State's Exhibit Number 400 was
16 admitted into evidence.)

17 MS. SIMPSON: Your Honor, permission for ---

18 BY MS. SIMPSON:

19 Q --- actually before we get there, I'm going to
20 show you some photographs and I believe the defense
21 has already reviewed all of these. It will be State's
22 141 through 157. Do you recognize those?

23 A Yes, I do.

24 Q And do they fairly and accurately depict what you
25 observed?

1 A Yes, ma'am.

2 MS. SIMPSON: Your Honor, at this time I'd offer
3 State's 141 through 157 into evidence?

4 MS. BAMBACH: We would just renew our previous
5 objection.

6 MR. SCHNEE: No objection.

7 THE COURT: All right. Admitted over defendant's
8 objection. No objection from Mr. Barnes. That's
9 State's the 141 through 157.

10 (WHEREUPON, State's Exhibit Numbers 141 through
11 157 were admitted into evidence.)

12 BY MS. SIMPSON:

13 Q I'm also going to show your what's being marked
14 as State's 158 through the 162. Do you recognize
15 those photographs, as well?

16 A Yes, I do.

17 Q Do they fairly and accurately depict what you
18 observed?

19 A Yes, ma'am.

20 MS. SIMPSON: Your Honor, at this time I would
21 offer State's 158 through 162 into evidence, as well.

22 MS. BAMBACH: We renew our previous objection.

23 MR. SCHNEE: No objection.

24 THE COURT: All right. Admitted.

25 (WHEREUPON, State's Exhibit Numbers 158 through

1 162 were admitted into evidence.)

2 MS. SIMPSON: Moving to State's ---

3 THE COURT: Hold on.

4 (Pause.)

5 BY MS. SIMPSON:

6 Q Moving to State's 172 and 173, do you recognize
7 those photographs, as well?

8 A Yes, I do.

9 Q And do they fairly and accurately depict what you
10 observed?

11 Q Yes, ma'am.

12 MS. SIMPSON: your Honor, at this time, I would
13 offer State's 172 and 173 into evidence.

14 MS. BAMBACH: Renew our previous objection.

15 MR. SCHNEE: No objection.

16 THE COURT: All right. Admitted.

17 (WHEREUPON, State's Exhibit Numbers 172 and 173
18 were admitted into evidence.)

19 BY MS. SIMPSON:

20 Q I'm going to show you what's been marked as
21 State's 163, 164 and 165 through 168, as well as 169
22 through State's 170.

23 THE COURT: So that's 163 through 170?

24 MS. SIMPSON: 171.

25 BY MS. SIMPSON:

1 A Yep, I recognize them.

2 Q Do they fairly and accurately depict what you
3 recognize, as well?

4 A Yes, ma'am.

5 MS. SIMPSON: Your Honor, at this time I would
6 offer those items into evidence.

7 MS. BAMBACH: I renew our previous objection.

8 MR. SCHNEE: No objection.

9 THE COURT: Very well. That's 163 through 171,
10 admitted.

11 (WHEREUPON, State's Exhibit Numbers 163 through
12 171 were admitted into evidence.)

13 THE COURT: Ladies and gentlemen, the reason I
14 take that little extra break is so that the court
15 reporter, not only is she typing things down, but she
16 is making a list of everything so at the conclusion
17 everybody knows what's coming back and what's not.
18 Once you run into this many exhibits everybody is
19 keeping different lists and their own list, and I want
20 her list, as well, so that's why I --- we take a
21 little break so she can write it down in a separate
22 place just for her own notes. That's the only thing
23 we're doing. I apologize, Ms. Simpson, I just wanted
24 to explain that. Go ahead.

25 MS. SIMPSON: Thank you, Your Honor.

1 BY MS. SIMPSON:

2 Q I want to show your State's 174 through State's
3 185. Do you recognize these photographs?

4 A Yes, I do.

5 Q And do those photographs fairly and accurately
6 depict what you observed?

7 A Yes, ma'am.

8 MS. SIMPSON: Your Honor, at this time I would
9 offer State's 174 through 185 into evidence.

10 MS. BAMBACH: I'd renew our previous objection.

11 MR. SCHNEE: No objection.

12 THE COURT: Very well. Admitted.

13 (WHEREUPON, State's Exhibit Numbers 174 through
14 185 were admitted into evidence.)

15 BY MS. SIMPSON:

16 Q And I am going to show you State's 186 thank you
17 197. Do you recognize these photographs?

18 (Pause.)

19 A Yes, I do.

20 Q And do they fairly and accurately represent what
21 you observed?

22 A Yes, ma'am.

23 MS. SIMPSON: Your Honor, at this time I would
24 offer State's 186 through State's 197 into evidence.

25 MS. BAMBACH: Renew our previous objection.

1 MR. SCHNEE: No objection.

2 THE COURT: All right. Very well. Those are
3 admitted.

4 (WHEREUPON, State's Exhibit Numbers 186 through
5 197 were admitted into evidence.)

6 BY MS. SIMPSON:

7 Q I'm going to show you State's 198, 199 and 200.
8 Do you recognize those photographs?

9 (Pause.)

