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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

NARKEVIOUS MANQUESE REID,

APPELLANT

APPELLATE CASE NO. 2022-001384

RECORD ON APPEAL

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT NO. 1 (911 DISC); STATE’S EXHIBITS NOS. 2-82 (PHOTOS);
STATE’S EXHIBIT NO. 96 (SELF REGIONAL ER VIDEO); STATE’S EXHIBITS NOS.
109-127, 130-138, AND 141 (PHOTOS); DEFENDANT’S EXHIBIT NO. 18 (PHOTO);
COURT’S EXHIBITS NOS. 1-15.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

State of South Carolina,

2021-GS-24-0383, -0384

Plaintiff,

2021-GS-24-1705

2022-GS-24-1153

vs

TRANSCRIPT OF RECORD

Narkevious Manquese Reid,

Defendant.

August 15-19 & 23-24, 2022
Greenwood, South Carolina

B E F O R E:

The Honorable Frank R. Addy, Jr., Judge, and a Jury

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

ATTORNEY FOR THE PLAINTIFF:

David M. Stumbo, Esq.

Elizabeth P. Taylor, Esq.

ATTORNEYS FOR THE DEFENSE:

R. Jamison Tinsley, Jr. Esq. for Xayvion Hill

Carson M. Henderson, Esq. for Dashawn Chazz Hurley

E. Charles Grose, Jr. Esq. for Narkevious Manquese Reid

Tara T. Scott, CVR
Official Court Reporter

1 That's what I think the testimony is going to be. If we
2 come back to the high school football game this past Friday
3 night. Again, there were reports of gunshots in a public
4 place. It doesn't appear that there were any gunshots, but
5 there were clearly mayhem going on and rioting. There were
6 deputies getting hurt. And, again, I don't want people
7 thinking that they've got to send a message to these young
8 men based upon what happened at the Greenwood High School
9 football game. Or that they're scared about what's going on
10 out here in the public.

11 THE COURT: The question asked is, "Is there any member
12 of the jury panel aware of the events that occurred at the
13 Greenwood High football game." Everybody is going to stand
14 up, Mr. Henderson. It's like that question that somebody
15 asked me to ask, "Is there any member of the jury panel who
16 has ever had any contact of any kind with law enforcement."
17 I've been pulled over for speeding. We all have. I'm not
18 asking that kind of a question. That just invites everybody
19 to stand up and provides no information that's useful in any
20 way, shape, or form. Everybody is aware of it. Y'all can
21 make your exhibits and request whatever, but I'm going to
22 ask the jury what I want to ask them. Let's have them in,
23 please.

24 Did you have voir dire that you wanted to ask? I don't
25 have it.

1 MR. TINSLEY: I don't have anything additional from what
2 these gentlemen have submitted.

3 MR. HENDERSON: And, if you can mark our voir dire as
4 well, Your Honor. Or, at least my voir dire, Your Honor,
5 and Mr. Grose's voir dire.

6 THE COURT: Sure. They will be made a part of the
7 record. All of it will at some point in the future.

8 MR. GROSE: I think mine are already filed, but if you
9 want to mark them again.

10 MR. STUMBO: We don't have a problem with all of them,
11 ours and all three of theirs, to be marked as one Court's
12 Exhibit.

13 (WHEREUPON, Jury qualification 10:06 a.m.- 11:39 a.m.)

14 JURY SELECTION

15 THE COURT: We will go back on the record. Solicitor,
16 if you will call the case that's up for trial this week.

17 MR. STUMBO: Thank you, Judge. If it please the Court.
18 The State calls State v Xayvion Marquis Hill, four
19 indictments. For the record, Judge, it's 2021-GS-24-1230,
20 -1695, -1231, and -1232. Those are indictments for
21 attempted murder, murder, possession of a weapon during the
22 commission of a violent crime, and criminal conspiracy.
23 Next, State v Deshawn Chazz Hurley. Those are indictments
24 2022-GS-24-1154, 2021-GS-24-1696, 2020-GS-24-1063, and 2020-
25 GS-24-1064. Those, again, are indictments for attempted

1 murder, murder, possession of a weapon during the commission
2 of a violent crime, and criminal conspiracy. The last thing
3 we have is the State v Narkevious Manquese Reid.
4 Indictments 2022-GS-24-1153, 2021-GS-24-1705, 2021-GS-24-383
5 and -384. Again, Judge, those are indictments for attempted
6 murder, murder, possession of a weapon during the commission
7 of a violent crime, and criminal conspiracy.

8 These have been true billed by the Greenwood County
9 Grand Jury. The State is ready for trial. If I may
10 approach?

11 THE COURT: Are all parties ready to proceed with jury
12 selection? Mr. Tinsley?

13 MR. TINSLEY: Yes, Your Honor.

14 THE COURT: Mr. Henderson?

15 MR. HENDERSON: Yes, sir.

16 THE COURT: Mr. Grose?

17 MR. GROSE: Yes, sir.

18 THE COURT: Ladies and gentlemen, I've been presented
19 here with numerous indictments that charge Mr. Hill, Mr.
20 Hurley, and Mr. Reid with the offenses of attempted murder,
21 murder, possession of a weapon during the commission of a
22 violent crime, and conspiracy. At the get go, ladies and
23 gentlemen, at the outset, I want to let you know that the
24 fact that these gentlemen have been indicted or otherwise
25 charged with these offenses, of course, is not in any way,

1 shape, or form evidence of guilt. These indictments are
2 nothing more than the means these cases are brought into
3 court. Mr. Hill, Mr. Hurley, and Mr. Reid have pled not
4 guilty. That plea puts the burden firmly on the State to
5 prove their guilt beyond a reasonable doubt, and if you're
6 selected as a juror in this case your job will basically be
7 to determine if the State has met that burden.

8 Now, in this case, the Solicitor's Office is being
9 represented by Solicitor Stumbo. Solicitor, if you care to
10 introduce yourself and anyone seated at counsel table with
11 you.

12 MR. STUMBO: Thank you, Judge. My name is David Stumbo.
13 I'm your elected Eighth Circuit Solicitor. The Eighth
14 Circuit is Greenwood, where we are here, and Laurens,
15 Newberry, and Abbeville Counties. Our office handles the
16 prosecution of criminal cases for every law enforcement
17 agency in those four counties, including the Greenwood
18 Sheriff's Office. We have Sheriff Kelly here. His office
19 investigated this case that we are here to try this week.

20 Here to my left is Madison Hoffman. Madison is one of
21 our prosecutors in our Greenwood office. She's going to be
22 trying this case with me this week, and also Elizabeth
23 Taylor, who is not here now. She had a family obligation
24 this morning, but she'll be here after lunch and the
25 remainder of this trial. Ms. Taylor is also one of our

1 prosecutors in the Greenwood office. She will be here with
2 us this week. Also, Blake Moore, who is in and out of the
3 courtroom. He is one of our investigators. Oh, there he
4 is. Blake was formerly at the Greenwood Police Department.
5 He now is an investigator in our office, in the Solicitor's
6 Office. Sarah Parris, here on the front row, is one of our
7 victim advocates in our office and you'll see her in and out
8 of court this week with family members that are involved
9 with this case. I believe that's everybody. Obviously, the
10 Sheriff has a lot of his investigators here; Mike Murdock,
11 Matt Womack. They were involved in this case, along with
12 others. They will be here trying this case this week.
13 Thank you.

14 THE COURT: Thank you, Solicitor. In this case, ladies
15 and gentlemen, Jamison Tinsley is representing Mr. Hill.
16 Mr. Tinsley, if you care to introduce yourself and your
17 client to the jury panel, please.

18 MR. TINSLEY: Ladies and gentlemen of the jury, as the
19 judge said my name is Jamison Tinsley. I practice here in
20 Greenwood at Tinsley and Tinsley Law Firm. My father,
21 Robert Tinsley, who was the Public Defender for Greenwood
22 and Abbeville Counties back in the 90's. It is my honor and
23 pleasure to represent Xayvion Hill in this trial.

24 THE COURT: Thank you, Mr. Tinsley. In this case,
25 ladies and gentlemen, Mr. Reid is being represented by

1 Carson Henderson. Mr. Henderson, if you care to introduce
2 Mr. Reid, your investigator, and yourself?

3 MR. HENDERSON: Yes, sir. Thank you, Your Honor. My
4 name is Carson Henderson. I am an attorney here in town. I
5 have the honor of representing Narkevious Reid. Seated with
6 us is Kristy Lumley, my private investigator.

7 THE COURT: Thank you, Mr. Henderson. Finally, ladies
8 and gentlemen, Mr. Hurley is being represented by Charles
9 Grose. Mr. Grose, care to introduce yourself and your
10 client?

11 MR. GROSE: Thank you, Your Honor. My name is Charles
12 Grose. I used to be the Public Defender here for about 13
13 years. For the last ten years I've been in private
14 practice, representing people throughout this area. It is
15 my pleasure to represent Deshawn Chazz Hurley who has pled
16 not guilty to these charges. Thank you.

17 THE COURT: Thank you, Mr. Grose. Ladies and gentlemen,
18 I now have questions that I need to ask you that are
19 specific to the trial of this case. We'll use the same
20 procedure as before. If a question applies to you, simply
21 stand up unless I otherwise tell you to. Just stand up and
22 let me know what the response is to my question. You've
23 been introduced to the attorneys involved in this case. Is
24 there any member of the jury panel who is related by blood,
25 marriage, or has any close business or social relationships

1 with any of the attorneys involved in this case? Either
2 Solicitor Stumbo, Ms. Hoffman, Ms. Taylor, Mr. Tinsley, Mr.
3 Henderson, or Mr. Grose? If so, please stand.

4 Yes, sir. Please stand.

5 (Whereupon, Juror Number 196, stands.)

6 JUROR: Lee Matthews.

7 THE COURT: Mr. Matthews, who do you know?

8 JUROR: Mr. Henderson.

9 THE COURT: Has he represented you, or are you friends
10 with him?

11 JUROR: We were, at one point, step-brothers.

12 THE COURT: Okay, step-brothers. Very good.

13 JUROR: No longer, but...

14 THE COURT: No longer. All right. I'll let you sit
15 this one out. I'm guessing you grew up together; correct?

16 JUROR: Yes, sir. I'd be unfortunate to not say that.

17 THE COURT: Thank you. Have a seat. You can sit this
18 one out. Just stay for a moment.

19 (WHEREUPON, Juror No. 205 stands.)

20 THE COURT: Yes, sir. The gentleman in the uniform.
21 What's your name, sir?

22 JUROR: James McIntosh.

23 THE COURT: Who do you know, Mr. McIntosh?

24 JUROR: I know Mr. Stumbo. We have socially worked out
25 together a couple of times in the past year.

1 THE COURT: That's just at the gym?

2 JUROR: Yes, sir.

3 THE COURT: If Solicitor Stumbo is involved in this
4 case, would that affect your ability to be fair and
5 impartial to all sides in any way?

6 JUROR: No, sir. Not at all.

7 THE COURT: Thank you. You can have a seat.

8 (WHEREUPON, Juror No. 324 stood.)

9 THE COURT: Yes, sir, what's your name?

10 JUROR: Kenneth Warren. My mother's lawyer is Tinsley.

11 THE COURT: Your mother's lawyer is Jamison? He's
12 currently representing your mother?

13 JUROR: Yeah, I guess.

14 THE COURT: What kind of case is it?

15 MR. TINSLEY: It's not pending. No pending litigation,
16 just kind of a family lawyer sort of a situation.

17 THE COURT: But he's, kind of, your mother's go-to
18 person if she has a legal issue arise?

19 JUROR: Yes.

20 THE COURT: Has he represented you or been involved with
21 anything involving you, sir?

22 JUROR: No.

23 THE COURT: No? Okay. If Mr. Tinsley -- because of his
24 participation in this case, would that affect your ability
25 to be fair and impartial to all sides?

1 JUROR: No.

2 THE COURT: It would not?

3 JUROR: I would be fair.

4 THE COURT: You would be fair? Thank you. Have a seat.

5 (WHEREUPON, JUROR No. 348, stood.)

6 THE COURT: Yes, ma'am? Your name?

7 JUROR: Renee Yarbrough.

8 THE COURT: Yes, ma'am.

9 JUROR: My daughter's basketball coach is Mr. Stumbo.

10 THE COURT: Your daughter's basketball coach is Mr.

11 Stumbo. Okay. All right. The fact that your daughter is

12 coached -- is it basketball season now?

13 JUROR: No, sir.

14 THE COURT: It's not. Okay. Aside from that, is that
15 going to present a problem for you? Can you be fair to all
16 sides?

17 JUROR: Yes, sir.

18 THE COURT: Thank you for that information, Ms.
19 Yarbrough.

20 (WHEREUPON, Juror No. 164, stands.)

21 THE COURT: Yes, ma'am?

22 JUROR: Daci Johns. Our boys, Mr. Stumbo and my son,
23 his son and my son are good friends.

24 THE COURT: Okay. Do they spend the night at each
25 other's home and that sort of thing?

1 JUROR: They used to. They're out of highschool now.

2 THE COURT: So, they don't really see too much of each
3 other anymore? The fact that Mr. Stumbo is involved in this
4 case, would that affect your ability to be fair and
5 impartial to anyone involved in this?

6 JUROR: No.

7 THE COURT: You're certain?

8 JUROR: No.

9 THE COURT: If you're certain that basically -- it's not
10 about the lawyers. It's about the facts and the law. You
11 can put aside any relationship that you have with any of the
12 lawyers and judge the case only on the law and the facts?

13 JUROR: Sure.

14 THE COURT: All right. Thank you for that information.
15 No one else is standing. The alleged victims in this case,
16 ladies and gentlemen, the two individuals who were not, in
17 any way, killed. Their names were Justin Parks and Gabriel
18 Goode. G-o-o-d-e. The decedent in this case, his name is
19 Trivoriaye -- I think that's spelled T-r-i-v-o-r-i-a-y-e
20 Alston, A-l-s-t-o-n. And, of course, you've been introduced
21 to the defendants in this case, ladies and gentlemen. Is
22 there any member of the jury panel who is related by blood
23 or marriage, or has any close business or social
24 relationships to either the decedent in this case, the other
25 two purported victims, Justin Parks and Gabriel Goode, or

1 the defendants in this case? Any member of the jury panel
2 related by blood or marriage, or has any close business or
3 social relationships with either the defendants in this case
4 or the purported victims? If so, please stand.

5 (WHEREUPON, no jury panel member stood.)

6 THE COURT: No one is standing. Ladies and gentlemen,
7 I'm told that this incident took place on or about April 8,
8 2020 at approximately 2 o'clock in the afternoon at 1522
9 Parkway. I think that's an apartment building or an
10 apartment complex. Am I right on that? Parkway Apartments?

11 MR. STUMBO: That's correct, Judge.

12 THE COURT: It took place, basically, at Parkway
13 Apartments at roughly 2 o'clock in the afternoon on April 8,
14 2020. It did involve firearms being discharged. Is there
15 any member of the jury panel who thinks that they may know
16 anything about this case or has formed or expressed any
17 opinion concerning the facts of this case. If so, please
18 stand. Anyone who thinks they know anything about it.

19 (WHEREUPON, no jury panel member stood.)

20 THE COURT: I'm going to read you a list of possible
21 witnesses in this case. When I'm done reading the list, I'm
22 going to ask if there is any jury panel member related by
23 blood or marriage or anyone who has any close business or
24 social relationships to any of these witnesses. The first
25 list of names that I'm going to call are the ones who are

1 most likely to testify, and then I'm going to read a list of
2 other names of other individuals who may testify, but I'm
3 going to break it up that way. The ones that I anticipate
4 being more likely to testify, I'm going to read their names
5 first. Here are the possible witnesses in this case: Justin
6 Parks, Gabriel Goode, Stephanie Moss, Charles Hawthorne,
7 Laurel Bollinger, that's spelled L-a-u-r-e-l B-o-l-l-i-n-g-
8 e-r, Jameel Wilson, that's spelled J-a-m-e-e-l Wilson, Aisha
9 Jackson, that's spelled A-i-s-h-a Jackson, Sonny Cox, who is
10 the coroner for Greenwood, Cody Cockrell, who works with the
11 Sheriff's Department, Jonathan Davis, who also works with
12 the Sheriff's Department, Cerrion C-e-r-r-i-o-r Mansel, who
13 also works with the Sheriff's Office, Matthew Womack with
14 the Sheriff's Department, Matt Blackwell with the Greenwood
15 Police Department, Mike Murdock with the Sheriff's Office,
16 Greg Allison, A-l-l-i-s-o-n, also with the Sheriff's
17 Department, Wes McClinton with the Police Department, Arik
18 Hempy, that's spelled A-r-i-k H-e-m-p-y, with the Greenwood
19 Police Department, Kathy Tucker with the Sheriff's Office,
20 Dr. Kyle Shaw, who is a pathologist?

21 MR. STUMBO: That's correct.

22 THE COURT: Forensic pathologist, Michael -- or Michelle
23 rather, Eichenmiller E-i-c-h-e-n-m-i-l-l-e-r, who works at
24 the South Carolina Law Enforcement Division, Dr. John
25 Konsek, Dr. Randy Cain, Dr. Alan Ladd, Donna Money, M-o-n-e-

1 y with SLED, Jennifer Nates, also with SLED, last name
2 spelled N-a-t-e-s, Jill Boland who works at Greenwood 911,
3 and Tony O'Bannon, who works at Self Regional Hospital with
4 security. Any member of the jury panel who is related by
5 blood or marriage, or has any business or social
6 relationships with any of those witnesses? If so, please
7 stand.

8 (WHEREUPON, Juror No. 204, stands.)

9 THE COURT: Yes, sir. Your name again?

10 JUROR: Ashley McGee.

11 THE COURT: I think you work at the hospital?

12 JUROR: Yes, sir.

13 THE COURT: And as a hospitalist I assume you are
14 familiar with Dr. Konsek, Cain, and Ladd?

15 JUROR: I work with all three of them rather closely.

16 THE COURT: I anticipate that their testimony is going
17 to be about the injuries sustained. Would your relationship
18 with these doctors affect your ability to give both sides a
19 fair shake?

20 JUROR: No, Your Honor.

21 THE COURT: You're certain?

22 JUROR: Yes, sir.

23 THE COURT: Thank you, Doctor. You can have a seat.

24 (WHEREUPON, Juror No. 53, stands.)

25 THE COURT: Yes, sir. Your name, please?

1 JUROR: Will Clegg.

2 THE COURT: Mr. Clegg, who do you know?

3 JUROR: Dr. Cain, Dr. Ladd, Tony O'Bannon.

4 THE COURT: Okay. And how do you know those folks?

5 JUROR: I work in the ER with them.

6 THE COURT: I got you. That's right. You work in the
7 ER too. The fact that you know these individuals, if they
8 were to testify about treatment or injuries that were
9 sustained, would that affect your ability to be fair to all
10 sides?

11 JUROR: No, sir.

12 THE COURT: You're certain?

13 JUROR: Yes, sir.

14 THE COURT: Thank you for that information.

15 (WHEREUPON, Juror No. 109, stands.)

16 THE COURT: Your name, ma'am?

17 JUROR: Heather Gardner. Greg Allison is my cousin.

18 THE COURT: Allison is your cousin?

19 JUROR: Yes, sir.

20 THE COURT: First cousin?

21 JUROR: Second cousin. Yes.

22 THE COURT: That would be within -- so, I guess your
23 grandparents were siblings?

24 JUROR: Yes.

25 THE COURT: Do you see Mr. Allison on a fairly regular

1 basis I guess?

2 JUROR: No, sir.

3 THE COURT: You don't? When was the last time you saw
4 him, either at a family reunion or socially?

5 JUROR: Socially. Probably a year or so ago.

6 THE COURT: So, you don't communicate or see him
7 regularly?

8 JUROR: No.

9 THE COURT: If he were to testify in this case, would
10 that affect your ability to be fair to everybody concerned?

11 JUROR: No, sir.

12 THE COURT: You're certain?

13 JUROR: I'm certain. I also know a couple of the
14 officers, and I think there's a possibility that I teach one
15 of their children.