10 A Yes, I do.

11 Q And do they fairly and accurately depict what you
12 observed?

13 A Yes, ma'am.

14 MS. SIMPSON: Your Honor, at this time I would
15 offer State's 198 through 200 into evidence.

16 MS. BAMBACH: We would renew our previous
17 objection.

18 MR. SCHNEE: No objection.

19 THE COURT: All right. Admitted.

20 (WHEREUPON, State's Exhibit Numbers 198 through
21 200 were admitted into evidence.)

22 BY MS. SIMPSON:

23 Q Okay. I'm going to show you'll State's 204 and
24 205. Do you recognize those photographs?

25 (Pause.)

1 A Yes, ma'am, I do.

2 Q And do they fairly and accurately represent what
3 you observed?

4 A Yes, ma'am.

5 MS. SIMPSON: Your Honor, at this time I would
6 offer State's 204 and 205.

7 MS. BAMBACH: We would renew our previous
8 objection.

9 MR. SCHNEE: No objection.

10 THE COURT: Those are admitted.

11 (WHEREUPON, State's Exhibit Numbers 204 and 205
12 were admitted into evidence.)

13 BY MS. SIMPSON:

14 Q State's 208, 209, 210 and State's 211. Do you
15 recognize these photographs?

16 (Pause.)

17 A Yes, I do.

18 Q And do they officially depict what you observed?

19 A Yes, ma'am.

20 MS. SIMPSON: Your Honor, at this time I would
21 offer State's 208 through 211 into evidence.

22 MS. BAMBACH: Renew our previous objection.

23 MR. SCHNEE: No objection.

24 THE COURT: All right. Very well. Those are
25 admitted.

1 (WHEREUPON, State's Exhibit Numbers 208 through
2 211 were admitted into evidence.)

3 BY MS. SIMPSON:

4 Q And State's 212 and 215. Do you recognize those?
5 (Pause.)

6 A Yes, ma'am.

7 Q And do they fairly and accurately depict what you
8 observed?

9 A Yes, ma'am.

10 MS. SIMPSON: Your Honor, at this time I would
11 offer State's 212 and 215 into evidence.

12 MS. BAMBACH: And we would renew our previous
13 objection.

14 MR. SCHNEE: No objection.

15 THE COURT: All right. Very well. 212 and 215
16 are admitted.

17 (WHEREUPON, State's Exhibit Numbers 212 and 215
18 were admitted into evidence.)

19 BY MS. SIMPSON:

20 Q Okay. I'm going to show you what's been marked
21 as State's 216 through State's 219. Do you recognize
22 those photographs?

23 (Pause.)

24 A Yes, ma'am.

25 Q And do they fairly and accurately represent what

1 you observed?

2 A Yes, ma'am.

3 MS. SIMPSON: Your Honor, at this time I would
4 offer those items into evidence.

5 MS. BAMBACH: We renew our previous objection.

6 MR. SCHNEE: No objection.

7 THE COURT: Very well. Those are admitted.

8 (WHEREUPON, State's Exhibit Numbers 216 through
9 219 were admitted into evidence.)

10 BY MS. SIMPSON:

11 Q And then finally I'm going to show you State's
12 220 and 221. Do you recognize those?

13 (Pause.)

14 A Yes, ma'am.

15 Q And do they fairly and accurately represent what
16 you observed?

17 A Yes, ma'am.

18 MS. SIMPSON: Your Honor, at this time I would
19 offer State's 220 and 221 into evidence.

20 MS. BAMBACH: And we would renew our previous
21 objection.

22 MR. SCHNEE: No objection.

23 THE COURT: Those are admitted.

24 (WHEREUPON, State's Exhibit Numbers 220 and 221
25 were admitted into evidence.)

1 MS. SIMPSON: Your Honor, permission for the
2 witness to step down?

3 THE COURT: Okay. Now, investigator, you speak
4 softly, okay. I'm okay with you standing down, but I
5 need you to keep your voice up to where the jurors on
6 the last row can hear you and the court reporter can
7 hear you.

8 THE WITNESS: Yes, sir.

9 THE COURT: Can you do that for me?

10 THE WITNESS: Yes, sir.

11 THE COURT: Okay. Thank you.

12 BY MS. SIMPSON:

13 Q I want to show you what's been marked as
14 State's --- marked and introduced as State's
15 Exhibit 400. If you'll stand on that side so the
16 court reporter can hear you better.

17 Tell the jury what we see just generally in this
18 diagram?

19 A Basically, this room right here was where all the
20 items of evidence was found out, Mr. Lorenzo's ID, as
21 well, in it. The dresser was here as you come in the
22 front door to where the bed was located here with the
23 closet and there was another dresser here with a TV on
24 top.

25 Q And again your focus by the time you got there

1 was on Mr. Young's bedroom where the relevant evidence
2 was found?

3 A Correct.

4 Q With respect to this murder. I'm going to show
5 you State's 141 through 157 --- or tell the jury, is
6 this the bedroom that you observed?

7 A No. That would be the parent's bedroom.

8 Q Oh, this is the parent's bedroom in State's --- I
9 apologize, 141 and in State's 142, 143, 144 and 145,
10 are these also in the parent's bedroom?

11 A Correct.

12 Q Okay. Did you actually find any evidence in that
13 room that was documented?

14 A Yes.

15 Q And when you say the parent's bedroom, did you
16 know the individual's names or just the parents lived
17 there, as well?