16 THE COURT: Would those social relationships or that
17 professional relationship, would that affect your ability to
18 be fair to everybody involved?

19 JUROR: No, sir.

20 THE COURT: All right. Thank you. You can have a seat.

21 MR. GROSE: What was her number, please?

22 THE COURT: 109.

23 (WHEREUPON, Juror 223, stands.)

24 THE COURT: What's your name, ma'am?

25 JUROR: Angela Nix. I was a registered nurse in the ER

1 through 2020.

2 THE COURT: So, you were an RN working at the ER. When
3 did you stop working there?

4 JUROR: June 2020.

5 THE COURT: June 2020, okay.

6 JUROR: I don't recall knowing any of the -- yeah. I
7 know the doctors and I was employed there, so I could have
8 taken care of someone.

9 THE COURT: You don't recall, specifically, giving
10 treatment in this?

11 JUROR: No, sir.

12 THE COURT: Do you recall anything involving gunshot
13 wounds in April 2020?

14 JUROR: No, sir.

15 THE COURT: You are an RN or an LPN?

16 JUROR: I'm an RN.

17 THE COURT: Do you usually work nights or days?

18 JUROR: I worked days then, but I have done nights.

19 THE COURT: But you don't think that you were involved
20 with any of this?

21 JUROR: Not that I can recall.

22 THE COURT: All right. It's probably not possible for
23 you to check and see if you were working on April 8, 2020.
24 All right. I'm going to let you sit this one out, out of an
25 abundance of caution. She won't participate. Thank you for

1 that information. Stay with us, though.

2 Additional witnesses who may testify in this case that
3 may very well not be called are as follows: Will Stroup with
4 the Sheriff's Department, Chad Robertson, Gary Moore with
5 the Sheriff's Office, Scott Russ with the Sheriff's Office,
6 Deputy R. Napier, N-a-p-i-e-r, with the Sheriff's Office,
7 Sheriff Dennis Kelly, Dale Boyter, B-o-y-t-e-r, Megan
8 Fletcher with SLED, Sara Goodman with SLED, Dr. Richard
9 Graham, Sarah Preston with SLED, Brooklyn Molina with SLED,
10 Celia C-e-l-i-a, Modell with SLED, M-o-d-e-l-l, Dustin
11 Smith, also with SLED, Vera Martinez with SLED, Tyler
12 Sturkie with SLED. The rest are SLED witnesses. Jackie
13 Davis, Lauren Holliday, Bailey Haynes, Olivia Cartwright,
14 Julia Begeman, B-e-g-e-m-a-n, Bethany Davidson, Christine
15 Nguyen, N-g-u-y-e-n, Anglika A-n-g-l-i-k-a Dodwani D-o-d-w-
16 a-n-i. Those are the possible SLED witnesses. Aaron
17 Harper, Kyshua Watson, K-y-s-h-u-a W-a-t-s-o-n, Leitsha, L-
18 e-i-t-s-h-a Hurley, H-u-r-l-e-y, Jadasha Lashun Bryant, J-a-
19 d-a-s-h-a L-a-s-h-u-n B-r-y-a-n-t, Veronica Harrison, Eligah
20 Wyshawm Sloan, E-l-i-g-a-h W-y-s-h-a-w-n-S-l-o-a-n.

21 I think that does it for the witnesses. Any member of
22 the jury panel related by blood or marriage or anyone who
23 has any close business or social relationships with those
24 other potential witnesses?

25 (WHEREUPON, Juror 237, stands.)

1 JUROR: I should have stood earlier. I was Xayvion's
2 elementary principal.

3 THE COURT: Okay. What's your name, please?

4 JUROR: Alyson Perrin.

5 THE COURT: Ms. Perrin, okay. And you know which
6 defendant?

7 JUROR: Xayvion Hill.

8 THE COURT: Mr. Tinsley's client? Okay. What did you
9 teach him? How long ago was that?

10 JUROR: I was his elementary principal.

11 THE COURT: So, many moons ago, I guess. Which school
12 was that at?

13 JUROR: Springfield.

14 THE COURT: I'm ending a sentence in a preposition as
15 I'm talking to a teacher. I'm sorry. The fact that you
16 were the principal of his school, would that affect your
17 ability to be fair to all concerned?

18 JUROR: No, sir.

19 THE COURT: No, ma'am? Thank you. Have a seat.

20 (WHEREUPON, Juror 184, stands.)

21 THE COURT: Yes, ma'am?

22 JUROR: My name is Sheila Leopard. Will Stroup, I'm
23 related to him.

24 THE COURT: Will Stroup. How are you related to Mr.
25 Stroup?

1 JUROR: My dad and his grandmother are brother and
2 sister.

3 THE COURT: Okay. The fact that -- do you see him
4 frequently?

5 JUROR: (No verbal response.)

6 THE COURT: You just know that you are related?

7 JUROR: (No verbal response.)

8 THE COURT: She nods yes.

9 MR. HENDERSON: What number is that?

10 THE COURT: Do you recall your number, ma'am?

11 JUROR: 184.

12 THE COURT: The fact that you have this relationship,
13 would that affect your ability to be fair?

14 JUROR: No.

15 THE COURT: Thank you. You can have a seat.

16 (WHEREUPON, Juror 204, stands.)

17 THE COURT: Doctor, I assume you recognize some
18 additional names from the hospital?

19 JUROR: Yes, Your Honor.

20 THE COURT: Same question as before. If they were to
21 testify, is that going to be a problem for you?

22 JUROR: No.

23 THE COURT: Thank you. You can have a seat.

24 (WHEREUPON, Juror 53, stands.)

25 THE COURT: Ditto with you, sir?

1 JUROR: Yes, sir.

2 THE COURT: If those people were to testify, again, no
3 problem?

4 JUROR: Yes, sir.

5 THE COURT: Very good. Is there any member of the jury
6 panel who is more or less likely to believe the testimony of
7 a witness simply because of that witness's vocation or where
8 they work? Any member of the jury panel who is more likely
9 willing or inclined to believe the testimony of a witness
10 simply because of their vocation? If so, please stand. No
11 one is standing.

12 Ladies and gentlemen, in this case I'm told there is
13 some video evidence which the parties describe as being
14 somewhat disturbing or maybe a little bit graphic. Is there
15 any member of the jury panel who feels that viewing any
16 graphic evidence would be so traumatizing that you would not
17 be able to be fair to both parties and judge the case based
18 only on the law as I instruct you and on the evidence and
19 facts? Any member of the jury panel who feels you might be
20 so affected by a graphic video that your verdict could be
21 tainted by that information? If so, please stand. No one
22 is standing.

23 Is there any member of the jury panel who, to your
24 knowledge, is Facebook friends with any of the Defendants in
25 this case, or a close member of their family, or to Justin

1 Parks or Gabriel Goode? Any member of the jury panel who
2 thinks that you might be Facebook friends with any of those,
3 either the Defendants or the purported surviving victims in
4 this case, please stand. No one is standing.

5 Does any member of the jury panel follow any of the
6 Defendants or the purported victims, Mr. Goode or Mr. Parks,
7 or their families on social media such as Facebook,
8 Instagram, Twitter, YouTube, Tik Toc, et cetera? Any member
9 of the jury panel who regularly follows either the
10 Defendants or the purported victims in this case on any of
11 those social media applications? If so, please stand. No
12 one is standing.

13 Is there any member of the jury panel who lived in the
14 following areas back in April 2020? Any member of the jury
15 panel who was residing in these places back in April 2020?
16 Phoenix Place Apartments, Marshall Circle, Matthews Mill
17 Village, Grand Prix Court, Highland Forest, Osborne Avenue,
18 Pearl Street, Williams Avenue, Walker Avenue, Oak Hill
19 Street, Spring Valley Road, Reynolds Avenue, Crawford
20 Street, Cardinal Glen, Gardens at Parkway, or Country Homes.
21 Any member of the jury panel who was residing at any of
22 those streets or those places back in April 2020?

23 JUROR 146: Country Homes.

24 THE COURT: Yes, ma'am. Your name, please?

25 JUROR 146: Veronica Holloway.

1 THE COURT: Ms. Holloway, where were you living back
2 then?

3 JUROR 146: Country Homes.

4 THE COURT: Thank you for that information, Ms.
5 Holloway. You can have a seat. Yes, sir?

6 JUROR 175: Wyatt Kidwell. I was at Matthews Mill
7 Village.

8 THE COURT: Matthews Mill Village? Okay, thank you for
9 that information.

10 MR. HENDERSON: What's his number?

11 THE COURT: What's your number, sir?

12 JUROR 3: Sawyer Aiken.

13 THE COURT: The gentleman who just stood. What was your
14 number again?

15 JUROR 175: 175.

16 THE COURT: The gentleman in the back?

17 JUROR 3: Sawyer Aiken. I was at Matthews.

18 THE COURT: Okay. Thank you for that information, Mr.
19 Aiken. Yes, ma'am, your name?

20 JUROR 29: Deasia Boyd, Country Homes.

21 THE COURT: Country Homes? Thank you, Ms. Boyd. Your
22 name, please?

23 JUROR 35: Aniyah Brown.

24 THE COURT: Where were you living, Ms. Brown?

25 JUROR 35: Reynolds Avenue.

1 THE COURT: On Reynolds Avenue. Thank you for that
2 information.

3 MS. HOFFMAN: Can I get her number?

4 THE COURT: Ms. Brown, what was your number?

5 JUROR 35: 35.

6 THE COURT: Thank you, ma'am. Ladies and gentlemen of
7 the jury, you've heard what the accusations are against Mr.
8 Hill, Mr. Reid, and Mr. Hurley. Is there any member of the
9 jury panel who suspects or believes that the defendants are
10 guilty of these charges simply because they are accused of
11 them? Any member of the jury panel who believes that they
12 are guilty just by virtue of the accusation and that's it?
13 If so, please stand. No one is standing.

14 Is there any member of the jury panel who is a member
15 of any organization who basically believes that one race is
16 superior to another or is a member of any organization like
17 the Proud Boys, Oath Keepers, or any other such, shall we
18 say -- how do I put this politely. Unconventional
19 organization. Any member of the jury panel who belongs to
20 any organization that believes that either one race is
21 superior to another or any organization like Proud Boys, The
22 Right Stuff, Patriotic Flags, Dixie Republic, Oath Keepers,
23 that, shall we say, is less than conventional and somewhat
24 out of the mainstream? If so, please stand. No one is
25 standing.

1 Ladies and gentlemen, there may be some testimony in
2 this case concerning gunshots being fired in a public place.
3 Is the fact that that testimony might be elicited, the fact
4 that testimony might be eluded to, would that affect
5 anyone's ability to remain fair and impartial? The fact
6 that a gun may have been discharged in a public place.
7 Would anybody feel that fact alone would affect your ability
8 to be fair and impartial? If so, please stand. No one is
9 standing.

10 Is there any member of the jury panel who is a member
11 of any organization who is dedicated to or has given money
12 to any organization that promotes law enforcement or any
13 domestic violence sort of organization, or any organization
14 that advocates on behalf of victims of crime? Any jury
15 panel member who is a member of any such organization? If
16 so, please stand. No one is standing.

17 Is there any member of the jury panel or a close member
18 of your family who has ever been involved or a member of law
19 enforcement, either in the civilian setting or the military,
20 like an MP? Any member of the jury panel who has a relative
21 who has been in law enforcement? If so, please stand.

22 (WHEREUPON, several jurors stood.)

23 Yes, ma'am. Your name, please?

24 JUROR 90: Heather Callahan.

25 THE COURT: Ms. Callahan, which of your relatives has

1 been in law enforcement?

2 JUROR 90: My dad.

3 THE COURT: Where did he work?

4 JUROR 90: He worked for the Greenwood County Sheriff's

5 Department.

6 THE COURT: He no longer works there, Ms. Callahan?

7 JUROR 90: He's in this courtroom.

8 THE COURT: Oh, God. Okay. Okay. He's not a witness

9 in this case. Is that a problem?

10 JUROR 90: No.

11 THE COURT: No? Thank you. Yes, sir?

12 JUROR 316: My brother is a former deputy, retired, with

13 the U.S. Air Force and a Greenville County Sheriff's Deputy.

14 THE COURT: When did he get out of law enforcement?

15 JUROR 316: He just retired about 18 months ago as an

16 MP. He got out of Greenville County maybe ten years ago.

17 THE COURT: Okay, and your name?

18 JUROR 316: VanLandingham, 316. And also I've got a

19 first cousin who is a Sergeant At Arms at the South Carolina

20 Statehouse.

21 THE COURT: Thank you, sir. You can have a seat. Yes,

22 sir. Your name?

23 JUROR 313: I've got a cousin who is a detective for

24 Greenwood Police Department.

25 THE COURT: Greenwood Police Department? What's your

1 cousin's name?

2 JUROR 313: Martin Harrelson.

3 THE COURT: What's your name sir?

4 JUROR 313: And I have a cousin, Mark Bratcher, who was
5 a county cop and city cop, and I got my cousin's husband is
6 transport police.

7 THE COURT: Your name, sir?

8 JUROR 313: Thomas Turner.

9 THE COURT: Mr. Turner, do you recall your juror number?

10 JUROR 313: 313.

11 THE COURT: Thank you. Have a seat. Your name?

12 JUROR 53: Will Clegg, 53. I've got a cousin that's on
13 the Greenwood County Sheriff's and a cousin that's in the
14 State game warden, covering Greenwood and Laurens County,
15 and another cousin that's Greenwood City Police.

16 THE COURT: Thank you for that information, sir. In the
17 yellow. Yes, sir?

18 JUROR 221: Daniel Nguyen. My grandma was Pattie
19 Ligaber (PHONETIC). She worked at the Department of
20 Corrections.

21 THE COURT: Thank you for that information. Your name,
22 ma'am?

23 JUROR 251: Kelly Reynolds, 251. My sister is a law
24 enforcement officer in Roanoake, Virginia.

25 THE COURT: Thank you for that information. If you've

1 already indicated you don't have to indicate this again. Is
2 there any member of the jury panel who is close friends with
3 anyone who works at the Eighth Circuit Solicitor's Office or
4 related by blood or marriage to anybody who works at the
5 Solicitor's Office? If so, please stand.

6 (WHEREUPON, juror stands.)

7 THE COURT: Yes, sir. Who else did you know?

8 JUROR: Brian King.

9 THE COURT: Thank you very much for that information,
10 sir. Yes, ma'am? Ms. Jenkins?

11 JUROR 159: Yes. Not related, but my long-time friend
12 works at the Solicitor's Office.

13 THE COURT: What's her name?

14 JUROR 159: Angela Rowland.

15 THE COURT: Okay. Thank you for that information. I
16 always hesitate to ask this, but I'm going to go ahead and
17 do it. Ladies and gentlemen, is there anyone out there who
18 just doesn't like lawyers? Particularly lawyers who
19 represent people accused of a crime. If so, please stand.
20 Or prosecutors. Anybody who just doesn't like lawyers,
21 please stand. Thank goodness. My faith in society has been
22 restored.

23 Is there any member of the jury panel who is
24 religiously or morally opposed, or has strong feelings about
25 the possession and or use of guns or firearms? Any member

1 of the jury panel who is religiously or morally opposed or
2 has very strong feelings about possessing or using firearms?

3 Yes, sir. Your name, please?

4 JUROR 166: Simon Johnson.

5 THE COURT: Mr. Johnson? Okay, I'm going to let you
6 step down and talk to me privately, and I'm going to let you
7 come down too, okay?

8 (WHEREUPON, a sidebar was held on the record.)

9 THE COURT: Your number, please.

10 JUROR 149: 149, Lori Holt. My daughter ran from a
11 school shooter at UNCC in 2019 and we are very actively
12 involved with Moms Demand Action.

13 THE COURT: That was 2019?

14 JUROR 149: Yes, sir.

15 THE COURT: Do you want to sit this out? It does
16 involve shootings.

17 JUROR 149: I think it might be best.

18 THE COURT: I'll let you then. Ms. Holt, just have a
19 seat then. Ms. Holt will sit this out. She said that her
20 daughter was involved in a shooting at a school where
21 somebody was shooting and that was 2019. What's your name
22 again, sir?

23 JUROR 166: Simon Johnson.

24 THE COURT: Yes, sir. Mr. Johnson?

25 JUROR 166: Yeah, I'm just morally opposed to guns.

1 THE COURT: Sorry?

2 JUROR 166: I'm just morally opposed to guns.

3 THE COURT: Not really opposed?

4 JUROR 166: No, morally.

5 THE COURT: Morally opposed to firearms? Okay. There
6 will be testimony in this case about firearms. I respect
7 your moral opposition to it. Is that going to affect your
8 ability to listen to this, or do you think you could be
9 swayed or otherwise prejudiced because it involves firearms?

10 JUROR 166: No.

11 THE COURT: You're sure?

12 JUROR 166: Pretty sure.

13 MR. HENDERSON: Your Honor, if I may follow, there may
14 be testimony of somebody using a weapon in regards to self
15 defense.

16 THE COURT: If -- is it just a general opposition to
17 guns?

18 JUROR 166: A general opposition.

19 THE COURT: Okay. What I need to know is if you're
20 going to be able to put aside that feeling, that attitude
21 towards guns, and just judge the case on the law and the
22 facts.

23 JUROR 166: (No response.)

24 THE COURT: If you feel like it's going to be too much
25 to do I'll let you sit this one out.

1 JUROR 166: I don't think so. I think I can.

2 THE COURT: You think you can?

3 JUROR 166: Yeah.

4 THE COURT: Fair enough. He's fine. While I'm down
5 here, ladies and gentlemen, I'm going to skip ahead and ask
6 a couple of other questions. If you need to respond, I'll
7 let you come forward. Is there any member of the jury panel
8 who has a close family member or you yourselves have either
9 been the victim or accused of a violent crime or serious
10 crime? I'm intentionally leaving that as vague. Obviously,
11 a serious crime or violent crime would be something like
12 murder, rape, or maybe burglary of a house. Any member of
13 the jury panel who's either been the victim of or had a
14 close family member who's been the victim of, or you
15 yourself have been accused of, or had a close family member
16 accused of a serious or a violent crime. If that applies to
17 you, just stand and I'm going to let you come forward and
18 speak with me about it.

19 (WHEREUPON, several jury panel members stood.)

20 THE COURT: Yes, ma'am. Come on down. What's your
21 name?

22 JUROR 242: It's Lisa Pileggi.

23 THE COURT: Yes, ma'am.

24 JUROR 242: My first cousin was murdered and she lived
25 in Lakeland, Florida.

1 THE COURT: Lakeland, Florida. That was your first
2 cousin?

3 JUROR 242: Uh-huh.

4 THE COURT: When did that happen?

5 JUROR 242: Oh, gosh. It's been over ten years ago.
6 Probably in the early -- no, not early 80's. It would be
7 the late 80's. Like, '87, something like that.

8 THE COURT: This does involve charges of homicide and
9 attempted murder. The fact that that happened to your
10 family, would you be able to basically judge this case on
11 the law and the evidence, or are you feeling like this is
12 hitting too close to home?

13 JUROR 242: No, I think I can judge it on the law.

14 THE COURT: You can? So, you think you can set aside
15 any sort of personal experience and judge ---

16 JUROR 242: Yes.

17 THE COURT: --- this case on the law and the facts?

18 JUROR 242: Yes.

19 THE COURT: Fair enough. You can have a seat. She's
20 fine. Yes, sir? Your name, sir?

21 JUROR 312: Jason Turner. I don't know if this is going
22 to affect my ability to judge, but my grandfather was
23 possibly murdered or died by gunshot. My step-sister shot
24 herself a couple of years ago, and my step-brother took his
25 own life with a weapon.