18 A Just the parents lived there. I didn't know any
19 individual's names at all.

20 Q And 146 and 147, is this the same room?

21 A Correct.

22 Q And that's located in the bedroom that's right
23 across the hall from Lorenzo Young?

24 A Correct. It's this room right here.

25 Q You indicated you found something in that room?

1 A Yes, ma'am.

2 Q What did you locate in that room?

3 A It was a pair of black tennis shoes. I believe
4 they were located under the bed.

5 Q I want to show you State's 148. Would this be
6 the pair of black tennis shoes?

7 A Yes, ma'am.

8 Q Those were pointed out to you to collect and
9 document?

10 A Yes, ma'am.

11 Q Now, moving across the hall to, I believe,
12 Lorenzo Young's bedroom, I want to show you what's
13 been marked State's 149, is that actually that
14 bedroom?

15 A Yes, ma'am, it is.

16 Q And at this point, no markers have been placed on
17 the scene yet, correct?

18 A That would be incorrect because this box here was
19 located in the top of the closet.

20 Q Okay. So this is after the markers. And State's
21 150, at that point, tell us what we observed.

22 A Correct.

23 Q The room, the mattress and bed area?

24 A Correct.

25 Q And we'll go to those items, but certain items of

1 evidence were found there, as well?

2 A Yes, ma'am.

3 Q And then State's 151 and 152, as well?

4 A Yeah, that's Lorenzo's room.

5 Q What area in the room is this?

6 A The dresser would be on the ---

7 Q Okay. It's right here?

8 A On this side of the room right here, the bed area
9 is back over here.

10 Q And when it's searched, things are moved around
11 in ---

12 A Correct.

13 Q --- order to search. Actually, I'm going to do
14 --- and you took other photographs just generally of
15 that area, as well?

16 A Yes, ma'am.

17 Q I want to move to see what --- my apologies, what
18 you actually found. You indicated earlier there was a
19 box located in the top of the closet?

20 A Yes, ma'am.

21 Q I'm going to show you State's 158 first. Is that
22 the box?

23 A Yes, ma'am.

24 Q And in State's 159, did you actually document
25 what was found in that box?

1 A Yes, ma'am.

2 Q And what was located in that box in the top of
3 Lorenzo Young's closet?

4 A It was several pairs of black gloves.

5 Q And let me show you first State's 160 and 161.
6 When you found these gloves, were they all packaged
7 together?

8 A Yes, ma'am, they were.

9 Q And they're all what, black gloves?

10 A Correct.

11 Q In the same box?

12 A Same box.

13 Q And then turning your attention to State's 162,
14 did you actually take those gloves out?

15 A Yes, ma'am.

16 Q In order to document them?

17 A Yes, I did.

18 Q And here we see a number of the gloves that was
19 in Lorenzo's closet?

20 A Correct.

21 Q And were those items ultimately collected?

22 A Yes. They were.

23 Q And turned into evidence?

24 A Yes, ma'am.

25 Q And when you collect items and turn them in to

1 evidence, do investigators decide what to later
2 process or send off for testing?

3 A Yes. They do.

4 Q I'm going to show you --- backtrack at Marker
5 (3), is that the placement of the box in the closet?

6 A Yes, ma'am.

7 Q So that's where you found it?

8 A Yes, sir.

9 Q And then moving to Markers (1) and (2), I'm going
10 to show you State's 164 and 165. What's depicted in
11 these photographs?

12 A It's going to be this dresser right here where
13 the drawers were open.

14 Q Did you later find something in that dresser?

15 A Yes, I did.

16 Q And we'll start first with Marker (1) in State's
17 165. There are a number of clothes in the dresser,
18 correct?

19 A Correct.

20 Q But you actually searched the dresser and located
21 another item?

22 A The investigator did and made me aware of that
23 item.

24 Q And so you documented that item, as well?

25 A Yes, ma'am.

1 Q I'm going to show you State's 166 and 167. What
2 item did you document?

3 A It was an unfired cartridge.

4 Q An unfired cartridge and that was found in the
5 dresser drawer?

6 A Correct.

7 Q Is that actually a lot --- you said unfired so a
8 live round?

9 A Correct.

10 Q And since it is a live round, did you also
11 document, I guess, the caliber?

12 A Correct, the headstamp.

13 Q The headstamp?

14 A Manufacturer and caliber.

15 Q Is that noted in State's 168?

16 A Yes, ma'am, it is.

17 Q What is the caliber on that one?

18 A 40 caliber.

19 Q 40 caliber, Smith and Wesson?

20 A Correct. Headstamp was an ELO.

21 Q And then Marker (2), which I believe is also
22 found in the dresser in State's 169, does this show
23 just the general area again?

24 A Correct.

25 Q Okay. Underneath those items in State's 170?

1 A Correct.

2 Q What is there?

3 A It's an unfired cartridge.

4 Q Unfired cartridge. And did you also document the
5 headstamp on that, as well?

6 A Correct.

7 Q And what was that?

8 A It was a nine millimeter Luger Winchester.

9 Q And then State's 171, is that ---

10 A Yes, ma'am, that's it.

11 Q --- what we see? You said that's a nine
12 millimeter Luger?

13 A Correct.

14 Q Moving to Marker (4) and on our diagram, I
15 believe that's actually --- there it is behind the
16 bed.

17 Showing you State's 174. Is that Marker (4)?

18 A Yes, ma'am.

19 Q And what was actually located at Marker (4)?

20 A It was a glass jar containing empty shell
21 casings. When you buy bullets, it comes in a plastic
22 container that their individual bullets sits in. It
23 contains that.

24 Q Okay. So State's Exhibit 175 and 176, we
25 actually see a close up of that container, correct?

1 A Correct.

2 Q And does it also contain additional items in the
3 cup?

4 A Correct.

5 Q What are those items at Marker (4) in the
6 ammunition?

7 A It's a 45 GAP, C.B.C headstamp and one Magtech
8 ammunition box with tray.

9 Q Okay.

10 Q And you said that round, was it a live round or a
11 casing or what was it?

12 A Live round.

13 Q Live round and it was for what caliber of a gun?

14 A That was for a 45.

15 Q The 45 GAP?

16 A Yes, ma'am.

17 Q Then in State's 177, what is that?

18 A That would be the Magtech ammunition box.

19 Q And what type of ammunition, if you recall --- I
20 don't know if we can see it in the picture?

21 A I can't recall.

22 Q Was that for?

23 A I can't recall.

24 Q Okay. But you're actually collected that box?

25 A Correct.

1 Q And we'll get to that momentarily. I'm going to
2 show you --- let's move to Markers (5) and (6). Where
3 are their locations in the room?

4 A That would be on the dresser right there, edge of
5 the dresser and on top of the dresser.

6 Q Okay. I'm going to show you State's 178 and 179.
7 Are these the markers?

8 A Yes.

9 Q That you placed down?

10 A Yes.

11 Q What items were actually located at --- I guess
12 that you documented as number (5) and (6)?

13 A That would be two fired rifle cartridges
14 headstamped EL0.

15 Q Let's see if I can find that. State's 180, is
16 that a close up?

17 A Correct.

18 Q Of that cartridge, as well, or is that --- I'm
19 sorry, a live round?

20 A Cartridge.

21 Q Okay.

22 A Fired round.

23 Q And then, again, Marker (6) is showing it up
24 closer up in 188, a little closer. So you actually
25 found a number of different types of ammunition in

1 this room?

2 A Yes, ma'am.

3 Q I'm going to move on to State's 183 and 184.

4 What is contained in these photographs?

5 A That is a Columbia Farms ID for Lorenzo Young and
6 a lanyard attached to it, as well.

7 Q So this was some identifying information with
8 respect to Mr. Young that you located?

9 A Yes, ma'am.

10 Q And it was for Columbia Farms?

11 A Yes, ma'am.

12 Q Was that located on the dresser area or where?

13 A On top of the dresser right here marked number
14 (6).

15 Q The dresser where some of the ---

16 A Shell casings were.

17 Q --- shell casings were found. Moving to Marker
18 (7), which I believe --- where is that located in our
19 diagram here? Is that beside the bed area?

20 A Beside the bed area right in front of the wall.

21 Q And in Marker number(7), I'll show you far away,
22 State's 186 what were you actually documenting at
23 Marker number (7)?

24 A The pocketbook.

25 Q A pocketbook that was found?

1 A Right.

2 Q In that pocketbook --- is that the pocketbook in
3 State's 190?

4 A Correct.

5 Q Whose identification have you indicated there?

6 A I can't see it.

7 Q Is Coleman listed?

8 A I can see Coleman, but I can't see the first
9 name.

10 Q It's definitely a female's purse?

11 A Right.

12 Q With a driver's license and Coleman indicated.

13 Q Then moving to State's 191, is that inside the
14 purse?

15 A Yes. It is.

16 Q And we'll move --- what exactly are you
17 documenting inside the purse?

18 A A ---

19 Q In State's 192?

20 A A Glock magazine.

21 Q A Glock magazine?

22 A Yes, ma'am.

23 Q What exactly is a Glock magazine?

24 A It's a magazine that holds a firearm, unfired
25 shell casings, for a pistol.

1 Q For a pistol? In this one, was that actually
2 loaded at the time or was it empty?

3 A It was empty.

4 Q And that item was ultimately collected by you?

5 A Correct.

6 Q And the magazine was found in Ms. Coleman's
7 purse?

8 A Yes, ma'am.

9 Q And I believe you documented --- I don't know
10 what portion of the magazine that's called, but
11 State's 193. What do we see?

12 A Yeah, that's part of the magazine showing it is a
13 Glock magazine.

14 Q Okay. And then moving to Marker (8), where is
15 that indicated on our diagram? Actually, I don't know
16 that it is.

17 That's because that's the parents' bedroom with
18 the shoes.

19 A Yes.

20 Q My apologies. And in State's 194 and 195 and
21 those shoes were pointed out to you by investigators?

22 A Correct.

23 Q Moving to Marker number (9) which you noted,
24 where is this on our diagram?

25 A This would be under the bed.

1 Q What do you we see in 196 and 197 at Marker (9)?

2 A A pair of black tennis shoes.

3 Q And those were just collected. When you arrive
4 at the scene, do you necessarily know what will be
5 pertinent to an investigation later down the road?

6 A No, I sure don't.

7 Q And then in Marker (10) --- actually, I want to
8 say Markers (10) --- what do you see in State's 199
9 and 200, what were you're actually noting there?