1 THE COURT: I'm sorry. Essentially, your grandfather,
2 when was he killed?

3 JUROR 312: When my dad was a child.

4 THE COURT: When you were a child?

5 JUROR 312: When my dad was a child. I wasn't alive.

6 THE COURT: Oh, okay. Would any of those experiences
7 affect your ability to be fair?

8 JUROR 312: No.

9 THE COURT: Fair enough. Thank you for that
10 information.

11 JUROR: I think you've excused me already. So, maybe
12 this is ---

13 THE COURT: Yeah, you're good.

14 JUROR 166: Simon Johnson.

15 THE COURT: Mr. Johnson, yes, sir.

16 JUROR 166: I don't know if this counts, but this year I
17 had someone break into my shed and steal tools.

18 THE COURT: That would be like a burglary third degree.
19 Did they catch the person?

20 JUROR 166: No. The case is still open.

21 THE COURT: When did that happen?

22 JUROR 166: That was, like, April. A couple of months
23 back.

24 THE COURT: Thank you for that information. You can
25 have a seat. Yes, ma'am?

1 JUROR 251: I'm not sure if this applies or not, but
2 when I was young my house was robbed. When my mom came
3 home, they went out the front. They had my dad's pistol
4 loaded and on the couch.

5 THE COURT: What's your name, again?

6 JUROR: Kelly Reynolds, 251.

7 THE COURT: That's when you were a kid I guess?

8 JUROR 251: Yes. Junior high or high school. I don't
9 remember which of the two.

10 THE COURT: So, that had to have been thirty to forty
11 years ago, at the very least? That incident, would it
12 affect your ability to be fair and impartial?

13 JUROR 251: No, sir.

14 THE COURT: Thank you, Ms. Reynolds.

15 JUROR 120: My cousin, Johnny Garren ---

16 THE COURT: I'm sorry? What was that?

17 JUROR 120: My cousin, Johnny Garren was in prison for
18 murder. It's been over twenty years. But, I honestly
19 cannot condemn these men.

20 THE COURT: I'm sorry?

21 JUROR 120: I cannot condemn these men. I don't think
22 it's fair that I serve on the jury. Because I don't feel
23 like I have a right to condemn them, and I feel like I will
24 be ---

25 THE COURT: You have a moral or a religious ---

1 JUROR 120: Yes. I will not be able to condemn these
2 men if they are guilty. I just -- I cannot do it.

3 THE COURT: Fair enough. That was going to a question I
4 get to later.

5 MR. HENDERSON: Can we get her name?

6 JUROR 120: I think it's 120. April Grigg.

7 THE COURT: Thank you, ma'am. You won't serve on this
8 jury. Yes, sir.

9 JUROR 332: Blake Williams. My uncle in the early 90's
10 was convicted of murder.

11 THE COURT: And that was in the early 90's?

12 JUROR 332: Yes, sir.

13 THE COURT: You had to have been a baby back then.

14 JUROR 332: I was four years old.

15 THE COURT: Did that happen here or somewhere else?

16 JUROR 332: Spartanburg County.

17 THE COURT: Spartanbug? Okay. Can you be fair to all
18 people concerned?

19 JUROR 332: Absolutely.

20 THE COURT: Thank you for that information. Yes, sir.
21 Your name, please?

22 JUROR 49: Curtis Cannon.

23 THE COURT: Mr. Cannon. Yes, sir.

24 JUROR 49: I had a cousin who was convicted of double
25 murder. It's been, like, 30 years ago.

1 THE COURT: Thirty years ago you had a cousin convicted
2 of murder. Was that here locally or somewhere else?

3 JUROR 49: Here.

4 THE COURT: Here? The fact that that happened here in
5 Greenwood, would that affect your ability to be fair to all
6 concerned?

7 JUROR 49: No.

8 THE COURT: Very good, Mr. Cannon. Have a seat. No one
9 else. Is there any member of the jury panel who has any
10 deeply held moral or religious beliefs, the tenants of which
11 would prohibit you from serving on a jury and judging this
12 case? Any member of the jury panel who has any deeply held
13 moral or religious beliefs, the tenants of which would keep
14 you from serving as a juror, prohibit you from serving? If
15 so, please stand. No one is standing.

16 Is there any member of the jury panel who knows of any
17 reason whatsoever why you just want to sit this one out. It
18 could be the subject matter that we're dealing with. It
19 could be anything at all. Any member of the jury panel who
20 knows of any reason or feels any reason whatsoever why you
21 just feel like you need to sit this case out and not
22 potentially participate as a juror? If so, please stand.
23 No one is standing.

24 I think I've covered all the major voir dire. Were
25 there any others that y'all wanted to ask that you felt

1 really really strong about that we haven't already
2 discussed?

3 MR. STUMBO: None from the State.

4 THE COURT: I think I hit most of the high points. All
5 right. I am correct that the defense has agreed to
6 collectively use your strikes? Mr. Henderson?

7 MR. HENDERSON: Correct, Your Honor, but we need to
8 address a couple of juror matters before we start selecting.

9 THE COURT: Okay. Involving me or...

10 MR. HENDERSON: No, involving some of the folks we just
11 talked to.

12 THE COURT: Approach.

13 (WHEREUPON, a sidebar was held.)

14 THE COURT: Ladies and gentlemen, it is about 12:30. My
15 blood sugar, like yours, probably starts getting low around
16 1:00. In order to save time, we're going to change the way
17 we -- with the consent of the attorneys, we are going to do
18 the civil selection method of picking a jury. I'm going to
19 generate a list, let the lawyers look at the list, and give
20 you guys a break. Step outside. Just be back in here in
21 about 15 minutes at a 12:45. We will pick a jury at that
22 point in time and hopefully I will be in a position to let
23 the rest of y'all go. Be back in 15 minutes.

24 (WHEREUPON, jury pool exited courtroom 12:32 pm.)

25 (WHEREUPON, proceedings resumed 12:40 pm.)

1 THE COURT: Let's come to order. I need to put
2 something on the record. What was your name again, ma'am?

3 JUROR 29: Deasia Boyd.

4 THE COURT: Ms. Boyd, and I didn't previously excuse you
5 on this case?

6 JUROR 29: Huh-uh.

7 THE COURT: But you told the Bailiff you knew some
8 witnesses or something?

9 JUROR 29: Yes. I'm close friends with the witnesses
10 and some of the family.

11 THE COURT: The witnesses and some of the family?

12 JUROR 29: Uh-huh.

13 THE COURT: Which witnesses in particular?

14 JUROR 29: Ky Watson, Tyquisha Hurley.

15 THE COURT: How are you close friends with them?

16 JUROR 29: Like, we been knowing each other since, like,
17 we was young.

18 THE COURT: You're about 19 or 18?

19 JUROR 29: I'm 20.

20 THE COURT: I'm sorry. Do you feel like you need to sit
21 this out because you know them if they testify?

22 JUROR 29: I would like to.

23 THE COURT: You'd like to. All right. Very good. I'll
24 let you sit this one out, Ms. Boyd. Thank you, Ms. Boyd.
25 You're free to go.

1 (WHEREUPON, recess until 1:03 p.m.)

2 THE COURT: We're going back on the record. The record
3 will reflect that with the consent of all parties we are
4 going to select this jury in the civil fashion that is
5 customary. The strikes are ten for the State and 20 for the
6 defense. Gentlemen, you'll be using the number to the far
7 left column to exercise your strikes. The State will go
8 first, exercising one strike, to be followed by the defense,
9 exercising two strikes. Who is going to respond on behalf
10 of the defense? Mr. Grose? You are?

11 MR. GROSE: Yes, sir.

12 THE COURT: Again, we will be striking from lines one
13 through 33. I'm talking about just for the initial jury,
14 and then for the alternates. One through 43, not 33. State
15 strikes first.

16 MR. STUMBO: Thank you, Judge. The State excuses Juror
17 number 3.

18 THE COURT: Defense?

19 MR. GROSE: We exclude Juror number 2 and Juror number
20 7.

21 THE COURT: Two and seven. State?

22 MR. STUMBO: The State excludes Juror number 6.

23 THE COURT: Juror number 6. Defense?

24 MR. GROSE: Juror number 9 and Juror number 11.

25 THE COURT: Jurors number 9 and 11. State?

1 MR. STUMBO: The State excuses Juror number 19.
2 THE COURT: Juror 19 for the State. Defense?
3 MR. GROSE: Juror number 15 and Juror number 17.
4 THE COURT: 15 and 17 for the Defense. State?
5 MR. STUMBO: The State excuses Juror number 33.
6 THE COURT: Defense?
7 MR. GROSE: Juror number 21 and 22.
8 THE COURT: Juror 21 and 22. And the State?
9 MR. STUMBO: The State would exclude Juror number 36.
10 THE COURT: Defense?
11 MR. GROSE: Juror number 18 and 25.
12 THE COURT: 18 and 25. Ten strikes so far. State?
13 MR. STUMBO: We're on number 6. The State would excuse
14 Juror number 38.
15 THE COURT: And the Defense?
16 MR. GROSE: Juror number 26 and Juror number 28.
17 THE COURT: 26 and 28. And the State for strike number
18 7?
19 MR. STUMBO: Beg the Court's indulgence. Judge, we
20 don't have any more at this time. I think we've used 6.
21 THE COURT: You've used 6 of your ten.
22 MR. STUMBO: That's all we have.
23 THE COURT: You've still got eight, so if you want to
24 burn them, you can burn them. If not, we'll simply select
25 the first 12 picked.

1 MR. GROSE: Strike 34 and 35, and 31.

2 THE COURT: You've got five more if you want them.

3 MR. GROSE: Strike number 1, 20.

4 MR. HENDERSON: Your Honor, will there be a separate
5 strike for the alternates?

6 THE COURT: Yes.

7 MR. HENDERSON: Okay, so we're just dealing with
8 primary.

9 THE COURT: Yes, we're just dealing with the primary.
10 My intention was to -- we'll see who gets sat and then start
11 the list for the alternates. We'll pick up where we left
12 off is what I meant to say.

13 MR. GROSE: 41 and 42.

14 THE COURT: I think you've got one more, don't you?

15 MR. GROSE: We do. 23.

16 THE COURT: 23. Okay. Ladies and gentlemen, if your
17 name is called -- we're going to strike alternates in a
18 minute, but we're going to go ahead and seat these guys and
19 then we'll figure out where we pick up with the alternates.
20 If your name is called, I need you to come forward. Bring
21 with you anything that you brought to the courthouse today,
22 pocketbook, books, whatever, and have a seat down here. I'm
23 going to call the names of the people who are seated as the
24 actual jury in this case. Juror number 180, Ellen P.
25 Laughlin. Juror 332, Blake Williams. Juror 158, Timothy

1 Jackson. Juror 49, Lee Curtis Cannon. Juror 18, Darcel
2 Bell. Juror 218, Hanna E. Nelson. Juror 226, Ometere
3 Norman. Juror 269, Michael A. Scott. Juror 83, Tiana M.
4 Eberhart. Juror 22, Michael Blackwell. Juror 17, Andrea
5 Belcher. And Juror 96, Robert Ferrell. Y'all come on down.

6 We will pick up with selecting alternates. We'll pick
7 up with number 37 on the second page with the alternates.
8 We'll do it alternate by alternate, so it's 37, 39, 43, and
9 44. Two strikes for the Defense, one strike for the State.
10 Solicitor, you go first.

11 MR. STUMBO: 37 through 43, Judge? Is that what you
12 said?

13 THE COURT: 37, 39, 40, and 43.

14 MR. STUMBO: Okay. The State would excuse Juror 55.

15 THE COURT: No, you've got to pick from 37, 39, 40, or
16 43.

17 MR. STUMBO: I don't have one, Judge. It's the same
18 group we said we weren't going to strike the first time.

19 THE COURT: Fair enough. So, you get two strikes on the
20 first alternate if you want them, or you could just not
21 exercise them.

22 MR. GROSE: We have no strikes, Your Honor.

23 THE COURT: The first alternate will be Wonder B.
24 Crawford, Juror number 66. Ms. Crawford, come on down. The
25 Bailiff will show you where to sit. If y'all don't have any

1 opposition to just the next three being the alternates.

2 MR. HENDERSON: Absolutely. That's why we were looking
3 at 37, 39, and 40, Your Honor.

4 THE COURT: Good enough. Our alternates will be number
5 66, Ms. Crawford. I need 134, Cory Henderson to come on
6 down. And Kelsi R. Steele, come on down.

7 No issues concerning jury selection or composition.
8 None from the State?

9 MR. STUMBO: Beg the Court's indulgence. Not at this
10 time, Your Honor.

11 THE COURT: None from the Defense?

12 MR. HENDERSON: No issues.

13 THE COURT: Ladies and gentlemen who were picked on this
14 case, I need you to go in there. I'm not going to send you
15 in there for a long time. I'm going to have you right back
16 out here, because you're starving and so am I. I need you
17 to go out though and I need to give instructions to them.

18 (WHEREUPON, seated jury exited 1:18 pm. Jury pool
19 excused 1:23 pm. Seated jury entered 1:24 pm.)

20 THE COURT: Ladies and gentlemen, thank you for your
21 continued patience. I know you're starving. I know I am.
22 We're going to break until 2:30. At that point in time I'm
23 going to need you back here at the courthouse. It's my
24 intention to move as expeditiously as possible on this case,
25 so we may go just a little bit later tonight past our 5:00

1 point just so we can make up for a bit of lost time and
2 hopefully have this matter to you, knock on wood, this week.

3 There's going to be one common refrain that you're
4 going to be hearing from me during the trial of this case,
5 and that's going to be don't discuss this case with anyone,
6 not even your fellow jurors. Not friends, family members,
7 nobody. Don't talk about it with anybody. Additionally,
8 don't do any type of independent research. Don't go out
9 there and Google people's names or anything like that. I'll
10 explain after lunch that that would be a violation to your
11 oath as jurors, so please do not conduct any sort of
12 independent research of any of the allegations involved in
13 this case. I'll let you know that you're going to get every
14 bit of information that you're going to need to judge this
15 case fairly and according to the law, and you'll get that
16 information from the witness stand and the exhibits. So,
17 you don't need to do any research, and it would be a
18 violation of your oath if you did any type of independent
19 research, talked to anybody, about the case until such time
20 I tell you that you can.

21 With that, enjoy your lunch. You've got about an hour
22 and ten minutes to grab a bite. Please try and be back
23 right around 2:30. With that, you're excused.

24 (WHEREUPON, jury exited 1:24 pm. Recess 1:25-2:30 pm.)

25 THE COURT: We're going back on the record. The record

1 will reflect, of course, that all Defendants are present.

2 Just a few housekeeping matters. Prior to jury selection, I
3 did have a sidebar with the attorneys. The Defense moved to
4 strike two jurors for cause. I don't know -- I can't recall
5 who those jurors were or if they were even on the strike
6 sheet. But, Mr. Grose, you were the one who was making that
7 motion on behalf of all defendants.

8 MR. GROSE: If you could give me just one second to get
9 back to my notes.

10 MR. HENDERSON: Your Honor, it was Juror 166, the
11 librarian, and 242, Ms. Pileggi.

12 MR. GROSE: And the latter was on the strike list.

13 THE COURT: 242 was on the strike list? Okay, 166 does
14 not appear to have been on the strike list, but Pileggi was.
15 And it looks like the defense exercised their 13th strike
16 against Ms. Pileggi. The reason -- you gave me a reason at
17 sidebar. I think it related to her...

18 MR. GROSE: Yes, sir. She had a family member that had
19 been victim of a homicide, and I distinguished that from the
20 people who had family members that were -- died in the
21 homicide when they were, like, four, or even before they
22 were born. And the other juror, the librarian, he said he
23 was morally opposed to guns, and I didn't see how he could
24 possibly be fair, but that turned out to be moot.

25 THE COURT: Okay, very good. I indicated sidebar that

1 they indicated to me that they could be fair and impartial.
2 And since they were under oath and having considered the way
3 they acted when they gave me that assertion, or that
4 affirmation, rather, that they could be fair and impartial,
5 I concluded they would be fine as a juror. That's why I
6 declined the defense motion to strike a cause with jurors
7 166 and 242.

8 The record will also reflect that I have made Grose's
9 and Mr. Henderson's requested voir dire part of the record
10 in this case. They are Court's exhibits. They are marked
11 up versions that I have.

12 COURT REPORTER: Judge, I marked the voir dire for Reid
13 at 19, the Hurley at 20, and then there was another list for
14 Reid that was also marked differently, and it had a witness
15 list on the front. I marked that Court's Exhibit Number 21.

16 THE COURT: The Court Reporter just informed me that the
17 State's requested voir dire was 19. No, sorry. Correction.
18 State's requested voir dire was 18. Reid's was 19.
19 Hurley's was 20, and then Reid's, a second copy with the
20 witness list was 21. So, those have been made a part of the
21 record in this case. And the blue markups on those are
22 mine, as opposed to anybody else's. The video from the
23 first officer that you intend to call this afternoon.
24 Have y'all got that sorted out yet? Anyone?

25 MR. HENDERSON: Your Honor, there were two videos and

1 we were under the impression they were playing Deputy
2 Cockrell's and Deputy Stroup's. They've now told us that
3 they are not playing Deputy Stroup's, so that takes away a
4 good bit of the issues. But on Deputy Cockrell, Your Honor,
5 you've got Mr. Parks basically screaming, wanting to use his
6 telephone, and he's repeatedly saying, I want to call my
7 people. And again, that can be taken a number of ways, Your
8 Honor. And again, I know after you have prohibited the
9 mention of gangs, anything related to gangs, one
10 interpretation of listening to that is I want to call people
11 in my gang. One interpretation is I want to call my
12 mother. I want to call my girlfriend. There's all sorts of
13 connotations to that. And if he takes the stand, I don't
14 want -- if they call him, I don't know, I have no clue what
15 he's going to say when he gets up there, Your Honor. I
16 don't want him to start going into stuff that could be
17 related to gangs. And in my mind's eye, call my people,
18 that's one interpretation. That's one reasonable
19 interpretation of him saying repeatedly, call my people.
20 So again, if the State stops the video soon enough, that
21 won't be an issue.

22 MS. TAYLOR: Your Honor, there is something after that
23 point in the video that I was wanting to play for the jury.
24 In terms of the "call my people", I was not present at the
25 meeting, but it's my understanding from Ms. Hoffman and Mr.

1 Moore's meeting with Mr. Parks on Friday, he wanted to call
2 his mama because he'd been shot. He wanted his phone to
3 call his mama. And I believe that if we ask any question
4 about that, that's going to be his response.

5 THE COURT: Okay.

6 MR. HENDERSON: Maybe he could testify to that and skip
7 over the language in the video, Your Honor.

8 MS. TAYLOR: And Your Honor, it's not unduly
9 prejudicial, and I'm just concerned that if we start
10 chopping it up, it just makes more sense to play it all the
11 way through. That's about a minute shy of where I'm going
12 to end it anyway.

13 THE COURT: It does not sound that inflammatory, to
14 tell you the truth. In light of the representation that
15 he's going to testify that he wanted to call his mother, I
16 don't see where it's unduly does not sound unduly
17 prejudicial and perhaps reflects what was going on at the
18 scene when law enforcement arrived. And I assume he will be
19 testifying. So he'll be subject cross tomorrow or later in
20 the trial. Any other issues? The jumpsuit thing, are we
21 dealing with that today or is that going to be at a later
22 time?

23 MR. STUMBO: It will come in through Detective Womack, I
24 believe, and he probably will go in the morning. So, if we
25 need to handle it at the end of the day today or first thing

1 in the morning, that's fine.

2 THE COURT: Let's see how things go today and we'll take
3 from there. Have y'all decided on an order of openings?
4 Who's going to go first, or I can just do any eeny meeny
5 miny moe.