10 A Okay. That was the Visa debit card that was
11 there with a name on it.

12 Q And what's the name on that card?

13 A Lorenzo Young.

14 Q Lorenzo Young. So you found identifying
15 information for a Ms. Coleman and Mr. Young ---

16 A Correct.

17 Q --- in this room. Marker (12), what did you
18 document at Marker number (12) and where was that
19 located?

20 A That was a shoe box that was located in the
21 closet here between the two bedrooms.

22 Q So that closet is actually over here?

23 A No. It's ---

24 Q --- this closet over here.

25 A Yes.

1 Q And again, just more shoes that were as
2 documented in the residence?

3 A No, actually that was a manila envelope with
4 Lorenzo Young's name on it.

5 Q Oh, another with paperwork and things of that
6 nature. Moving to State's --- Marker (14) and State's
7 210 and 211, what is at Marker (14)?

8 A It is a San Disk thumb drive.

9 Q And on this we see a number of items on the
10 dresser to include, I guess, baby lotion and things of
11 that nature, as well?

12 A Correct.

13 Q Moving to Marker (15) in State's 212 and 215,
14 what was that?

15 A That is a little camcorder, a JVC camcorder that
16 was located on the dresser right here.

17 Q And you documented that item, as well?

18 A Correct.

19 Q And moving to Marker (16), let me show you in
20 State's 216, what was that item?

21 A That is a laptop that was under some paperwork
22 here on the dresser, as well.

23 Q And then at Marker (17) and --- I'm going to show
24 you State's 218 and 219, what is that Marker (17) that
25 you're documenting here?

1 A That is a cell phone.

2 Q A cell phone?

3 A Correct.

4 Q And again, phones sometimes may become important
5 in an investigation. You don't really know?

6 A Right.

7 Q But those are often items that are collected and
8 documented by a crime scene investigators, right?

9 A Correct.

10 Q And Marker (18), was there actually another cell
11 phone located?

12 A Yes, ma'am, there is.

13 Q Okay. Is that documented in State's 220 and 221?
14 That's a different cell phone?

15 A Correct. The first one, I believe, was located
16 on this dresser over here, and the second one was over
17 here.

18 Q Okay. And outside of those items, was anything
19 else documented in that room?

20 A No.

21 Q While you were in that room, did you also note
22 that there was kind of a crib or basinet, as well?

23 A I don't believe --- I don't remember that it was
24 in this room. I remember that it was in this room
25 right here. I could be mistaken. I'd have to look at

1 my photos again. I'd have to recall.

2 Q Okay. But there was a crib located in that home?

3 A Yes.

4 Q Okay. You can have a seat.

5 Q The items that we just went through, did you
6 actually collect those items?

7 A Yes, ma'am, I did.

8 Q I'll go through them and show you State's 174. I
9 don't know if you want gloves for this?

10 A Yeah, please.

11 Q Excuse me, State's 374. They may be a little
12 small. Sorry, I think they're for smaller sized
13 hands.

14 A These are Nike shoes.

15 Q Okay. Are those the Nike shoes that you
16 collected?

17 A Yes, ma'am.

18 MS. SIMPSON: Okay. Your Honor, at this time,
19 I'd offer State's 374 into evidence.

20 MS. BAMBACH: We would renew our previous
21 objection.

22 MR. SCHNEE: No objection.

23 THE COURT: Those are admitted over objection.
24 (WHEREUPON, State's Exhibit Number 374 was
25 admitted into evidence.)

1 BY MS. SIMPSON:

2 Q Okay. Let me show you what's been marked as
3 State's 369. Do you recognize that, as well?

4 A Yes, I do.

5 Q Okay. And what is that item?

6 A One pair of clean shoes.

7 Q And that would be one of the pairs that you
8 collected?

9 A Correct.

10 Q And documented in the photographs that we just
11 saw?

12 A Correct.

13 MS. SIMPSON: Your Honor, at this time we would
14 offer State's 369 into evidence.

15 MS. BAMBACH: We renew our previous objection.

16 MR. SCHNEE: No objection.

17 THE COURT: All right. Admitted.

18 (WHEREUPON, State's Exhibit Number 369 was
19 admitted into evidence.)

20 BY MS. SIMPSON:

21 Q And then State's 377, I believe we actually have
22 three cell phones located in State's 377?

23 A Correct.

24 Q And are those items that you collected from the
25 residence, as well?

1 A Yes, ma'am.

2 Q Again, do you actually conduct any phone
3 examinations or determine what items will be tested in
4 a certain case down the road?

5 A No, I sure don't.

6 Q When you collect these items are they properly
7 collected?

8 A Correct.

9 Q And when they're bagged and in your custody, are
10 they tampered or altered in any way?

11 A No, ma'am.

12 Q Moving to State's 375, do you recognize the items
13 in State's 375?

14 A Yes, ma'am, I do.

15 Q Okay. What are those items?

16 A That's a plastic cup with a part of the
17 ammunition box that holds the bullets.

18 MS. SIMPSON: And, Your Honor at this time I
19 would offer State's 375 into evidence.

20 MS. BAMBACH: I would renew our previous
21 objection.

22 MR. SCHNEE: No objection.

23 THE COURT: Very well. State's 375 is in.
24 (WHEREUPON, State's Exhibit Number 375 was
25 admitted into evidence.)

1 BY MS. SIMPSON:

2 Q Okay. Is this the cup and --- what is this?

3 A It's a cartridge holder that goes inside of an
4 ammunition box.

5 Q And that was actually found under the bed, and
6 we'll get to the rounds that were found, as well, but
7 that's the cup and the tray?