6 MR. HENDERSON: No, I think we'll go the same way
7 we're going to do on cross, Your Honor.

8 THE COURT: Okay. Is that okay with you, Mr. Tinsley?

9 MR. TINSLEY: That's fine, Your Honor.

10 THE COURT: Are you okay with that, Charles?

11 MR. GROSE: Yes, sir.

12 THE COURT: Anything else before I bring the jury in?

13 MR. STUMBO: We're ready.

14 THE COURT: You're going to open?

15 MS. TAYLOR: Yes, sir.

16 THE COURT: All right. Let's have the jury please.
17 Just bring them straight in here and put them in the box.

18 (WHEREUPON, the jury entered 2:48 p.m.)

19 THE COURT: All right, the record will reflect the jury
20 is back and seated. Ladies and gentlemen of the jury,
21 welcome back and thank you for being here. Thank you for
22 being on time.

23 The first order of business for the court is to appoint
24 a foreperson of the jury. And who is Mr. Blackwell?

25 (WHEREUPON, Michael Blackwell, Juror 22, raised hand.)

1 THE COURT: Mr. Blackwell, if it's okay with you, I'm
2 going to make you the foreperson. I'll tell you, there's
3 not a lot. It shouldn't be anything too stressful for you.
4 Your primary responsibility is once the jury begins
5 deliberating the case, your primary job is to make sure
6 everybody has a chance to have their fair say. And of
7 course, you'll sign the verdict form once a verdict is
8 agreed to by all twelve members of the jury. So, if it's
9 all right with you, I'm just going to make you the
10 foreperson. When we reconvene, your designated seat will be
11 the seat will be the seat -- whenever we take a break and we
12 come back, you sit where the gentleman in the orange shirt
13 is sitting and the rest of you, with the exception of the
14 alternates. Alternates, y'all stay in your seats if you
15 could. But the rest of you feel free to move about as you
16 need to while the case is going on.

17 Ladies and gentlemen, if at any point in time you have
18 any difficulty hearing anything that's being said, I want
19 you just simply raise your hand. Get my attention or one of
20 the party's attention or somebody's attention, the
21 Bailiff's, and we'll ask the witness to speak up or the
22 lawyers speak up. So, if you can't hear what's being said,
23 the acoustics here are actually pretty good. Much better
24 than when I first started working here at '93. So much
25 better now than they were back in the day. But if you can't

1 hear what's being said, hand goes up, I'll tell them to
2 speak up.

3 Similarly, if you need a comfort break for any reason
4 during the course of a trial, just get my attention, get the
5 Bailiff's attention, and we will be happy to take a brief
6 break for your comfort. Okay?

7 Now, ladies and gentlemen, we're about to begin the
8 trial of the state versus Mr. Hill, Mr. Reid and Mr. Hurley.
9 And before we begin with the trial in earnest, I want to let
10 you know that obviously this trial is going to be a lot
11 different from how you've seen trials depicted on TV or in
12 movies, or maybe having read about them in books. From what
13 we see in popular culture, we often get the impression that
14 trials are filled with a lot of twists and turns and
15 riveting circumstances and it's all neatly wrapped up in 30
16 minutes, an hour, maybe two hours. Sometimes, that's the
17 case. But as you people know, ladies and gentlemen, this is
18 real life. It's not fiction. It's not something written to
19 entertain us. And real life is just not as exciting as TV
20 or the movies or books.

21 Of course, this case is very important to all the
22 parties concerned. I want to start by thanking you for your
23 service and your willingness to be here. Again, as I
24 mentioned this morning, but for your willingness to put up
25 with us for a few days, listen to the testimony and make a

1 decision on this case this case would continue to languish.
2 So what you're doing here is extremely important. It's
3 important to all concerned. And I want to thank you at the
4 outset for your service and your willingness to fulfill your
5 civic responsibility with us here this week.

6 With that, I'm going to ask that you stand where you
7 are and raise your right hands so that the clerk can give
8 you your oath as jurors please.

9 (WHEREUPON, jury sworn 2:52 p.m.)

10 THE COURT: Thank you. You may be seated. Ladies and
11 gentlemen, what I now say to you is intended to serve as an
12 introduction to the trial of this case and these remarks are
13 not, in any sense of the word, an instruction of the law or
14 on the law. I'll instruct you on the law at the conclusion
15 of the trial before you begin your deliberations. Again,
16 this is just an overview of the process that we're going to
17 use going forward so that you can better understand what to
18 expect.

19 Now, ladies and gentlemen, I've asked the bailiff to
20 pass out any notepads that any of you may want. Have you
21 already given them? Do they have?

22 BAILIFF: No, sir. I haven't given them out yet.

23 THE COURT: All right. Anybody want a notepad? I've
24 got some instructions, okay, if you want one. You don't
25 have to use it, but if you feel like you might want one

1 and need one go ahead and raise your hand.

2 (WHEREUPON, several jurors raised hands.)

3 THE COURT: Ladies and gentlemen, just a few rules about
4 note taking. If you choose to take notes, that's perfectly
5 fine. First thing, though, please don't let the taking of
6 notes distract you from the testimony that's being given.
7 Secondly, those notes are your personal, private property.
8 Anytime that we take a break, just fold the notepad over,
9 put your name on the outside of it and the bailiffs will
10 secure that overnight and return them to you tomorrow.

11 Because they are for your eyes only. And, of course, when
12 the case is over and done with, please take any notes with
13 you and dispose of them as you will, or keep them as you
14 will. All right? Those are the only real rules concerning
15 note taking.

16 Now, in this case, ladies and gentlemen, the defendants
17 are charged by indictments filed with this court with the
18 offenses of attempted murder, murder, possession of a weapon
19 during the commission of a violent crime, and conspiracy.
20 I'll instruct you on the elements of those crimes at a later
21 time before you begin your deliberations. Now, as I stated
22 this morning, ladies and gentlemen, these indictments are
23 merely the means by which these cases are brought to court
24 and they are not, in any sense of the word, evidence of any

1 of the allegations contained in the indictments.

2 In this case, the defendants have pled not guilty to
3 these charges. That plea puts the burden firmly on the
4 State to prove their guilt beyond a reasonable doubt. It'll
5 be up to you to determine whether the State has met this
6 burden or not. Now, your purpose as jurors is to find
7 and determine the facts in this case. Please understand
8 that you are the sole judges of the facts. So if at any
9 time I make any comment concerning the facts, you have to
10 disregard that comment, because the law doesn't permit me to
11 have any opinion about the facts in a case which is tried by
12 a jury. You'll determine the facts from the testimony that
13 you hear and the other evidence introduced during the course
14 of the trial. Understand that it's up to you to determine
15 the inferences which you feel could properly be drawn from
16 the evidence presented. It's especially important that you
17 perform your duty of determining the facts diligently and
18 conscientiously, because ordinarily there is no way to
19 correct an erroneous determination of facts by a trial jury.
20 The same law that makes you the judges of the facts makes me
21 the judge of the law. The law, as given by the court is the
22 only law that you can consider. You'll have to accept it
23 and apply it, even though you may disagree with it. Again,
24 I'm not permitted to tell you what the facts are, and you're
25 not allowed to disagree with me about what the law is or

1 what the law should be.

2 Your job will be to take the laws I give it to you,
3 apply that to the facts as you find them to be, and after
4 doing that, you will render your verdict under the oath that
5 you have just taken. Now, as I mentioned before lunch,
6 ladies and gentlemen, please don't discuss this case with
7 anyone. Not friends, family members, not even your fellow
8 jurors. You cannot begin discussing this case until all the
9 evidence has been presented, you've heard the attorney's
10 closing arguments, you've received my instruction on the
11 law. Understand that once the case is submitted to you, you
12 can discuss it only in the jury room in the presence of all
13 your fellow jurors.

14 The attorneys and the parties in this case have been
15 told that they're to have nothing to do with you while the
16 case is going on. So understand, if you happen to bump into
17 one of the lawyers or maybe one of the parties while you're
18 coming or going from the courthouse and they don't even say
19 hello, they're not being rude. They're just following my
20 instructions to have nothing to do with you while the case
21 is going on. The reason for this is readily apparent. If
22 the other side were to see you having an innocent
23 conversation with one of the lawyers, even if it's just
24 about the weather or maybe sports or something like that,
25 the other side could easily misinterpret that innocent

1 conversation as an effort at jury tampering. So the easiest
2 way to keep that issue from even arising is just to say that
3 the jurors are off limits. No contact with them while the
4 case is going on.

5 I don't anticipate that there's going to be any media
6 coverage of this case, but should there be, please do not
7 read or listen to anything about this case in the paper or
8 on TV. Again, you cannot do any kind of independent
9 research. So this evening when you go home, it would
10 be a violation of your oath as jurors to do any kind of
11 independent Googling of the party's names, any sort of
12 independent research. You people are smart. You know that
13 very often the media tries to get it right, but sometimes
14 they don't, all right? And sometimes a lot of what you see
15 online is a hundred percent bogus or it's not accurate. The
16 rules of evidence are designed to get you the best or give
17 you the best and most reliable information possible. So
18 again, please do not engage in any kind of independent
19 research about the allegations involved in this case.
20 You'll get the information that you need to judge the case
21 based solely from the evidence that's presented during the
22 trial.

23 Keep an open mind. Don't decide any issue in this case
24 until all the evidence has been presented, the parties have
25 made their closing arguments, and you've received my

1 instruction on the law it's your solemn responsibility to
2 determine the guilt or the innocence of the defendants, and
3 your verdict must be based only on the evidence and on the
4 laws as I instruct you. In a moment the attorneys will make
5 their opening statements to you. Understand that what the
6 lawyers say during their openings is not evidence. It's
7 merely their contention as to what they will prove or be
8 able to prove, or won't be able to prove. Even though it's
9 not evidence, you should, of course, still pay attention to
10 the attorney's openings because it'll give you an overview
11 or a roadmap of what they contend the issues are in this
12 case. Again, the evidence will be presented by testimony of
13 sworn witnesses as well as any exhibits which may be
14 introduced during the trial.

15 In most of the cases that I try, very often it's
16 necessary that we take brief breaks. You might have to hear
17 the lawyer say something like, Judge, we have a matter of
18 law for the court, or, Judge, we need to take something up
19 with the court. And during those times, it may be necessary
20 for me to ask you to leave the courtroom so I can have a
21 candid discussion with the attorneys out here about some
22 legal issue. The reason that I'm asking that you leave the
23 courtroom is that often in ruling on an issue of law, it's
24 necessary for me to make a comment about what the testimony
25 has been or what the facts have been, or something like

1 that. And because you are the sole judges of the law, I
2 don't want anything that I say about the facts to have any
3 effect on what you ultimately determine the true facts to
4 be. That's why I ask that you leave the courtroom, so
5 I can have that discussion out here, and I can be sure that
6 anything that I say doesn't taint what you ultimately
7 determine the true facts to be.

8 Of course, please don't speculate on what I'm saying
9 about the facts. Again, the law does not permit me to have
10 any opinion about the facts in this particular case.
11 In determining what the true facts are, ladies and
12 gentlemen, you'll have to decide whether or not the
13 testimony of witnesses is believable or not. Understand
14 that it's my job to rule on whether certain testimony is
15 admitted. Once it is admitted though, whether you believe
16 it or not is solely up to you. In deciding whether to
17 believe a witness, you have the right to consider the
18 interest of any witness, the bias of any witness, the
19 prejudice of any witness, the opportunity for the witness to
20 have seen the things about which they testify, and you can
21 also consider the way they act on the witness stand.
22 You can consider anything that's in the record in this case
23 which will help you evaluate the testimony of the witnesses.
24 That means it's your duty to pay close attention to them,
25 listen to them, observe them, pay close attention to what's

1 going on in this courtroom, and try to keep your thoughts
2 from wandering. If you do all of that, I assure you, at the
3 conclusion of the trial, you'll be in as best a position
4 possible to determine what the true facts are and render
5 your verdict based on the law and the evidence. With that,
6 ladies and gentlemen, we will move forward with opening
7 arguments. Ms. Taylor, you're recognize for your opening.

8 MR. GROSE: May we approach?

9 THE COURT: Sure.

10 (WHEREUPON, sidebar held.)

11 THE COURT: Sorry for that delay. Ms. Taylor. You're
12 ready? You have the floor, ma'am.

13 MS. TAYLOR: Thank you, Honor. May it please the
14 Court.

15 Opening Statements

16 MS. TAYLOR: April 8, 2020 over at Hillcrest Condos here
17 in Greenwood County. It's a beautiful spring day. It's
18 April of 2020, which we all know what that means. It means
19 everybody was at home, because the pandemic had just hit.
20 Schools were out. People were staying home. Everybody was
21 kind of keeping close to the house, just scared to go out.
22 So, a lot of people who would've ordinarily not been home,
23 they were home that day.

24 Hillcrest Condos, if you're driving out -- y'all may
25 know where it is. You may not. Go out past the hospital.

1 You turn right like you're going to the Subway. Keep going.
2 Parkway is on the left. Turn on Parkway. They're right
3 there on the right. Some other landmarks around there.
4 You've got Beckman Mental Health. There's a day care center
5 over there. You've got, I think, Healthy Connections. The
6 highway department is on down. Just kind of give you the
7 lay of the land where we're talking about. So, we're over
8 here behind the hospital.

9 And on that beautiful spring day there's two young men
10 sitting out on the stoop of apartment G4. Those young men
11 are Justin Parks and Gabriel Goode, and they're just sitting
12 out there chilling and enjoying the day. It's about 2
13 o'clock in the afternoon. They're relaxing, actually
14 smoking a blunt. They don't see a black Camry full of four
15 other young men, these three defendants. We've got Mr.
16 Hurley back here, Mr. Hill right here, and Mr. Reid over
17 here, plus a fourth young man, Trivoriaye Alston. They
18 don't see a black Camry with those four individuals in it.
19 They don't see them creep around through Cardinal Glen, and
20 you'll see all this on a map. You'll see how it's laid out.
21 Creep around through Cardinal Glen, come back out. Come
22 back around to the Gardens at Parkway, which is behind
23 Hillcrest Condos. They don't see them park there. They
24 don't see Mr. Reid and Mr. Hill get out of that car.

25 And the evidence will show that Mr. Hill, Mr. Reid, and

1 Mr. Alston got out of that car. The evidence will show Mr.
2 Hurley probably was inside the car. He was the driver. They
3 get out of that car and they go through a cut in the tree
4 line, and they come around the corner of apartment G4 and
5 ambush Mr. Parks and Mr. Goode sitting on those steps.

6 The first indication they have that they are in danger
7 is as shots ring out. Evidence will show you there's at
8 least 13 shots fired. Evidence will show that Mr. Alston
9 was one of the shooters, and Mr. Hill was one of the
10 shooters. Mr. Goode gets shot through the foot and that's
11 his only injury. Mr. Parks gets shot in both legs, kind of
12 high up, in both legs. And I'll go on and apologize to
13 y'all. You'll see the video. You see where his gunshots
14 are, so y'all are going to see a lot more of Mr. Parks than
15 you want to see. I'll just go on and apologize for that,
16 but Mr. Goode and Mr. Parks are shot. Also shot, because
17 Mr. Hill, I guess, didn't have very good trigger discipline,
18 is Mr. Alston, his own buddy. He gets shot right here in
19 the back. That bullet goes across his chest and lodges over
20 here. Ultimately kills him. And Mr. Hill shoots himself as
21 he's -- consistent with re-holstering, trying to put his gun
22 back in his pants.

23 Well, after the shooting, Mr. Reid and Mr. Alston get
24 back in that black Camry and they're seen peeling out. Mr.
25 Alston's feet are hanging out the back of Camry because he's

1 been shot at this point. Mr. Hurley and Mr. Reid dump him
2 at the hospital. You'll see this video. Dump him at the
3 hospital where he dies. Probably was already dead when he
4 got there. Mr. Hill misses his ride, drops his gun in the
5 tree line, and has to hobble up and gets the maintenance man
6 from Gardens at Parkway to take him to the hospital. And
7 I'm not going to try to go through all of the evidence
8 you're going to see, because that's going to take the better
9 part of a week. An opening statement is to let y'all know
10 where were going. It's not to tell you every single thing
11 you need to know about this case. But there's a few things
12 that are important for you to pay attention to as you're
13 hearing the testimony. And, like the judge said, what I say
14 is not evidence. What Mr. Tinsley says, not evidence. Mr.
15 Grose, not evidence. Mr. Henderson, not evidence. Evidence
16 comes from really three places. It comes from that witness
17 stand. It comes from exhibits that are properly entered, and
18 then if the judge takes judicial notice of anything, which I
19 don't think will happen in this trial, it comes from there.
20 And when you see the evidence and you hear the evidence, you
21 get to decide what are the facts. And as you're doing that,
22 you pay attention to the witnesses. You bring in your own
23 common sense. You know, was this person biased. Did they
24 have a motive. Why would somebody maybe be reluctant. Some
25 of the witnesses may be reluctant to testify, and those are

1 things that you all use your own life experience to
2 evaluate. And there's a lot of moving parts and you're
3 going to have to pay attention pretty closely, really, the
4 whole time, because it's all very important.

5 Some of the very important evidence you'll hear is
6 about gunshot residue. Who has it on their hands. What is
7 it. How do you get it on you. DNA. The trajectory of the
8 bullets. Where were the casings found. All of these things
9 add up to the picture that these three defendants committed
10 these crimes. The crimes they are charged with are murder
11 for Mr. Alston, attempted murder on Justin Parks and Gabriel
12 Goode, conspiracy, because they were working together to go
13 kill Justin Parks and Gabriel Goode, and possession of a
14 weapon during violent crime. And the judge will give you
15 the law the end of the case and Solicitor Stumbo will talk
16 to you more about the what the law is the end of the case,
17 but boiling it down to its most simple, they were working
18 together. The hand of one is the hand of all. To go kill
19 Mr. Parks and Mr. Goode. While they meant to kill Mr. Parks
20 and Mr. Goode, they killed Mr. Alston, and they had guns
21 while they were doing it. That's it boiled down to its most
22 simple.

23 And the State bears the burden of proving those things
24 beyond a reasonable doubt. Beyond a reasonable doubt does
25 not mean all doubt. It doesn't mean that we have proven

1 everything beyond the shadow of any possible doubt. What it
2 means is, at the end of this case, you are firmly convinced.
3 The judge will charge you, firmly convinced that these
4 Defendants are guilty. And firmly convinced is the same
5 level of care. Again, were not asking you to check your
6 common sense at the door. We want it in here. We want
7 y'all using it. It's not beyond all doubt. It's the same
8 level of care that you would use making an important
9 decision in your own life. And you may have -- you know,
10 think about any important decision you have to make. You
11 may have some questions, but you go ahead. It's that level
12 of certainty that you're making the right choice.

13 I've also heard it, and I think it's in the judge's
14 charge, if there is a real possibility that the defendant is
15 innocent, you have to acquit. Real possibility. Not
16 something fantastic that somebody can cook up. A real
17 possibility. And, ladies and gentlemen, after you've seen
18 all of the evidence, after you've heard from all of the
19 witnesses, you will agree with us there is no real
20 possibility. This happened the way the State believes it
21 happened, and these men are guilty. Thank you.

22 THE COURT: Mr. Tinsley, you're recognized for your
23 opening.

24 MR. TINSLEY: Thank you, Your Honor. May it please the
25 Court. Good afternoon, ladies and gentlemen of the jury.

1 Speculation and suspicion. That's not enough to convict
2 anyone in a court of law. As Solicitor Taylor just said,
3 the State has the burden of proving their case beyond a
4 reasonable doubt. As the Judge and I have both told you
5 earlier, I represent Xayvion Hill, who was 20 years old,
6 sitting before you today. He turned 18 on [REDACTED] 2020,
7 the day before the incidents in question here.