8 A Correct.

9 Q And then State's 1 --- excuse me, 373, do you
10 recognize these items and there are several items
11 contained in 373.

12 A Yes, ma'am, I do.

13 Q Are those some of the items that you collected
14 for this case?

15 A Yes, ma'am.

16 MS. SIMPSON: Your Honor, at this time, I would
17 offer State's 373 into evidence,

18 MS. BAMBACH: Renew our previous objection.

19 MR. SCHNEE: No objection.

20 (WHEREUPON, State's Exhibit Number 373 was
21 admitted into evidence.)

22 THE COURT: Admitted over objection, 373. Go
23 ahead.

24 BY MS. SIMPSON:

25 Q In this you have one nine millimeter cartridge,

1 correct?

2 A Yes, ma'am.

3 Q And then two rifle rounds that have actually been
4 spent?

5 A Correct.

6 Q And those were documented in your photographs?

7 A Yes, ma'am.

8 Q Moving to State's 380 --- 368, do you recognize
9 these items?

10 A Yes, ma'am, I do.

11 Q And what are those items?

12 A That --- they've got them sealed so --- let me
13 see that again.

14 Q And certain items are sent for testing, so it is
15 not your original packaging, correct?.

16 A Yes, they're what confused me. This is SLED
17 packaging. They're black gloves.

18 Q And these are the gloves that you located in that
19 CIROC box that's documented in the photos?

20 A Yes.

21 Q And they're actually wrapped up at this point.
22 Can you go ahead and open one of these? So black
23 gloves and you found several pairs?

24 A Correct.

25 Q I believe a total --- well, a number of gloves,

1 maybe five, six black gloves, one more if you can show
2 it, just show it to the jury and based on their
3 packaging it looks as though those items went to SLED
4 for testing.

5 A Correct.

6 Q And the others located in this bag are similar in
7 nature?

8 A Yes, ma'am.

9 Q Okay. I'm going to show you State's 401 and ---
10 371. Do you recognize these items?

11 A Yes, ma'am, I do.

12 Q And what are those?

13 A Unfired cartridges.

14 Q And are these the unfired cartridges that you
15 collected, I believe, from the dresser area?

16 A Yes, ma'am, they are.

17 MS. SIMPSON: Your Honor, at this time I would
18 offer State's 401, as well as 371.

19 MS. BAMBACH: We renew our previous objection.

20 MR. SCHNEE: No objection.

21 THE COURT: 401 and 371.

22 (WHEREUPON, State's Exhibit Numbers 401 and 371
23 were admitted into evidence.)

24 BY MS. SIMPSON:

25 Q And in State's 401, which live round is this?

1 A That is a Smith and Wesson 40 caliber headstamped
2 ELO.

3 Q Okay. So this is the actual round that you
4 found?

5 A Yes, ma'am.

6 Q For a 40 caliber?

7 A Yes, ma'am.

8 Q And then in State's 371, what is that?

9 A This is a 40 caliber Smith and Wesson headstamped
10 ELO.

11 Q So this is also for a 40 caliber, so similar?

12 A Yes, ma'am.

13 Q Same headstamp and that was located in the
14 dresser area, as well?

15 A Yes, ma'am.

16 Q And then I'm going to show you State's 372. Do
17 you recognize that item?

18 A Yes, ma'am.

19 Q What is that?

20 A That is the actual box, the unfired cartridge
21 container that was under the bed. It's for a 45 GAP,
22 165 grain bullets.

23 Q Okay. So this is the actual box for a 45 GAP,
24 165, what did you say?

25 A 165 grain bullet.

1 Q Grain bullet, and was this box empty when you
2 located it?

3 A Yes, ma'am.

4 Q Let me show you State's 370. Do you recognize
5 that item?

6 A Yes, ma'am.

7 Q And what is that?

8 A That's a 45 GAP live round.

9 Q 45 GAP live round?

10 A Yeah.

11 Q Okay. And that was located, I believe, in the
12 cup maybe in the bedroom?

13 A Yes, ma'am, in the cup.

14 Q And the headstamp on that reads?

15 A It reads a 45 GAP C.B.C.

16 Q Okay. And so that is also what was located in
17 Lorenzo Young and Rolanda Coleman's room?

18 A Correct.

19 Q Or Ms. Coleman's room.

20 A Correct.

21 Q Finally, I'm going to show you State's 376. Do
22 you recognize that?

23 A Yes, I do.

24 Q And what is State's 376?

25 A That is a block magazine for a 40 caliber.

1 MS. SIMPSON: Your Honor, at this time I would
2 offer State's 376 into evidence.

3 MS. BAMBACH: We renew our previous objection.

4 MR. SCHNEE: No objection.

5 THE COURT: All right. That's admitted.

6 (WHEREUPON, State's Exhibit Number 376 was
7 admitted into evidence.)

8 BY MS. SIMPSON:

9 Q And with respect to the item I just showed you, I
10 believe the --- we'll come back to that in just a
11 moment. State's 376, this is the Glock magazine that
12 you located in the purse?

13 A Correct.

14 Q And this actually contains or people put the
15 cartridges or live rounds, bullets essentially, as a
16 lay person ---

17 A Correct.

18 Q --- in this magazine?

19 A Yes, ma'am.

20 Q And that magazine then goes into a Glock weapon?

21 A Yes, ma'am.

22 MS. SIMPSON: And, Your Honor, at this time, I
23 would move State's 375 into evidence, which would be
24 the 45 GAP live round that he just testified to.