8 The State has charged him with these serious crimes.
9 You heard the theory that he is guilty of murdering a man
10 that he that he allegedly came to this place with, and
11 attempting to murder two others. So, the State has taken
12 upon itself the burden of trying to prove that he
13 maliciously and intentionally killed Mr. Alston and tried to
14 kill these others. Let's talk about what this burden, what
15 it means.

16 You're the triers of fact. You get to decide what the
17 facts in this case are. What the State has proved the facts
18 to be. So, imagine blind lady justice holding the scales.
19 We've all seen that. If you found a fact that comports with
20 the State's theory it will tilt a little this way. If you
21 find a fact that doesn't comport with their theory, it tilts
22 back this way. They've got to tilt the scales in the
23 State's favor heavily.

24 Just to give you some point of reference for these
25 fancy terms, reasonable doubt. In the last case I tried in

1 this courtroom, it was back in the spring. It was a car
2 wreck case, a civil case. I represented the Plaintiff, so I
3 had to meet a burden of either a preponderance or a greater
4 weight of the evidence, which just means that I had to tip
5 those scales ever so slightly in my client's favor and jury
6 had to find for us. Much higher burden here.

7 Then there's another burden, clear and convincing, that
8 somebody may have heard of, which requires even more. And
9 that's a much lower level. Across the hallway in the Family
10 Court, they can terminate your rights to your children on
11 this clear and convincing standard that I just mentioned.
12 The State has a much higher standard to meet in this case.
13 One analogy, to think about what the State has to do is
14 think about a football game. The State has the ball and
15 they have to produce. It's not enough just to move the ball
16 past midfield. It's not enough just to get a couple first
17 downs. It's not even enough to drive down and kick a field
18 goal. The State's got to move that ball down the field and
19 put it in the end zone.

20 And I'm not going to get bogged down on what the
21 evidence is going to be, but I'm just going to tell you, you
22 need to look in every piece of evidence and judge it against
23 these serious allegations that the State is making against
24 my client, as well as these other two young men. I will
25 submit to you that the evidence is not going to prove that

1 my client Xayvion Hill shot himself and shot Mr. Alston.
2 Evidence is not going to prove that he shot anybody. The
3 State's case is filled with these holes, as I said at the
4 beginning. Suspicion and speculation, that's not enough.

5 So, I just ask you to weigh everything and hold the State
6 to that highest burden we have in the law, and at the end of
7 that, deliver a verdict of not guilty for my client, Xayvion
8 Hill. Thank you.

9 THE COURT: Mr. Henderson.

10 MR. HENDERSON: Thank you, Your Honor. I will talk
11 about evidence a little bit. I have the pleasure of
12 representing this young man, Narkevious Reid. I want you to
13 think about -- you keep hearing beyond a reasonable doubt.
14 I'm going to call it what it actually is, giving somebody
15 the benefit of the doubt. If you got a doubt that you can
16 give somebody the benefit of, my client is entitled to it.
17 You do it every day. You give people the benefit of the
18 doubt every day. Be it a girlfriend, boyfriend, husband,
19 wife, you give people the benefit of the doubt. That's what
20 you're obligated to do.

21 Let me talk about some evidence here. You're going to
22 see all sorts of -- the government is going to be showing
23 you, actually putting it into evidence, kind of an overview
24 of this apartment complex where this shooting happened.
25 Nobody is disputing that a shooting happened. Four people

1 got shot. One person -- one of those four got killed.
2 Nobody is disputing that happened at all. But, Mr. Reid
3 here -- you're not going to hear any evidence about Mr. Reid
4 having any gunshot residue on his hand. You're not going to
5 hear any evidence about DNA linking him to all this evidence
6 being found. You're not going to hear any evidence about
7 his fingerprints being found on any of this evidence that's
8 been located. Now, there's going to be lots of evidence,
9 lots of photographs, lots of all sorts of stuff that the
10 governments going to enter into evidence, I have a feeling.
11 Now, keep in mind Mr. Reid here has absolutely no
12 obligation. He doesn't have to testify. He doesn't have to
13 present any evidence. He has to do nothing. He does not
14 have to prove his innocence, and in this case, after you
15 hear all this, he ain't going to have to prove nothing.

16 I mean, again, I want to talk to you about a little bit
17 of the evidence. When this shooting happened, I think you
18 will hear some 911 calls. Multiple people called 911. And
19 again, they're reporting gunshots. It looks like people
20 have been shot, and it takes law enforcement seven minutes
21 to arrive on scene. Just use your good common sense, ladies
22 and gentlemen. What can you do seven minutes? You can do
23 all sorts of stuff. You're going to see that when law
24 enforcement arrives -- you're going to actually see a real
25 graphic video of a young man by the name of Mr. Parks who

1 got shot. As the solicitor said, it's going to be bloody.
2 It's going to be ugly. It's going to be nudity. It's not
3 for the squeamish. Mr. Goode, they find him out on the
4 ground walking around. And, again, he's out walking around
5 for seven minutes before law enforcement gets here. And when
6 they get into their apartment, they find the gun in Mr.
7 Goode and Mr. Park's apartment. Now, again, there's been
8 all sorts of videos presented here that the governments
9 given to us. Bunches of deputies, officers, you name it on
10 scene. Lots and lots of video. What didn't they do. There's
11 an apartment right next to Mr. Goode's and Mr. Park's
12 apartment. They don't check it. They don't knock on the
13 door. Don't ask anybody did they see anything. There's two
14 apartments right below them. They don't knock on the door,
15 ask those people did they see anything. I don't think they
16 found out the vehicle that Mr. Goode and Mr. Parks were
17 driving. They didn't go check their vehicles. All I'm
18 saying, ladies and gentlemen, seven minutes. You can
19 cover-up a lot of stuff, an absolutely lot of stuff in seven
20 minutes.

21 And, again, I fault the investigation by the government
22 in this. But, again, you're going to see all this evidence
23 on the scene. You know, there's guns that were recovered.
24 There's shell casings. There's projectiles that are
25 recovered. There's clothing that's recovered. You name it.

1 A lot of, lot of stuff is going to be introduced into
2 evidence and none of it is associated with my client.

3 Now, they want to pick on my client, Mr. Reid here, for
4 doing what I hope any good citizen in this community would
5 do, would be taking somebody to the hospital. He took Mr.
6 Alston to the hospital. Nobody disputes that. You're going
7 to see video of that. You're going to see photographs of
8 that. That's what good citizens do, and yet now they've got
9 him here charged with all this awful stuff, attempted
10 murder, murder, and conspiracy, possession of a weapon. Got
11 him charged with all this stuff when he did what we hope
12 every one of us would do is if you see an injured person you
13 take them to the hospital. You try to do what you can, and
14 that's what he did. I think that you'll see testimony that
15 -- not testimony. You'll see video that he and Mr. Hurley
16 here take Mr. Alston to the hospital. Try to save his life.
17 They do what you expect of people doing when somebody has
18 been injured.

19 And, again, ladies and gentlemen, look at all this
20 evidence. Hear it. You'll be able to take notes. Again,
21 just do the right thing. That's all I'm asking you to do.
22 Hold the government to their higher burden, beyond all and
23 any reasonable doubt. Again, my client is entitled to the
24 benefit of every reasonable doubt. Give it to him, and do
25 the right thing here. Thank you.

26 THE COURT: Mr. Grose, you are recognized for your

1 opening.

2 MR. GROSE: Your Honor, may it please the court. As we
3 were introduced earlier, my name is Charles Grose and I
4 represent Dashawn Chazz Hurley. Sometimes you might hear
5 him called Dashawn Hurley. Sometimes you might hear him
6 called Chazz Hurley. Chazz is his middle name and that's
7 what he normally goes by. It's my pleasure to represent him
8 here this week in this courtroom, as I mentioned.

9 I've been practicing in Greenwood for a long time and
10 mostly I represent people who have disputes with the
11 government. That's certainly what is the case here today.
12 And the reason I say that is, is because I think it's
13 important in a case like this to acknowledge that there has
14 been a tragedy. It's certainly a tragedy that Mr. Alston
15 lost his life. It is also a tragedy when people get shot,
16 and nothing that any of us do here in this courtroom should
17 do anything to minimize that. And, certainly, don't look
18 for us to do that. And I say that for second reason,
19 because I think a lot of the evidence that you're going to
20 hear this week is going to be to show you what the nature of
21 the crime was, and how tragic it was, and that it was a
22 violent crime.

23 I think Mr. Henderson, in his opening statement,
24 mentioned that some of the videos might be a little
25 squeamish and that sort of thing. And it's certainly right,
26 and appropriate, and just for you all to be exposed to and

1 consider what the nature of the crime is, but it's not just
2 enough that a tragedy happened in our community. It's not
3 just enough that violence happened in our community. It's
4 not just enough that what you see you may not like. What is
5 required in a case like this is for the government to prove
6 their case beyond a reasonable doubt.

7 You know, one of the things that the judge mentioned in
8 his opening remarks was about true facts, and certainly, you
9 know, the witnesses come in here and tell the truth, but the
10 reality is sometimes the true fact is, is that you don't
11 know what the true facts are. And that's going to be the
12 type of evidence that you hear for the rest of this week. I
13 think Mr. Tinsley alluded to it as speculation. Mr.
14 Henderson talked about how there's not going to be any DNA
15 evidence, or gunshot residue evidence, linking his client
16 the case. I think you're going to find the same with my
17 client, Chazz Hurley. Mr. Henderson mentioned about his
18 client doing the right thing and taking Mr. Alston the
19 hospital. I think you're going to conclude that Chazz
20 Hurley did the same thing. Did the right thing and took Mr.
21 Alston the hospital.

22 What I do want to do is address some of the things that
23 they said in their opening statement. You've heard a lot of
24 talk about reasonable doubt and you've heard a lot of the
25 terms that the judge is going to use when he explains
26 reasonable doubt to you later in the case. The prosecution

1 mentioned that it's the same standard of care that you use
2 in your ordinary daily lives, and that's true with a caveat.
3 It's the same standard of care that you use regarding your
4 important daily affairs. After sitting here all morning
5 waiting to have a break and go to lunch, I might have wanted
6 to eat healthy, but I might've chosen not to. I might've
7 had a doubt whether I should've had that unhealthy food, but
8 I made the choice to go ahead and do it anyway. That's not
9 the type of you have a doubt and you do it anyway.

10 In your important daily affairs if you're going to buy
11 a house, or you're going to choose a new house to rent, or
12 you're going to buy a new car, or decide who's going to
13 babysit your children, you're going to want to be firmly
14 convinced before you make that decision. The prosecution
15 said in their opening statement that you're going to be
16 firmly convinced that this crime happened the way they said
17 it was. Hold them to that, because if you're not firmly
18 convinced at the end of this case that this crime happened
19 the way they said it was, they've already told you the
20 appropriate response is not guilty. They've already used
21 the word "probably" in connection to Chazz Hurley, that he
22 was probably in the car at the scene when somebody got shot.
23 They've already told you that there's going to be evidence
24 that Chazz did the right thing, took Mr. Alston to the
25 hospital, but "probably" does not cut it under our
26 Constitution. "Probably" might satisfy that lower burden of

1 proof that Mr. Tinsley was talking about in his civil
2 automobile accident trial. It certainly doesn't satisfy
3 your standard of care when you're making an important
4 fundamental decision in your life, and it certainly doesn't
5 satisfy the standard of care of beyond a reasonable doubt
6 that the judge is going to tell you about later in the case.
7 We ask that you hear everything. We ask that you do your
8 job. Your job is not to figure out what happened. That's
9 the government's job. The government has all the resources.
10 You've heard there's going be people from Sheriff's office
11 on the witness list. Somebody from the police department on
12 the witness list. People from State Law Enforcement
13 Division on the witness list. You're going to hear about
14 how they collected all the evidence. That there was a time
15 when they were the only ones who had access to the crime
16 scene. It's their job to figure it out. It's the
17 prosecutor's job to bring it to you, and if they don't do
18 that, if they don't satisfy that burden of proof beyond a
19 reasonable doubt, this situation is no less tragic. It's no
20 less sad, it's no less a bad event in our community. It
21 just means that the government didn't bring proof beyond a
22 reasonable doubt.

23 Mr. Henderson talked about how the accused are entitled
24 to every benefit of the doubt. I don't know, but I think
25 that's where that term came from. Giving somebody the
26 benefit of the doubt. I think it somehow came from our

1 justice system, that if the government can't prove their
2 case beyond a reasonable doubt, leave you firmly convinced
3 that it happened the way they said it did, then you have to
4 give your fellow citizens the benefit of the doubt. At the
5 end of this case I predict that you're going to agree that
6 the State has not met their burden of proof beyond
7 reasonable doubt. Thank you very much.

8 THE COURT: Thank you, sir. Solicitor, call your first
9 witness.

10 MR. STUMBO: The State calls Jill Boland to the stand.

11 MR. HENDERSON: Your Honor, may we approach?

12 THE COURT: Yes.

13 (WHEREUPON, sidebar held.)

14 THE COURT: No issues, Mr. Henderson?

15 MR. HENDERSON: No, not based upon the Solicitor's
16 representation, Your Honor.

17 WHEREUPON, Jill Boland, having first been
18 duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MR. STUMBO:

21 Q Good afternoon, Ms. Boland.

22 A Good afternoon.

23 Q You work for Greenwood County?

24 A Yes, sir.

25 Q And what is your role with Greenwood County?

26 A I'm the operations manager for 911.

- 1 Q Okay. So that's in this building, correct?
- 2 A Yes, sir.
- 3 Q All the way down the basement?
- 4 A Yes, sir.
- 5 Q All right. Why are y'all -- do y'all call it the
- 6 bunker down there; is that right? So to speak.
- 7 A The dungeon.
- 8 Q Why are y'all downstairs? Why are you all in the
- 9 basement?
- 10 A Safest place for us to be.
- 11 Q So you all run 24/7?
- 12 A Yes, sir.
- 13 Q Anytime any citizen call 911, it relates to any place
- 14 in Greenwood County, it comes to you and your folks?
- 15 A Yes, sir.
- 16 Q April 8, 2020, did your department have occasion to
- 17 take 911 calls in relation to a shooting out at Parkway
- 18 Apartments?
- 19 A Yes, sir.
- 20 Q Okay. And when you all get a 911 call, is everything
- 21 recorded?
- 22 A Yes, sir.
- 23 Q All right. Why would you want to record everything?
- 24 A For this reason.
- 25 Q For documentation purposes?
- 26 A Yes, sir.

Boland-Cross Examination

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1 Q I'm going to approach real quick if I may, Your Honor.

2 I, going to hand you what's been marked for ID as State's 1.

3 Have you had the opportunity to review the contents on that
4 disc?

5 A Yes, sir.

6 Q Okay. And does it fairly and accurately depict the
7 events there at, the calls back and forth from dispatch to
8 the people that are calling in about this event on April 8?

9 A Yes, sir.

10 Q Those are your initials ---

11 A Yes, sir.

12 Q --- on the disc. Okay.

13 MR. STUMBO: Judge, we'd offer State's 1 into evidence
14 and ask for permission to publish.

15 THE COURT: Any objection?

16 MR. TINSLEY: No objection.

17 MR. HENDERSON: Subject to the representation the
18 Solicitor made.

19 THE COURT: At sidebar, right.

20 MR. GROSE: Same here, Your Honor.

21 THE COURT: Very good. In evidence, without objection,
22 subject to the caveats, and you may publish.

23 MR. STUMBO: I'm going to try to play it through the
24 television. Sounds better over there.

25 THE COURT: Some of y'all may want to move. This is
26 going to be an audio, though, so you should be able to hear

1 where you're sitting.

2 MR. STUMBO: I just played it before the break. It's
3 just not playing for some reason. Let me just close it down
4 and open it back up.

5 (WHEREUPON, State's Exhibit No. 1, 911 audio, published
6 to the jury.)

7 MR. STUMBO: Thank you, Ms. Boland. No further
8 questions.

9 THE COURT: Mr. Tinsley?

10 CROSS EXAMINATION

11 BY MR. TINSLEY:

12 Q Ms. Boland, do you know when the first call came in?
13 What time?

14 A No, sir. Not off the top of my head.

15 Q Y'all create a document called CAD; right? And it has
16 the times. If I showed you that, would that refresh your
17 recollection on that?

18 A Yes, sir. (REVIEWS DOCUMENT) This 911 call came in at
19 1411 the 22nd.

20 Q Okay, so that would be 2:11 in the afternoon; correct?

21 A Yes, sir.

22 Q All right. And what time did law enforcement or the
23 first responder arrive on scene?

24 A I'm not sure.

25 Q Does it have an on scene on there?

26 A Not on page one, it doesn't.

Boland-Cross Examination

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1 Q Okay. Is that right there, where my finger is, is that
2 not when the first person arrived on scene?

3 A I would have to look through all the on scene times to
4 make sure that was the correct one.

5 Q Okay, but that lists 1418; correct?

6 A One unit. Someone arrived on scene at 1418.

7 Q Okay, and other -- so that's a seven minute gap in
8 those two times that are listed; correct?

9 A Yes, sir.

10 Q And Mr. Hawthorn, the second caller, he mentioned
11 having Xayvion Hill in the car with him; correct?

12 A The maintenance man did, yes.

13 Q Okay, the maintenance man. And he referred to Mr. Hill
14 as the victim; correct?

15 A Yes, sir.

16 Q Okay, and other than that, Mr. Hill was not mentioned
17 in any of these calls?

18 A I'm not sure.

19 Q You didn't hear him mentioned any of those other calls
20 that we just listened to?

21 A I wasn't listening for names. No, sir. I wasn't.

22 MR. TINSLEY: No further questions.

23 THE COURT: Mr. Henderson?

24 CROSS EXAMINATION

25 BY MR. HENDERSON:

26 Q Ms. Boland, the Solicitor represented that you listened

1 to these calls so that you can authenticate them, that these
2 are actual calls that came through. Is that a yes?

3 A Yes, sir.

4 Q Okay. Seems like we just heard like 10 seconds of
5 another call that the Solicitor cut off. Is there another
6 call?

7 A No, sir.

8 Q Okay, so when he cut off that call, like 10 seconds,
9 that we just heard, that's all of that call that there is?

10 A No, sir. It sounds like it's the first one again.

11 Q Okay. Are you sure about that?

12 A That's what it sounded like to me.

13 Q Do we need to play it? Refresh your memory, because it
14 sounded like -- it did sound different to me, now. Perhaps
15 I'm wrong.

16 MR. STUMBO: There's about a minute and a half left.

17 MR. HENDERSON: I'd ask the Solicitor to hit play.

18 THE COURT: Sure. Go ahead and hit play, if you don't
19 mind.

20 Q Now, that was a different call than the first call,
21 wasn't it?

22 A Yes, sir.

23 Q Okay. Now, you just heard a variety of calls here. Is
24 it fair to say that there's a lot of chaos going on?

25 A It's hectic. Yes, sir.

26 Q People are upset. People are scared. People are

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1 yelling. People are -- I mean, everybody's reporting a
2 gunshot or gunshots; correct?

3 A Yes, sir.

4 Q Now, is it fair to say different people are given
5 different versions of events? You listened to all the
6 calls.

7 A Yes, sir.

8 Q Okay, I think I heard the name of, actually three
9 apartment complexes. I heard Cardinal Glen. Did you hear
10 Cardinal Glen mentioned?