25 MS. BAMBACH: We renew our previous objection.

1 MR. SCHNEE: No objection.

2 THE COURT: All right. Admitted.

3 (WHEREUPON, State's Exhibit Number 370 and 375
4 were admitted into evidence.)

5 MS. SIMPSON: Your Honor, at this time I'd move
6 the cell phones located in 377 into evidence, as well
7 as 370.

8 THE COURT: 370?

9 Your Honor, I'd offer 370 into evidence as well.

10 MS. BAMBACH: Renew our previous objection.

11 MR. SCHNEE: No objection.

12 THE COURT: All right. 370 and 377 are in over
13 objection.

14 BY MS. SIMPSON:

15 Q Now, once you finished, I guess, processing this
16 scene and collecting these items, I'm again --- were
17 they properly sealed and packaged?

18 A Yes, ma'am, they were.

19 Q And what did you do with those items?

20 A Once I and package those items, I actually turn
21 them into our evidence locker. If it's after hours, I
22 drop them in a locker and put a lock on the locker and
23 they come in the next morning.

24 Q And with respect to the investigation, was that
25 the extent of your involvement in this case?

1 A Yes, ma'am.

2 Q You didn't process any other scenes ---

3 A No, ma'am.

4 Q --- with respect to this case. And the
5 investigators decide what ultimately to test?

6 A Correct.

7 Q You don't actually do any of the testing or
8 analysis yourself?

9 A No, ma'am, I sure don't.

10 MS. SIMPSON: Beg the Court's indulgence. Thank
11 you, investigator.

12 THE COURT: Approach real quick.

13 (WHEREUPON, a bench conference was held in the
14 presence, but not within the hearing of the
15 jury.)

16 THE COURT: All right. We'll finish up this
17 witness and take a break. Bear were us a few minutes.
18 Cross-examination?

19 MS. BAMBACH: Thank you, Your Honor. May it
20 please the Court.

21 CROSS-EXAMINATION:

22 BY MS. BAMBACH:

23 Q Investigator Gaston, you found two pairs of shoes
24 at Bronx Road, right?

25 A Right.

1 Q And you said one was in Lorenzo's room and one
2 pair was in the parent's bedroom?

3 A Correct.

4 Q And did you know what size the shoes were on your
5 report?

6 A I did not notate them on my report. I did not.

7 Q Do you have a copy of your report with you?

8 A Yes, ma'am, I sure do.

9 Q Numbers, well, eight and nine, the pair of Puma
10 shoes and Nike shoes?

11 A Yes, I'm sorry.

12 Q Size 12?

13 A Yes, they both say size 12.

14 Q Okay.

15 A Correct, I apologize.

16 Q Would it surprise you to know that one of
17 Lorenzo's parents wears a size 12?

18 A Ma'am, I'm sorry, I didn't hear you.

19 Q Would it surprise you to hear that one of
20 Lorenzo's parents, his stepfather, wears a size 12?

21 A I had no clue.

22 Q Would it surprise you to know that Lorenzo wears
23 a size ten?

24 A I was unaware of what size he wore.

25 MS. BAMBACH: Thank you.

1 THE COURT: Mr. Schnee?

2 MR. SCHNEE: Very briefly.

3 THE COURT: Sure.

4 CROSS-EXAMINATION:

5 BY MR. SCHNEE:

6 Q Now, if I'm understanding your testimony
7 correctly, you were the one that physically collected
8 all this evidence?

9 A Right.

10 Q You didn't actually perform the search of the
11 house, did you?

12 A No, sir, I didn't.

13 Q So you didn't actually take out these items?

14 A No, sir, I didn't.

15 Q Who did that?

16 A The investigators.

17 Q Do you know which investigators?

18 A No, sir, there was a numerous amount of
19 investigators out there.

20 Q So you don't know who actually located these
21 items or where they were located before you got there?

22 A No, sir.

23 MR. SCHNEE: All right. No further questions.

24 MS. SIMPSON: Just briefly.

25 REDIRECT EXAMINATION:

1 BY MS. SIMPSON:

2 Q Investigator Gaston, you were actually there not
3 as an initial crime scene responder, but at the
4 execution of a search warrant, correct?

5 A I arrived after the execution of the search
6 warrant.

7 Q So you assisted in documenting things that were
8 located during the execution of a search warrant?

9 A Correct.

10 MS. SIMPSON: Nothing further, Your Honor.

11 MS. BAMBACH: I have no questions.

12 MR. SCHNEE: No, Your Honor.

13 THE COURT: Okay. Thank you very much, sir.
14 Have a nice day.

15 THE WITNESS: Thank you.

16 THE COURT: Okay. Ladies and gentlemen. It's a
17 good time to take our morning break. We've been going
18 for about an hour-and-a-half. I appreciate your
19 patience with finishing that witness up. You can go
20 ahead. Thank you. I appreciate it.