11 A Yes, sir.

12 Q Did you hear Hillcrest Apartments mentioned?

13 A Yes, sir.

14 Q Did you hear Parkway Apartments or Gardens at Parkway
15 mentioned?

16 A Yes, sir.

17 Q And different people are saying different things are
18 happening at different apartment complexes, correct?

19 A Yes, sir.

20 MR. HENDERSON: I don't have anything further.

21 THE COURT: Mr. Grose? Anything?

22 MR. GROSE: Just briefly.

23 CROSS EXAMINATION

24 BY MR. GROSE: Basically, your role is to come here and
25 authenticate these; is that right?

26 A Yes, sir.

1 Q And to the extent that you can give information about
2 the timing of everything?

3 A Yes, sir.

4 MR. GROSE: Thank you. That's all I have.

5 THE COURT: Very good. Ms. Boland, thank you for
6 coming. You're free to go. Ladies and gentlemen, I know
7 that you've only been out here for a short period of time.
8 We've been out here doing some other stuff, though. So
9 we're going to go ahead and take a brief break and you can
10 step back here and refresh yourselves or use the facilities.
11 If anyone needs to have a cigarette, just let the Bailiff
12 know and he'll be more than happy to take you downstairs and
13 get you outside for that, okay? So adjourn for a few
14 moments and step into the back. We'll be back on the record
15 in about ten minutes.

16 (WHEREUPON, jury exited 3:57 p.m. Recess 3:57 p.m.-
17 4:20 p.m.)

18 THE COURT: We're back on the record. The record does
19 need to reflect the contents of a sidebar that the Court had
20 with counsel just prior to the Solicitor's opening but after
21 the Court said my remarks to the jury. Mr. Grose objected
22 to the Court's use of the phrase, "true facts". And I think
23 Mr. Grose indicated that I may have said that four times
24 during the course of my opening instructions. And he
25 explained it sidebar or stated at sidebar that constitutes
26 burden shifting in his opinion.

1 MR. GROSE: And reduces the burden.

2 THE COURT: And reduces the burden. Of course, it goes
3 without saying that Mr. Henderson and Mr. Tinsley are
4 joining in the motion.

5 MR. HENDERSON: That's correct, Your Honor.

6 THE COURT: For the objection to the Court's
7 instruction. The instruction, of course, is part of the
8 transcript. I assume, for purposes of brevity, that, Mr.
9 Grose, you would basically make the exact same argument as
10 was made in that case over in Laurens County with Judge
11 Young, that you and Rauch Wise tried concerning the "seek
12 the truth" language and instruction that he gave. And the
13 Supreme Court opinion in that case -- and I can't remember
14 the case.

15 MR. STUMBO: State v Beaty.

16 THE COURT: State v Beaty.

17 MR. GROSE: And that's 423 S.C. 26 (2018). And I would
18 add that your opening remarks did not entirely mirror the
19 opening remarks in Beaty, but some of them with regarding
20 determining the true facts were, I think, verbatim quotes.
21 I would also add that the cite to State v Jones, 343 S.C.
22 562 (2001). That was a capital case out of Lexington County
23 that was reversed because the trial judge gave a jury
24 instruction that had the effect of diminishing the
25 credibility of defense counsel. And I think that, you know,
26 I felt like I had to address it to some extent in opening

1 statements, because our defense is going to be in part, that
2 they cannot determine what the true facts are and therefore
3 must acquit. And so, at this point, I think there's already
4 error and prejudice resulting from that instruction.

5 THE COURT: I understand your position and of course
6 that position is echoed by all of the defendants. And I
7 would note, of course, at the inception, by instructions,
8 opening remarks rather to the jury, I did say that these
9 remarks are just an overview and are not intended to be
10 a full instruction on the law that applies. I did not, of
11 course, make any reference to searching for the truth or
12 seeking the truth, and I'll instruct them fully on the
13 burden of proof at the conclusion of the trial.

14 If anyone has any suggestions to make as it relates to
15 the final instructions to the jury, I'll be more than happy
16 to consider those. And perhaps, Mr. Grose, you or one of
17 the other attorneys might want to suggest something along
18 the lines of what you're suggesting, that reasonable doubt
19 could arise from the lack of evidence as opposed to finding
20 of innocence or something along those lines, but we can play
21 with that later.

22 The next witness is here, Solicitor?

23 MR. HENDERSON: Your Honor, I have a matter to take up
24 before we move further.

25 THE COURT: What is it?

26 MR. HENDERSON: It's in regards to witness Laurel

1 Bollinger, what her testimony, the form of her testimony.
2 And I think I've addressed this with the Solicitor, but I'd
3 like to make a little bit of a record for it to, kind of,
4 let the Court ---

5 THE COURT: Is she going to testify this afternoon.

6 MS. HOFFMAN: Yes, sir.

7 THE COURT: Okay. Is she next?

8 MS. HOFFMAN: She's not next, but she's three down.

9 THE COURT: What's the issue?

10 MR. HENDERSON: Your Honor, this is the one yesterday
11 that I thought the State was wanting to have a Biggers
12 hearing on the ID. That's the way I read their email.
13 And again, I've never requested a Biggers hearing.
14 I'm still not requesting a Biggers hearing, but I've got
15 some documents I'd like to get marked as a Court's exhibit,
16 your Honor. And I'll give them --

17 THE COURT: Mr. Henderson, is there some reason that
18 the witness should not testify?

19 MR. HENDERSON: No, not at all. It's what she can
20 testify to.

21 THE COURT: We will let her testify, and if you have an
22 objection, you can object when the question is asked.
23 Otherwise, you can cross her. We need to get going. I'm
24 not dealing with a witness, three witnesses down here.
25 If you otherwise got something you can impeach her with,
26 fair game.

1 MR. HENDERSON: It's not an impeachment issue, Your
2 Honor. It's what I consider more prejudicial than
3 probative. The Solicitor has indicated some stuff that
4 they're trying to elicit during their direct examination,
5 which, I do believe, is more prejudicial than probative.

6 THE COURT: Specifically and quickly.

7 MR. HENDERSON: Very quickly. That the State, the
8 police officers showed her a photo lineup that she cannot
9 identify somebody definitively, and I don't want that into
10 evidence at all.

11 THE COURT: And your client was not identified though,
12 right?

13 MR. HENDERSON: Correct, but I don't want there to be
14 any testimony about that I was shown a photo lineup that --
15 you are probably going to be hearing some testimony that did
16 include my client, but she did not identify my client. And
17 again, that's what I think is more prejudicial than
18 probative. But obviously she gives a description of what
19 this person that she saw looks like. Have no problem with
20 her testifying to that. That's fine.

21 THE COURT: Let me ask you this. Do you intended to
22 elicit from her the fact that -- apparently he doesn't want
23 you to?

24 MS. HOFFMAN: We had intended that she was probably
25 going to testify as to the fact that she was given a photo

1 lineup. She did not feel certain as to being able to
2 identify the person that she saw, and she will describe on
3 the stand, in that photo lineup. That's pretty much it.

4 MR. HENDERSON: I want to keep out the photo lineup.
5 Now, she can describe the person that she saw all day long.
6 Have no problems with that.

7 THE COURT: Objection is noted. Overruled.

8 MR. HENDERSON: Okay. And I would like to make this a
9 Court's exhibit of what her statement is and the incident
10 report is about what her testimony is. And again, I'm just
11 objecting to the photo lineup.

12 THE COURT: We'll just make it Defendant Reid's 1, not
13 in evidence.

14 (WHEREUPON, Rule 5 Brady Request, marked Defendant
15 Reid's Exhibit No. 1 for identification.)

16 MR. GROSE: And, your Honor, I join that motion to the
17 extent that it could be -- well, I join that motion because
18 it could come across as any one of these suspects being in
19 that lineup, or multiple suspects in the lineup and she
20 couldn't identify them. I think it's a slippery slope as to
21 what could happen. They may navigate that obstacle field
22 just fine, but they might not.

23 And I'm also getting a little concerned about the
24 constant emphasis on rushing.

25 THE COURT: I appreciate ---

1 MR. GROSE: Look, I don't want to be here all next week
2 either, Judge. I promise you that. But at the same time, I
3 mean, this record is going to reflect there's been a
4 constant theme of that, and I don't want that to overshadow
5 these three guys' rights to a fair trial. That's all I'm
6 saying.

7 THE COURT: And I appreciate that. We've got a lot of
8 ground to cover. That means we have to do it efficiently.
9 And if this were a simpler case with fewer defendants, the
10 urgency would not be there. But it is there. And again,
11 I'm not wanting to unduly burden the jury.

12 Is Mr. Hurley or Hill in the lineup. Are they in the
13 lineup? They are?

14 MS. TAYLOR: It's just mr. Reid.

15 MS. HOFFMAN: It's just Reid.

16 THE COURT: It's just Reid. Okay. Well, sounds like
17 Mr. Hurley may not have a dog in the fight. All right, your
18 objections are noted. Same rulings as before. Let's bring
19 the jury out.

20 (WHEREUPON, jury entered 4:30 p.m.)

21 THE COURT: The record shall reflect that the jury is
22 back and seated. Ms. Hoffman, call your next witness.

23 MS. HOFFMAN: The State calls Jameel Wilson.

24 WHEREUPON, Jameel Wilson, having first been
25 duly sworn, testified as follows.

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1 DIRECT EXAMINATION

2 BY MS. HOFFMAN:

3 Q Good afternoon. Can you state your name for the
4 record, please?

5 A Jameel Wilson.

6 Q Mr. Wilson, where are you currently employed?

7 A I'm employed with Greenwood Housing Authority.

8 Q Okay. How long have you been working there?

9 A I've been working there going on two years.

10 Q Okay. Now, before you worked for the Housing
11 Authority, where were you employed?

12 A I was at Cardinal Glen Apartments.

13 Q Okay. And that's here in Greenwood County?

14 A Yes, ma'am.

15 Q Okay. Were you working for Cardinal Glen in April of
16 2020?

17 A Yes, ma'am.

18 Q Specifically April 8.

19 A Yes, ma'am.

20 Q Okay. Can you describe some of the duties that you did
21 while you were the maintenance man there?

22 A I performed multiple duties, from plumbing, to HVAC, to
23 carpentry, grounds maintenance. Pretty much all of it.

24 Q So, you were all over that complex.

25 A Yes, ma'am.

1 Q Okay. So, you would work -- how many buildings are
2 there?

3 A I think it was four buildings. No, five, if I'm not
4 mistaken. Maybe five. I'm doing it in my head. I think it
5 was like, five or six, give or take.

6 Q And so part of your duties is maintaining all of those
7 buildings?

8 A Yes, ma'am.

9 Q Now, how long did you work there you said?

10 A I was going towards two years.

11 Q Two years, okay. So you're fairly familiar with that
12 general area?

13 A Yes.

14 Q Okay, now if I were to show you a map of that area,
15 would you be able to identify the buildings that include
16 Cardinal Glen in that surrounding area?

17 A Yes.

18 Q I'm going to get Mr. Hamby here to help me set this up
19 real quick. I'm going to show you what's been pre-marked as
20 State's 86 and 88. And if you wouldn't mind stepping down
21 for me.

22 THE COURT: You can step down.

23 Q I know we're a little bit closer to the jury here, but
24 just make sure you speak loud enough so that everyone can
25 hear you. Okay, so this 88, this is a more zoomed out map

1 of the area. Can you show me the complex that you were
2 working at, Cardinal Glen?

3 A The complex. This would be the complex.

4 Q Okay, so this is Cardinal Glen down here?

5 A Yes.

6 Q Okay. And then are there other complexes in that area
7 that you don't work at?

8 A Yes, I didn't work --

9 Q Make sure you speak loud, sorry.

10 A I didn't work at this one.

11 Q Okay. What complex is this one here in the middle that
12 you're pointing out?

13 A I'm not sure the name of it. I think it was Heritage
14 or something, but I'm not sure.

15 Q If I told you it was Hillcrest, would that sound right?

16 A Yeah, I know it started with an "H", so most likely.

17 Q Okay, and then what other complexes over there?

18 A I think Parkway. I'm not sure the name, but I know
19 Parkway Apartment.

20 Q Make sure you speak up.

21 A Parkway Apartments, if I'm not mistaken.

22 Q Okay, so if I told you it was Gardens at Parkway?

23 A Uh-huh.

24 Q That was right? Okay, and that's this complex up here?
25 Correct?

1 A Uh-huh.

2 Q Okay, so you were working on April 8, 2020, correct?

3 A Yes.

4 Q Okay. Where on the property were you that day?

5 A That day pacifically (SIC) I was at this unit right
6 here in this area.

7 Q Okay. What unit is that?

8 A I do not know by memory.

9 Q Okay, so let me ask you this. So, this road right
10 here, is this the main road where you would go into the
11 entrance?

12 A Main road, uh-huh.

13 Q Okay. And this little building right here?

14 A That's the office.

15 Q Okay. So it's the building that is ---

16 A Adjacent to the office. Uh-huh.

17 Q Okay. So you were working on ---

18 THE COURT: If you could, answer yes or no. That'll
19 help her much better. And you need to speak up a little bit
20 more. The diagram is between the court reporter and you,
21 and so we need you to really project there. Okay?

22 THE WITNESS: I can do that.

23 Q So you were working at this building right next to the
24 front office?

25 A Yes.

1 Q Okay. And kind of tell me what you experienced that
2 day on April 8.

3 A Well, early that morning, I started working on an AC
4 unit, changing out the compressor inside the unit. I say
5 around -- I had ate lunch, maybe around twelve-ish or so.
6 But it was after lunch, I say around maybe one o'clock. I
7 seen a car, a black Toyota Camry, and it kept riding -- it
8 rode through a couple of times. How many -- I think around
9 two or three times. But, the people that was inside, it
10 looked like they was looking for something. Even though it
11 had tint, I could still kind of see.

12 Q Okay, I need to slow down just a little bit. I'm sorry.
13 Okay, so you saw what kind of car?

14 A Toyota Camry, black.

15 Q Okay. You saw a black Camry, and so you're standing
16 here outside, near that main road?

17 A Yes.

18 Q Okay, and you see it doing what?

19 A First it rode in, come around through the complex.

20 Q So, it's coming over here to the back side of the
21 complex?

22 A Yeah, it came to this side, where it's chain link fence
23 where you can't go through, and it turned around, come back
24 out, and rode to the other side and come back out. And it
25 left, and then it came back.

1 Q Okay, so this black Toyota Camara that you saw that day
2 is kind of coming where you are ---

3 A Yes.

4 Q --- to the back ---

5 A Yes.

6 Q --- and just kind of going all around.

7 A Yes.

8 Q Okay, and then what else did you see?

9 A After, I think, maybe the second time they came, the
10 car came through, it kind of set here on the other side of
11 the parking lot for a moment.

12 Q Sorry. On the back side of the complex?

13 A Back side of the complex? Yes. And then they sped out
14 kind of quickly. And that's how I saw them leave. I saw
15 them leaving to the stop sign. They set there at the stop
16 sign by the office.

17 Q Okay, so there's a stop sign right here that goes back
18 out onto this main road?

19 A Onto the main road. Yes.

20 Q Now, I'm sorry, let me just ask you this. On this main
21 road, can you access the other complexes from this main
22 road?

23 A Yes.

24 Q Okay, so the complex, Hill or -- sorry, the Hillcrest
25 Condos or Hillcrest Apartments, you can access those from

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1 that main road?

2 A Yes.

3 Q Okay, and then you can access the Gardens at Parkway
4 from that main road? Correct?

5 A Yes.

6 Q Okay. All right. And so you saw them at the stop sign.

7 A And then they pulled out. Now, during that time, I
8 might have got busy. Didn't see if they went and came back
9 out, but I saw them turn on this adjacent road.

10 Q Okay, so when you say this adjacent road, it's on
11 Parkway Court, right here. So, what road -- what complexes
12 are on either side of this road?

13 A Well, we're Cardinal Glen over here, and that's that
14 Park -- Hill.

15 Q Hillcrest.

16 A Hillcrest. Now, I didn't see if they came back out or
17 left because I was kind of still going on them, but it
18 wasn't no more than a couple of minutes later, that's when I
19 started hearing the shots.

20 Q Okay, and so from where you are down here at the
21 building at Cardinal Glen, you hear gunshots?

22 A Yes.

23 Q Okay, and what did you do when you heard that?

24 A I immediately called 911, 'cause it was quite a many
25 few shots. So, it just had me thinking, you know, maybe

1 some children out there or something, so I made sure I
2 called 911.

3 Q Okay. Now, did you see anyone shooting?

4 A No.

5 Q Okay, so you just heard the gunshots?

6 A I heard it.

7 Q Okay, and so you called 911, and what did you tell 911?

8 A I had described to them about the car, the black Toyota
9 Camry riding through. Just -- had that suspicious to me,
10 and that I heard at least about nine shots in my mind. And
11 it could have been less. It could have been more, but
12 that's what I described on the 911 call.

13 Q Okay. Now, Mr. Wilson, were you able to see through the
14 windows of that car?

15 A It had tinted windows, but you can see the silhouette.
16 It was midday, around 2 o'clock, one, 2 o'clock, so the sun
17 was up bright. You can, you know. Tinted windows are
18 tinted, but you still can see through. But, far as seeing
19 actual faces, I couldn't. But, I did could tell some
20 features.

21 Q Okay. What features were you able to observe through
22 the windows of that car?

23 A I know at least two -- two that was in the back seat
24 had twisties, like, twists in the hair.

25 Q Okay. Now, twisties, do you mean like dreads?

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1 A I wouldn't call it dreads. I would think, like, the
2 box haircut with the little twist on them.

3 Q Okay, so there's -- that's fine. So, you saw two in
4 the back seat, you said?

5 A Uh-huh.

6 Q Okay. Could you tell anything about who may have been
7 in the driver or the front?

8 A No, I couldn't tell in the front driver's seat.

9 Q Okay, so obviously there was a driver?

10 A Yes. Uh-huh.

11 Q And then two people in the back seat that you could
12 see?

13 A Uh-huh.

14 Q Okay.

15 A Yes, ma'am. Yes. I'm sorry.

16 Q That's fine.

17 MS. HOFFMAN: Beg Court's indulgence. Judge, at this
18 time we would enter State's 86 and 88 into evidence, and I
19 believe that's all the questions I have for Mr. Wilson.

20 THE COURT: Any objections to the diagrams?

21 MR. GROSE: No objections.

22 MR. HENDERSON: None, Your Honor.

23 MR. TINSLEY: No objection.

24 (WHEREUPON, State's Exhibits 86 and 88 in evidence.)

25 CROSS EXAMINATION

1 BY MR. TINSLEY:

2 Q So, Cardinal Glen -- you testified it is down here,
3 correct?

4 A Yes.

5 Q So its entrance and exit is at Parkway?

6 A Yes.

7 Q There's no other way to get in or out of Cardinal Glen?

8 A No, unless you're on foot. There was a linked chain
9 barrier here, so cars couldn't come in or out that way.

10 Q Okay. To get to -- there's actually a fourth complex
11 in here; correct? This one right here, closest to Parkway,
12 which is something different which is something different
13 than Hillcrest?

14 A I'm not sure how many, because I worked in Cardinal
15 Glen. I didn't facilitate myself over here.

16 Q Okay. Well, you notice there are five units which
17 there's no name associated with them that's between
18 Hillcrest and Parkway Road.

19 A Uh-huh.

20 THE COURT: That's a Yes.

21 THE WITNESS: Yes.

22 Q And you have to turn down a side road to get Hillcrest
23 condos; correct?

24 A No.

25 Q You don't?

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1 A If this is Hillcrest, then, yes, you can come this way,
2 too, but I don't know if it's any other side to get in.

3 Q There's nowhere on this map that you can access
4 Hillcrest directly from Parkway, correct?

5 A Yeah.

6 Q You'd have to turn down this side road, which I believe
7 is Parkway Court.

8 A Yes.

9 Q Okay. All right. And I believe that's all I have as
10 far as the map goes. So, you can go have a seat in the
11 stand. I got a couple more questions.

12 THE BAILIFF: You want me to take this down?

13 THE COURT: Yeah, go ahead and take it down so that
14 they can see him.

15 Q When you call 911 about this Camry, you told the
16 operator there were three guys in the car. Is that correct?

17 A I don't recall.

18 Q Okay, and you didn't tell the 911 -- didn't give any
19 description, such as the twisties, to the 911 operator, did
20 you?