21 All right. I'm going to order you lunch today.
22 Okay. Now, we are very limited in our choices, but
23 the clerk's office is going to give you a menu that
24 you can order lunch from the restaurant. We do that
25 for a couple of reasons. Number one, I can take a

1 shorter lunch break if everybody doesn't have to go
2 out and come back in. Number two, I can't do much
3 more you other than help you by buying your lunch
4 sometimes, so you'll get a menu. If you'll go ahead
5 order. We'll work up until lunch gets here, and then
6 we'll probably take about 45 minutes for lunch.
7 During that time if anybody needs to go outside,
8 stretch their legs, smoke or anything like that,
9 you'll be allowed to do that. We'll keep a shorter
10 lunch break today so we can get as much done as
11 possible.

12 All right. Do not discuss the case. Keep an
13 open mind. We'll see you back in about ten minutes or
14 so. Thank you very much.

15 (WHEREUPON, the jury left the courtroom at 10:51
16 A.M.)

17 THE COURT: All right. Let's take about a ten
18 minute break or so.

19 (WHEREUPON, a short break was taken.)

20 THE COURT: All right. Everybody ready?

21 MS. SIMPSON: State's ready.

22 MS. CAMPBELL: One housekeeping matter.

23 Apparently in the last witness there were references
24 to items 362 and 368. Those were not moved in. I
25 would move them in at this point. They have the same

1 objection.

2 MR. KRZYSTON: Yes, Your Honor. We would be
3 maintaining our other objections.

4 MR. SCHNEE: I have no objection.

5 THE COURT: 362 and 368 are in.

6 (WHEREUPON, State's Exhibit Numbers 362 and 368
7 were admitted into evidence.)

8 (WHEREUPON, the jury entered the courtroom at
9 11:12 A.M.)

10 THE BAILIFF: The jury panel is present, Judge.

11 THE COURT: All right. Thank you. Welcome back.
12 Call your next witness.

13 MS. CAMPBELL: May it please the Court. The
14 State calls Ila Simmons.

15 THE COURT: Simmons?

16 MS. CAMPBELL: Yes, sir, from SLED.

17 ILA SIMMONS,
18 after being duly sworn, testified as follows:

19 THE CLERK: Thank you very much. Take a seat in
20 the witness stand. State your full name for the
21 record and spell your last name, please.

22 THE WITNESS: My name is Ila Simmons. My last
23 name is spelled S-I-M-M-O-N-S.

24 DIRECT EXAMINATION:

25 BY MS. CAMPBELL:

1 Q Ma'am, where are you're currently employed?

2 A I am retired from the South Carolina Law
3 Enforcement Division also known as SLED's forensic
4 services laboratory trace evidence department.

5 Q And as a former member of the trace evidence
6 department, what did your duties include?

7 A We analyzed gun shot residues, gun powder
8 residues, we performed comparisons of glass,
9 automotive paints, as well as fibers and we also
10 analyzed explosives and arson debris.

11 Q Can you tell this jury a little bit about your
12 education and training in your field of trace
13 evidence?

14 A I received a bachelor of science degree in
15 chemistry. After completing that I went to work at
16 SLED and for the first three years that I was employed
17 there I worked with a court qualified SLED certified
18 trace evidence examiner. During that time I had to
19 take written and practical examinations and complete
20 them all with 100 efficiency. After completing those,
21 I was then being qualified by SLED to analyze trace
22 evidence. I am a member of the Southern Association
23 of Forensic Science. I am also a member of the FBI
24 symposium where the FBI has invited GSR analysts from
25 around the world to go and set up the standards and

1 practices that would be used by everyone in analysis
2 of gunshot residue.

3 Q Is SLED's lab accredited in any way?

4 A Yes, ma'am, it is.

5 Q And what agency actually accredits that
6 laboratory?

7 A At the time that this analysis was performed it
8 was A.S.C.L.D., the American Society of Crime Lab
9 Directors. We are now also accredited by ISO, which
10 is the International Standard Organization.

11 Q Have you been qualified before as an expert in
12 the field of trace evidence?

13 A Yes, ma'am, I have.

14 Q And specifically for this case as to gun shot
15 residue?

16 A Yes, ma'am, over 250 times in Federal, General
17 Sessions and civil courts in South Carolina.

18 MS. CAMPBELL: Your Honor, at this time we would
19 offer her as an expert.

20 THE COURT: In the area of trace evidence and
21 gunshot residue?

22 MS. CAMPBELL: Yes, sir.

23 THE COURT: Voir dire?

24 MS. BAMBACH: No questions.

25 THE COURT: Voir dire?

1 MR. SCHNEE: No questions, no objections.

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

3 Ladies and gentlemen, this witness will be qualified
4 as an expert in the area of trace evidence and gunshot
5 residue. As I told you before, normally a person
6 cannot give opinion testimony. They're required to
7 talk about what they heard, smelled, did, said, saw,
8 things of that nature. However, this witness because
9 of education and experience will be allowed to give
10 opinion in the area of trace evidence and gunshot
11 residue. Now, just because she is allowed to give
12 opinion testimony in that area does not mean you have
13 to accept her opinion. It is evidence for you to use
14 in any way you see fit and to give it the weight and
15 credibility you see appropriate as you are required to
16 do with each and every witness that testifies before
17 you.

18 MS. CAMPBELL: Thank you.

19 THE COURT: Ms. Campbell.

20 BY MS. CAMPBELL:

21 Q Ms. Simmons, typically when you're doing gunshot
22 residue testing, what type of evidence do you
23 typically get in a case?

24 A We get a standardized gunshot residue kit and we
25 also sometimes receive clothing.