21 A No.

22 Q Okay. And you didn't identify anybody by name?

23 A No.

24 MR. TINSLEY: Please answer any questions Mr. Henderson
25 has.

1 MR. HENDERSON: Let me grab some other notes, Your
2 Honor.

3 CROSS EXAMINATION

4 BY MR. HENDERSON:

5 Q How are you, sir?

6 A I'm doing great.

7 Q Good, good, good. Glad to have you here. Mr. Tinsley
8 just asked you about what you told 911. Have you not
9 listened to your 911 call before today?

10 A I know what I said. I talked about the car, and I
11 talked about the gunshots.

12 Q Right. And you also said that it looks -- you said
13 there looked like there was three guys in the car. Do you
14 remember telling the 911 operator that?

15 A I do not recall telling her that pacifically (SIC).

16 Q Okay. I will represent to you that your call is
17 already into evidence, and I will represent to you that you
18 told the 911 operator that looked like three guys in the
19 car. Do you dispute that?

20 A No.

21 Q Okay. Now, when you say you saw three guys in the car,
22 I suppose when you noticed, you talked about silhouettes.
23 Did you see the guys in the car while the car was in the
24 Cardinal Glen Complex?

25 A Yes.

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1 Q Okay, and you said it looked like -- you said there
2 were definitely two guys in the back.

3 A From what I saw.

4 Q From what you saw. Black, white, Hispanic,
5 miscellaneous?

6 A No, I did not say any ethnicity.

7 Q Okay, so you don't know the race?

8 A (No verbal response.)

9 Q Is that a no?

10 A I didn't see a race.

11 Q Could you tell a race, or you just couldn't tell a race
12 and just saw a silhouette? That it was ---

13 A I saw human. Three humans in the car. It had tinted
14 windows, so, you know, as far as telling what their, you
15 know, race was ---

16 Q That you were convinced were males?

17 A Yeah, I could tell they was men.

18 Q You tell they're males and not females?

19 A Yeah.

20 Q Okay. Could you tell whether or not they had on shirts
21 or tops?

22 A No. I couldn't tell.

23 Q You couldn't tell whether or not they had on clothes or
24 were nude?

25 A I would think they would have on clothes, but the car

1 wasn't sitting still to see if they were wearing clothes or
2 not.

3 Q Okay. It looks like, I think your testimony was to the
4 Solicitor that the two guys in the back, it looks like they
5 had, correct me if I'm wrong, box haircuts?

6 A The silhouette of the heads of the body, you could tell
7 it had, like, a twist or twisty hair. I can't say exactly
8 what it was, but I could tell from the silhouette.

9 Q Both of them had twisties in their hair?

10 A From what I saw.

11 Q How far were the twisties standing up?

12 A I'd say, give or take, an inch.

13 Q Okay. So there were noticeable twisties standing up
14 off somebody's head?

15 A From the silhouette. Not a firm of say he looked like
16 twisties, but I could tell from the silhouette.

17 Q Okay, and you just couldn't tell anything about the
18 driver?

19 A No.

20 Q Could you tell if the driver was male, female, other?

21 A I didn't see the driver.

22 Q Didn't see the driver. Okay. And going back to your
23 testimony, it sounds like -- I want to clarify some of your
24 testimony. It seems like every time you saw this car, it
25 was in Cardinal Glen. Is that correct?

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1 A Yes, that's where I was at.

2 Q Right. I mean, regardless of where you were at, every
3 time you saw the car, the car was in Cardinal Glen, correct?

4 A Yes.

5 Q Okay. I want to make sure I heard your testimony
6 right. You said that when the car was leaving Cardinal
7 Glen, you saw it at the stop sign, I believe. And you said
8 soon after that you heard shots?

9 A At Cardinal Glen -- I specifically said about two to
10 three minutes later when they left.

11 Q Okay.

12 A I mean, when that car left, that's when I heard the
13 shots. It wasn't immediately when they was at the stop
14 sign.

15 Q Right, but after you saw the car at the stop sign --
16 correct me if I'm wrong, but listening to your testimony,
17 you never saw the car again?

18 A Not after the third, I think, second time they left,
19 No.

20 Q Okay. The last time you saw them was at the stop sign?

21 A Yeah.

22 Q Okay, and then later on you heard some shots?

23 A Well, I saw them leave from the stop sign and take that
24 adjacent road. Now, after that, I didn't see it no more. I
25 didn't -- because I wasn't just watching the car. You know,

1 I was working during this process.

2 Q When you say adjacent road -- the main road?

3 A Well, you got the main parkway. You got a side road
4 that go to other apartments. I saw them turn down. They
5 could have turned around and left back out. I'm not sure
6 which way they went after that.

7 Q You just don't know.

8 A No, I do not.

9 Q If you testified otherwise, it'd be guessing.

10 A Yes.

11 Q Okay. And again, you're not telling this jury that you
12 saw gunshots coming from that car, correct?

13 A No, I did not.

14 Q Okay. You're not telling this jury that anybody in
15 that car actually shot a gun, are you?

16 A No, I'm not.

17 Q You just don't know.

18 A I don't know.

19 MR. HENDERSON: I don't have anything further, Your
20 Honor.

21 THE COURT: Mr. Grose?

22 CROSS EXAMINATION

23 BY MR. GROSE:

24 Q Is it Mr. Wilson?

25 A Yes.

Wilson-Cross Examination

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1 Q Thank you for being here today. I represent Chazz
2 Hurley. We're kind of sitting up there in the back, but
3 we're, I guess, part of this case, too. I want to thank you
4 for being here today. Going last, I have a few questions,
5 but maybe not as many as some of the others did. If I
6 understand you correctly, you were doing your job that day?

7 A Yes, I was at work.

8 Q It was it was an ordinary work day for you?

9 A Yes.

10 Q And so, while you were watching things that were going
11 on, you were also paying attention to your work.

12 A Oh, yes. Well, at that time, when I seen the car, I
13 wasn't working at that moment.

14 Q I got you. Was that when you came back from lunch?

15 A I had been back from lunch maybe 30 minutes, somewhere
16 in there.

17 Q Okay. I got you. And when you were testifying here
18 today, you're just trying to describe, you know, what you
19 remember. Is that right?

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes, sir. I'm sorry.

23 Q All right, and you're also not trying to overextend
24 yourself and talk about something that you don't know about?

25 A No, sir.

Moss-Direct Examination

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1 Q Because you don't want to speculate, I think you told
2 Mr. Henderson.

3 A Yeah. No, sir.

4 Q Okay. As far as the people in this car, you can't make
5 an identification of anybody?

6 A No, sir.

7 Q Okay. And it's very limited in what kind of
8 description you can give us?

9 A Yes, as far as the people that was in the car. Yes.

10 Q And you're not saying that you saw anybody in this car
11 shooting a gun? You're not saying anything like that?

12 A No, sir. I'm not saying that.

13 Q Okay. Again, thank you for being here. I appreciate
14 it.

15 THE COURT: No redirect, Ms. Hoffman?

16 MS. HOFFMAN: No, sir.

17 THE COURT: Thank you, sir. You can step down. You are
18 free to go. Thank you, sir. Call your next witness,
19 please.

20 MR. STUMBO: The State calls Stephanie Moss.

21 WHEREUPON, Stephanie Renee Moss, having first
22 been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. STUMBO:

25 Q Thank you for being here today, Ms. Moss. Did you grow

Moss-Direct Examination

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- 1 up in Greenwood?
- 2 A No, I grew up on the Rock House Road.
- 3 Q Okay, but in the Greenwood area?
- 4 A It's Greenwood, South Carolina.
- 5 Q I'm going to take you to April 8, 2020. Where were you
- 6 living at the time?
- 7 A 1508 Gardens at Parkway, Apartment [REDACTED].
- 8 Q [REDACTED] you said?
- 9 A Yes, sir.
- 10 Q All right. That's Gardens at Parkway?
- 11 A Gardens at Parkway.
- 12 Q Okay. About two in the afternoon, tell the jury what
- 13 you were doing that day, Ms. Moss.
- 14 A I was in the front room, me and my son, and I saw a
- 15 black car pull up. I was in the kitchen. I thought it was
- 16 my cousin, but when I seen the boys get out, it wasn't her.
- 17 So, I sat back down with my son, and the next thing you know
- 18 I heard some gunshots. So, by my son's special needs, I got
- 19 him up and we went into the closet.
- 20 Q How old is your son?
- 21 A My son just turned fourteen.
- 22 Q You say he's special needs?
- 23 A He's autistic.
- 24 Q And so, where are you sitting with your son when this
- 25 black Camry ---

- 1 A In the front room.
- 2 Q Okay. You see the Camry pull up just right outside?
- 3 A Yes, sir.
- 4 Q Is there like a patio or window?
- 5 A A patio window.
- 6 Q Okay. I'm going to have you come off the stand just
- 7 for a second to look at this map. If you could keep your
- 8 voice up. And you can use this if you need to so you don't
- 9 have to walk all the way over in front of it. Let's look at
- 10 this one here. That's State's 86, the one we're looking at
- 11 right here. Do you recognize this area?
- 12 A Yes.
- 13 Q Okay. Now, point to us where your apartment is.
- 14 A My apartment is right here.
- 15 Q Okay. So, it's on this side of the --
- 16 A Uh-huh. It's the main front.
- 17 Q First floor? Second floor?
- 18 A First floor.
- 19 Q Okay. So, you're looking at -- this is the patio,
- 20 right here where I'm pointing?
- 21 A Uh-huh.
- 22 Q So, if you're looking right out your patio window,
- 23 you're looking at these parking spaces.
- 24 A Parking lot.
- 25 Q Okay. Point to us -- can you see that? I just want to

Moss-Direct Examination

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1 make sure the jury can see.

2 THE COURT: Maybe if you stand, kind of, where I am and
3 use the pointer with your with your right hand, and that
4 way...

5 Q If you could point us just close to the area where the
6 black Camry is parked.

7 A It was right here.

8 Q Okay. So, it's kind of facing right in towards your
9 apartment.

10 A Uh-huh. Like I said, I was right at the sink in the
11 kitchen when I saw the car pulling up. And I thought it was
12 my cousin. I thought something was wrong, but when I seen
13 it wasn't her and I just saw some boys got out.

14 Q Okay, your cousin drives a black Camry?

15 A Uh-huh. A black Camry.

16 Q Okay. Can you return to the stand? Thank you, Ms.
17 Moss. You mentioned this a moment ago, but I think just to
18 clarify -- about how many people come get out of that car,
19 that Camry?

20 A I really don't know, to be honest. I just saw, like,
21 some boys get out. I didn't really pay attention like that.

22 Q Okay. More than one?

23 A I'd say about three.

24 Q Okay. You believe it was three?

25 A Yes, sir.

1 Q Can you describe them at all, what they maybe were
2 wearing? Or were any of them wearing ---

3 A Only thing I saw was one that was in the back, he had
4 on a white shirt that had blue anchors on it.

5 Q Okay, so a white shirt with, kind of, blue things that
6 look like anchors?

7 A Yes, sir.

8 Q Where did they run towards?

9 A They ran -- it's a pad that could take you straight
10 into the next apartment. Heritage Apartment.

11 Q Okay. Heritage or Hillcrest?

12 A I mean, Hillcrest. Uh-huh.

13 Q Okay. So, is there anything kind of separating your
14 park, the parking lot in front of your place and where you
15 just pointed, Hillcrest?

16 A No. I guess it used to be, like a fence, but it's not
17 no more, so you can walk straight through that path

18 Q Okay. There's a path that's through the trees?

19 A It's trees, but the path is empty. You can just walk
20 straight through.

21 Q Okay. And they walked towards that path through the
22 trees?

23 A Uh-huh.

24 Q You said you heard gunshots after that, or you heard
25 them ---

Moss-Cross Examination

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- 1 A I heard gunshots.
- 2 Q Okay.
- 3 THE COURT: Your last answer. They walked through the
- 4 path?
- 5 THE WITNESS: They walked through the path.
- 6 Q Okay. And you heard gunshots sometime after that?
- 7 A Yes, sir.
- 8 Q Okay. What did you do when you heard the gunshot?
- 9 A I got my son and we went in my room and locked the door
- 10 and got on the floor.
- 11 Q How long did you stay on the floor in your bedroom?
- 12 A Probably a good five minutes at the most after I didn't
- 13 hear anything else. I got up. My son, he stayed in there.
- 14 I got up. Next thing I saw was a gun laying in the parking
- 15 lot.
- 16 Q Okay, so you walked outside after that?
- 17 A Yes.
- 18 Q All right. That gun that's laying in the parking lot,
- 19 where is it in relation to where that Camry was parked?
- 20 A It was the same, where the Camry was parked at.
- 21 Q Okay. It was in that same spot?
- 22 A Yes, sir.
- 23 Q Did you touch the gun?
- 24 A No, sir.
- 25 Q Okay. When law enforcement arrived, did you talk to

1 them about what you saw?

2 A Yes, sir.

3 Q You told them -- you pointed out the gun to them?

4 A Yes, sir.

5 MR. STUMBO: No further questions at this time, Your
6 Honor.

7 THE COURT: Mr. Tinsley?

8 CROSS EXAMINATION

9 BY MR. TINSLEY:

10 Q Ms. Moss, were you inside when you saw this car come
11 out?

12 A Yes, sir. I was inside.

13 Q Okay. So you're inside the whole time.

14 A The whole time I was inside.

15 Q Okay. And you talked to law enforcement that day,
16 correct?

17 A Yes, sir.

18 Q And at that time, you told them two or three black
19 males got out of the car, is that right?

20 A I didn't tell them. No. I don't know.

21 Q Okay, you didn't say two or three?

22 A I didn't say two or three.

23 Q Okay. What did you say then?

24 A I didn't say nothing. When they asked me. I didn't
25 tell them how many that was in the car. I just said I saw

Moss-Cross Examination

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1 one. That was it.

2 Q Okay. So, one, okay. All right. And you didn't
3 identify anyone to law enforcement?

4 A No, I didn't.

5 Q Okay, and you saw this gun in the parking lot after the
6 fact?

7 A Yes, sir. After the fact.

8 Q You never saw any guns until after the fact?

9 A That's right. After the fact.

10 Q Okay. And you didn't see anybody fire a gun?

11 A No, sir.

12 Q Okay. Did you see anybody after they went to this path
13 that you talked about?

14 A No, sir.

15 MR. TINSLEY: No further questions.

16 THE COURT: Mr. Henderson?

17 CROSS EXAMINATION

18 BY MR. HENDERSON:

19 Q Hey, Ms. Moss. How are you, ma'am?

20 A Fine.

21 Q Have you seen any incident report from this matter
22 which summarizes what you allegedly told the police?

23 A No.

24 Q Nobody's ever showed that to you?

25 A Yeah, they did.

- 1 Q They did show it to you?
- 2 A Yeah.
- 3 Q Okay, so you've seen the written incident report?
- 4 A No.
- 5 Q Oh, you hadn't? Okay, but you're acknowledging that
- 6 law enforcement talked to you ---
- 7 A Yes, sir.
- 8 Q --- on April 8, 2020, correct?
- 9 A Yes, sir.
- 10 Q And I think I just heard Mr. Tinsley ask you. Well, I
- 11 heard you testify that you saw a black car pull up.
- 12 A Correct.
- 13 Q Did you -- when that black car pulled up, in your
- 14 mind's eye, were you thinking of the make and model of that
- 15 vehicle?
- 16 A No, I wasn't.
- 17 Q You just saw a black vehicle?
- 18 A I saw a black vehicle and I just thought it was my
- 19 cousin, because she drives a black Camry.
- 20 Q Okay, but you didn't know who?
- 21 A I didn't know what kind of car it was.
- 22 Q You didn't know what type? It could have been a Camry.
- 23 It could have been Honda. It could have been a Subaru.
- 24 A Right.
- 25 Q You just don't know.

Moss-Cross Examination

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- 1 A I just don't know.
- 2 Q You saw a black car, thinking it was your cousin.
- 3 A Yeah.
- 4 Q Okay. And did you tell the law enforcement that?
- 5 A Yes, I did.
- 6 Q Okay. I think your testimony to Mr. Tinsley was that
- 7 you just told police that you saw one person?
- 8 A That's it. I saw one person.
- 9 Q Okay, you could -- I'm kind of confused. I want to be
- 10 clear with your testimony. You saw one person, and then I
- 11 thought you also said you saw, perhaps, three people. Which
- 12 is it?
- 13 A I saw one person. I saw three people when they pulled
- 14 up. But, I saw one person specifically.
- 15 Q Okay. How many people did you see get out of this
- 16 black car?
- 17 A I just saw one.
- 18 Q Just saw one person get out of that black car.
- 19 A I just saw that one person and then I sat back down.
- 20 Q Okay, and that one person think you said, was wearing
- 21 what, a white shirt?
- 22 A A white shirt with blue anchors on it.
- 23 Q When you say anchors, like sailing anchors?
- 24 A Sailing anchors.
- 25 Q Okay. And I think your instant report indicates that

1 your son actually has a shirt like that, if I'm not
2 mistaken.

3 A Correct.

4 Q Okay, so that's why it stood out to you?

5 A Yes.

6 Q So, again, I just want to be clear. You only saw one
7 person get out of this car?

8 A Exactly.

9 Q Did this one person that you saw get out of the car,
10 did you see a handgun or any other type of firearm on them?

11 A No, I didn't.

12 Q Okay, and you said you saw that one person go toward
13 the path between the apartment complexes?

14 A Yes, sir.

15 Q Okay, and then you said at some point in time, you
16 heard some gunshots?

17 A Exactly.

18 Q And you said when you heard the gunshots, you and your
19 son got down on the floor.

20 A We went in my bedroom and got in the floor.

21 Q Okay. And if I'm not mistaken, when you finally came
22 out of your home, the black car was gone?

23 A The black car was gone.

24 Q And you saw a handgun in the parking lot?

25 A Yes, sir.

Moss-Cross Examination

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- 1 Q Okay. Did I recap your testimony correctly?
- 2 A Correct.
- 3 Q Okay. That you saw one person get out of the car. Is
- 4 that a yes?
- 5 A Yes.
- 6 Q That person had on a white shirt with blue anchors.
- 7 A Yes.
- 8 Q Okay. That person went toward the path.
- 9 A Yes.
- 10 Q You didn't see that person with a handgun or any other
- 11 type of weapon?
- 12 A No, I didn't.
- 13 Q When you heard some shots, you got down on the floor.
- 14 A Yes.
- 15 Q Okay. The next thing you know, when you go outside,
- 16 the car is gone, and there's a handgun in the parking lot.
- 17 A Yes, sir.
- 18 Q Is that a fair summary, an accurate summary of your
- 19 testimony?
- 20 A Yes, sir.
- 21 MR. HENDERSON: Okay. I don't have anything further,
- 22 Your Honor.
- 23 THE COURT: Mr. Grose?
- 24 CROSS EXAMINATION
- 25 BY MR. GROSE:

1 Q Ms. Moss, my name is Charles Grose and I represent
2 Chazz Hurley. He's sitting back here. I just have a couple
3 of questions for you, and I want to kind of focus on this
4 car. I think Mr. Henderson cleared it up, but the car you
5 saw, you just knew to be a black car?

6 A Yes, sir.

7 Q And I think that when the Solicitor first asked you
8 about that here today, you said it was a black car.

9 A Yes, sir.

10 Q All right. Now, it's your cousin that has the black
11 Camry.

12 A Yeah.

13 Q Is that a yes?

14 A Yes.

15 Q And the reason I do that is we're just trying to make a
16 clear record and help our court reporter. So, it's your
17 cousin that has the black Camry?

18 A Yes, sir.

19 Q All right. So, after you testified that you saw a
20 black car, I think the Solicitor started asking you
21 questions about it being a black Camry. That was his words,
22 not your words, is that right?

23 A That's right.

24 Q All you can say it was black. You can't say it was a
25 Camry?

Moss-Recross Examination

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1 A All I can say is it was a black car.

2 MR. GROSE: Thank you.

3 REDIRECT EXAMINATION

4 BY MR. STUMBO:

5 Q Just a couple of clarifications. Ms. Moss, just to
6 clarify this, because when I was asking you questions, I
7 think you said, correct me if I'm wrong, you said you
8 remember multiple people getting out of the car, but you
9 could just identify the one shirt. Is that correct?

10 A That's correct.

11 Q Okay, so you saw more than one person. You could only
12 just identify clothing on one?

13 A Yeah.

14 Q Okay. I just wanted to make sure we were clear on
15 that. And you just recall telling law enforcement it was a
16 black car, but you don't remember, sitting here today, that
17 you said Toyota Camry?

18 A Yeah, now I remember, yeah. It was a black car, so I
19 was thinking it was my cousin cause she drives a black
20 Toyota Camry.

21 Q Okay. Your cousin drives a black Toyota Camry.

22 A A black Toyota Camry. That's what I ---

23 Q That's what you saw.

24 A I saw the car, that it was black, I was thinking it was
25 her.

1 MR. STUMBO: Okay, no further questions, Judge.

2 THE COURT: Any recross Mr. Tinsley?

3 MR. TINSLEY: No, Your Honor.

4 RECROSS EXAMINATION

5 BY MR. HENDERSON:

6 Q Very briefly, ma'am. Again, I want to try to clarify
7 your testimony that you just told me under oath that you
8 just saw one person get out of the vehicle, and you just
9 told the Solicitor under oath you saw multiple people get
10 out of the vehicle. Again, I'm just trying to figure out
11 how many people did you see get out of this black car?

12 A I only saw one person get out of the car. It was
13 people in the car. I just only saw one person get out.

14 Q I got you. That clarifies a lot. So, your testimony
15 is that you see a vehicle with multiple people in it. How
16 many people in the vehicle, do you know?

17 A I don't know.

18 Q You don't know. So, you saw one person get out of that
19 vehicle?

20 A It could have been three people in the vehicle. I only
21 saw that one person get out.

22 Q Okay, but why do you believe or could you see other
23 people still in the vehicle?

24 A Yes, sir.

25 Q In the front seat? Back seat?

Bollinger-Direct Examination

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1 A I saw two people in the front and I saw one in the
2 back.

3 Q Okay, you saw three people in the car. Which one of
4 these folks got out of the car? The one in the back? The
5 one -- the driver, or the one riding front shotgun?

6 A I only saw the one in the back. So one person in the
7 back got out?

8 A Uh-huh.

9 Q Is that a yes?

10 A Yes, sir.

11 Q The other two stayed in the car, as far as you know?

12 A When I saw the person in the back get out, that's when
13 I went back and sat back down.

14 Q Okay. You only saw one person get out of the car?

15 A Yes, sir.

16 Q You don't know if the other two got out?

17 A No, sir, because I wasn't looking.

18 Q You weren't looking. Okay.

19 A I just saw that one person got out. I just sat back
20 down.

21 Q I got you. And the person that got out had on the
22 white shirt with the blue anchors?

23 A Yes, sir.

24 MR. HENDERSON: Okay. I'm just trying to clarify it.

25 Thank you, ma'am. That helps me out immensely. I know it

1 helps the jury out immensely. Thank you.

2 THE COURT: Anything, Mr. Grose?

3 MR. GROSE: No further questions.

4 THE COURT: You can step down, and I will take that
5 from you. Thank you very much. You're free to go. Take
6 care. Ms. Hoffman, call your next witness.

7 MS. HOFFMAN: The State calls Laurel Bollinger.

8 MR. HENDERSON: Your Honor, this is the witness that
9 I've raised the issue with outside the presence of the jury.

10 THE COURT: Your objection and Mr. Grose's are noted.

11 MR. TINSLEY: Just for the record, Your Honor, I join
12 with the arguments made by Mr. Grose.

13 THE COURT: Very good. Objections are noted. Same
14 ruling as before.

15 WHEREUPON, Laurel Bollinger, having first
16 been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MS. HOFFMAN:

19 Q Let me go ahead and get you to state your name for the
20 record and spell it for the Court Reporter.

21 A Laurel Bollinger. L-A-U-R-E-L-B-O-L-L-I-N-G-E-R.

22 Q Thank you for being here, Ms. Bollinger. Are you
23 originally from Greenwood?

24 A Yes, ma'am.

25 Q Okay. Grew up here?

Bollinger-Direct Examination

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- 1 A Yes, ma'am.
- 2 Q Do you still currently live in Greenwood?
- 3 A No, ma'am.
- 4 Q Where do you live?
- 5 A I live in Abbeville now.
- 6 Q Now, where were you living April 8, 2022?
- 7 A 1522 Parkway Court, Apartment [REDACTED]. Which is Hillcrest
- 8 apartments.
- 9 Q So you were at Hillcrest Apartments, you said apartment
- 10 [REDACTED]?
- 11 A Correct.
- 12 Q Okay, and who was living with you at the time?
- 13 A My mother's name was on the lease, but she has another
- 14 home located close to North Carolina, but my son and myself.
- 15 Q Okay. How old was your son?
- 16 A He was five at the time.
- 17 Q Now, do you remember the incident that happened on
- 18 April 8, 2020?
- 19 A Yes, ma'am.
- 20 Q Okay. And were all three of you home that day?
- 21 A Yes, ma'am.
- 22 Q Okay. Do you remember why you were all home that day?
- 23 A I did not go to work until the afternoon. My mother, I
- 24 don't recall if she was off or not, but she doesn't work
- 25 until the evenings as well. And MINOR was not in school. Q

1 Because of Covid? Everything was shut down?

2 A That's correct.

3 Q How long have you been living there at that apartment
4 complex?

5 A At that point, maybe a year. My mother had resided at
6 the exact apartment for a year or two prior.

7 Q Okay, but you were fairly familiar with the area?

8 A Yes, ma'am.

9 Q Okay. Let me have you step down.

10 MS. HOFFMAN: Mr. Hamby, if you don't mind helping me.

11 Q I get you to kind of show the jury where you were. I'm
12 going to show you what has already been entered as State's
13 88 and 86. Okay, so 86 is a slightly zoomed in version of
14 88 on this map. Can you show me where your apartment was?

15 A Let me get my bearings. I really can't see what's
16 going on?

17 Q Take your time.

18 A That's my apartment. Okay. Yeah. Because there's a
19 little line of trees. I was located at the very back of the
20 complex.

21 Q Okay. So this is a brown building on the right hand
22 side towards this tree line. That's the one.

23 A Correct. It's down to the bottom side, the inside, but
24 it's the back building.

25 Q Okay. So, on these little squares, your apartment is

Bollinger-Direct Examination

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1 this front left one?

2 A Yes. It's facing inwards towards the other apartment,
3 but it's the one towards the inside.

4 Q Okay. And that's apartment D. What apartment is right
5 in front of you?

6 A C.

7 Q Okay. And then this one kind of diagonal there?

8 A It goes A, B, C, D, E, F, G, H like that.

9 Q Okay, so you're in ■. This is G?

10 A No, that would be F. A, B, C, D, E, F, G. That would
11 be G. Correct. Excuse me.

12 Q Okay, so just for clarification, you're in D, and this
13 is G?

14 A Correct.

15 Q I think that's all I need from you. I'm going to let
16 you take a seat. Okay. So you're in your apartment,
17 apartment ■. Kind of walk me through what happened that
18 day.

19 A I know we were all three, my mother, myself, and my son
20 were standing in my room, which is on, kind of, when you're
21 walking into my apartment, you walk into the living room.
22 You go down a hall. My mother's room was on the left, and
23 then the additional room on the right side would be mine.
24 So, I had a huge window in my room. Then we had the
25 kitchen. That was it. We were all standing there. I can't

1 recall for what reason, but we were all standing in my room.
2 I was located by my big window. MINOR was right next to me,
3 and my mom was standing my doorway. I heard what sounded
4 like fireworks. Did you want me to continue?

5 Q Yes, you keep going. You tell me.

6 A I heard something, and in my head it was somebody
7 shooting fireworks, which is normal, because there's kids
8 everywhere in that apartment complex. So I just went -- I
9 was standing directly next to the window. So, I just look
10 out the curtain. I pull the curtain back a little bit,
11 and I see immediately, like at an angle, two people crouched
12 down behind a big tree bush.

13 Q Okay, I'm going to stop you right there for just one
14 second. So, that bush, do you know what building they were
15 outside of where that bush is?

16 A It's G.

17 Q They were outside of G?

18 A Directly to the angle of me. So, it's not the one
19 beside me, but right before it.

20 Q Okay. All right, go ahead. So, they're outside of G?

21 A Crouched down behind the bush, I guess directly outside
22 of that apartment. And, it happened really quickly.
23 Thought it was fireworks. Look out. I see these two
24 gentlemen. I see a white shirt and then a dark shirt. And
25 then I see somebody, like -- they ran by, and I saw a gun.

Bollinger-Direct Examination

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1 And I freak out. I tell my mom and son to drop. It
2 happened so quickly. I just remember seeing a handgun. If
3 my window was open, I could have touched him. He was so
4 close to me.

5 Q Okay, now I'm just going to ask you a couple of
6 questions. So you see the two people crouched at that
7 building that's diagonal to you.

8 A Correct.

9 Q Okay. The person that was running past your window,
10 what direction was he running?

11 A He was running towards the row of trees that separates
12 my apartment complex with the other apartment complex.

13 Q Okay. And you said you saw a gun. Explain that to me.

14 A He was running. What I saw when I looked out is a gun
15 in this hand. That's what I -- it was silver and black. A
16 little gun. And then a he didn't seem like a big guy. A
17 black gentleman with no shirt on. ,acid wash, sort of,
18 colored jeans. And I remember his hair looked shaved all
19 the way around, like, the sides of his head, but little --
20 I describe them as little baby dreads. That's all it looked
21 like to me. Like, they stood up kind of. And that was it.
22 I just closed the curtain and I dropped. I mean, it
23 startled the heck out of me.

24 Q Because, at that point, did you realize that it wasn't
25 fireworks that you had heard?

1 Q Yeah. I realized that there is a shooting right
2 outside my window, and it's 2 o'clock in the afternoon. And
3 my son, any other day, was standing right outside there.

4 Q So, he would play in that kind of open area where you
5 saw those guys out there?

6 A The very area and insane that they weren't out there at
7 that moment. His best friend didn't manage to come over to
8 the apartment that morning, and he was inside, and he got
9 really lucky. Because any other time that courtyard is
10 filled with kids. I mean, it's insane how many children
11 there are.

12 Q Yeah, I understand. Okay. And so, after you guys had
13 hit the floor to hide, did you call 911?

14 A I did not. My mother called 911. I don't know what she
15 said or any of that.

16 Q Okay. Did you relay anything to her while she was on
17 the phone?

18 A I told her I saw a gun, and I may or may not have told
19 her that -- described the gentleman I saw, but it happened
20 so quick, and she had kind of walked towards the front door,
21 and I was with my son, and I had pulled him into the
22 bathroom at this point, because there's no outside access to
23 the bathroom. I didn't know what was going on. I just know
24 I saw people. One ran away, but there's, as far as I knew,

1 two still located right around our apartment.

2 Q Okay, so when you saw that one running kind of away
3 from your apartment towards the other ones, you weren't
4 really sure where the other two were at that time?

5 A I mean, I saw them crouched down, but I didn't know at
6 that point if they had moved. They did not run past my
7 window with him at all.

8 Q Was there anything distinctive about the two over in
9 the bushes? Anything that you noticed about them?

10 A A white shirt. I know it -- I remember it being so
11 bright. Just a white shirt. And he looked -- two guys
12 crouched down. The one on the left, he seemed a little bit
13 bigger, but he was the one with a white shirt. And the
14 other one, I don't know what color shirt he was wearing, but
15 it was not white. It was darker, but that's about it.
16 They were black gentlemen, but I saw the back of their
17 heads.

18 Q Okay. Now, did you speak to law enforcement that day
19 when they came out?

20 MR. HENDERSON: Your Honor, this is where I'm going to
21 object again, just to preserve the record.

22 THE COURT: Noted, and same rulings as before. All
23 objections are acknowledged. Same ruling as before. Go
24 ahead.

25 Q You spoke to law enforcement that same day?

- 1 A Yes, ma'am.
- 2 Q Okay. Did you give them a written statement?
- 3 A Yes, ma'am.
- 4 Q Now, you talked to law enforcement that day. Did you
- 5 speak to law enforcement again at a later time?
- 6 A An investigator for -- all I was told was an
- 7 investigator for Carson. I didn't know which side was going
- 8 for what.
- 9 Q Okay. Well, I'm talking about, like, a police officer.
- 10 A I mean, after that first incident and then after her
- 11 visit, I didn't. I mean, I honestly don't recall too many
- 12 meetings with anybody.
- 13 Q Okay, but you spoke to law enforcement that day at the
- 14 complex?
- 15 A When they took my statement. Yes, ma'am.
- 16 Q Okay, and you got a written statement. Did law
- 17 enforcement show you a photo lineup in this case or, like,
- 18 pictures of people?
- 19 A I believe so, yes.
- 20 Q Okay. From what you remember from that photo lineup,
- 21 were you able to identify anyone ---
- 22 A I was ---
- 23 Q --- that you saw that day ---
- 24 A --- very uncertain. No, ma'am.
- 25 Q --- from that photo lineup?

Bollinger-Cross Examination

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1 A I don't recall picking anybody, because I did not -- I
2 was not for sure. I mean, it had just happened, so it was
3 kind of like -- I was a bit of a wreck.

4 Q Okay, I understand. But when you spoke to law
5 enforcement, did you give them the same description that the
6 jury has heard today?

7 A Yes, ma'am. I did.

8 Q And, once again, just can you describe for us the
9 person you saw running and the other two?

10 A He was a black gentleman. He was shirtless at this
11 point. Like, acid washed blue jeans, and shaved head around
12 and little baby dreads on top, with a small silver and black
13 handgun.

14 Q And then the other two?

15 A Like I said, they were crouched down. One was in a
16 white shirt, and the other one a darker color shirt, and
17 they were both black gentlemen.

18 Q All right. Thank you, Ms. Bollinger.

19 MS. HOFFMAN: I don't have any further questions at
20 this time.

21 THE COURT: Mr. Tinsley?

22 CROSS EXAMINATION

23 BY MR. TINSLEY:

24 Q So, after you heard what you thought firecrackers is,

- 1 when you looked out the window and saw these guys?
- 2 A Yes, sir.
- 3 Q You didn't actually see anybody fire any shots?
- 4 A No, sir, I did not.
- 5 Q Okay. And you described the gentleman in the white
- 6 shirt as heavy set?
- 7 A In my head, I see him as being larger size, maybe not
- 8 necessarily heavysset, but he was larger than the guy next to
- 9 him.
- 10 Q You say larger. Do you mean taller?
- 11 A They were crouched down. I just know he looked a
- 12 little bit rounder. His top part of his body crouched down,
- 13 then the guy to his right.
- 14 Q So thicker, stouter would be a good word?
- 15 A Yes, sir.
- 16 MR. TINSLEY: I don't have any further questions.
- 17 THE COURT: Mr. Henderson.
- 18 CROSS EXAMINATION
- 19 BY MR. HENDERSON:
- 20 Q Hey. Very briefly. Ms. Bollinger, thank you for being
- 21 here. And you acknowledge that you talked to my
- 22 investigator.
- 23 A Yes, I did.
- 24 Q Okay. I just want to ask you about your statement.
- 25 Have you reviewed your statement?

Bollinger-Cross Examination

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1 A I have looked at it. My initial statement that I gave
2 to the police first, no, I've glanced at it.

3 Q I just want to read you a couple of lines and just you
4 confirm whether or not it's accurate.

5 A Yes, sir.

6 Q In your handwriting, that you said, quote, unquote,
7 he was not wearing a shirt. Do you remember writing that?

8 A (No verbal response.)

9 Q Okay. Is that a yes?

10 A Yes, sir.

11 Q Okay. He had light colored blue jeans and dark colored
12 boxers. Do you remember writing that?

13 A Yes, sir.

14 Q Okay. His head was shaved. Do you remember writing
15 that?

16 A Around the sides.

17 Q Right. Around the -- his head was shaved, all but on
18 the crown of his head. Do you remember writing that?

19 A Yes, sir.

20 Q And point to the crown of your head.

21 (WITNESS INDICATED)

22 Q Okay. Kind of where your part is at.

23 A On the very top of his head. Like, I mean, once it
24 starts, you know, angling, curving around, it was...

25 MR. HENDERSON: Your Honor, let the record reflect that

1 she's actually pointing to actually the top of her head
2 where her part is at.

3 THE COURT: Right. She was and basically you indicated
4 it was --

5 THE WITNESS: I was backward.

6 THE COURT: Yeah, basically where the head, the skull
7 starts curving. That's where ---

8 THE WITNESS: Well, my apologies. It was the very top
9 of his head had little baby dreads, but there was no hair
10 around his head.

11 Q Everything else was shaved; correct?

12 A Correct.

13 Q And the dreads were on the top.

14 A Correct.

15 Q At the crown of the head, so to speak.

16 A Yeah.

17 Q Okay. And you wrote where he had dreads that stood
18 straight up about an inch tall. Do you remember writing
19 that?

20 A Yes, sir.

21 Q About an inch tall?

22 A Yeah, they were, I mean, little bitty things.

23 Q Okay. And the rest of it was shaved.

24 A That's correct.

25 Q Any twist?

Bollinger-Cross Examination

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1 A I mean -- isn't -- I don't really know hairstyles like
2 that. I just know in my head that it resembled little baby
3 dreads. I mean, they looked like little dreadlocks.

4 Q On top of his head?

5 A On top of his head.

6 Q An inch tall?

7 A Yes, sir.

8 MR. HENDERSON: I don't have anything further, Your
9 Honor.

10 THE COURT: Mr. Grose?

11 CROSS EXAMINATION

12 BY MR. GROSE:

13 Q Ms. Bollinger, I'm Charles Grose, and I represent Chazz
14 Hurley, who's kind of sitting back there behind everybody
15 else. I just have a few questions for you. It sounds like
16 this was a very upsetting event for you.

17 A Just a little bit.

18 Q Just a little bit? Maybe a lot?

19 A Yes, sir.

20 Q And I think you were worried about your child?

21 A As well as all the other kids.

22 Q All the neighborhood kids. Is that right?

23 A Yes, sir.

24 Q And it sounds like you really quickly went to a safe
25 place with your children or with your child?

1 A Yes, sir.

2 Q And I'm not criticizing you for that, because that
3 seems like a smart thing to do. But, what I'm getting at is
4 all this happened very very quickly.

5 A Yeah. I mean, that's correct, but I can still -- it
6 was -- I can see it in my head right now. I can picture
7 them crouched at the bush. I can literally see him running
8 by my window. It may have happened that quick, but it has a
9 lasting impression.

10 Q And I don't mean to not recognize that at all because,
11 like I said, it sounds like it was a traumatic event for
12 you.

13 A Yes, sir.

14 Q Okay, and your main emphasis was on protecting yourself
15 and your child.

16 A That's correct.

17 Q Okay, and you didn't see anybody shoot?

18 A No, I did not see anyone physically shoot any gun.

19 MR. GROSE: Thank you, Your Honor. That's all.

20 THE COURT: Nothing further?

21 MS. HOFFMAN: No, sir.

22 THE COURT: Step down. You're free to go. Do you have
23 another fairly brief witness that we could get to,
24 Solicitor?

25 MS. HOFFMAN: Yes, sir. The State calls Paul Hawthorne.

Hawthorne-Direct Examination

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1 WHEREUPON, Charles William Hawthorne, having
2 first been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. HOFFMAN:

5 Q Good afternoon, Mr. Hawthorne. Could you state your
6 name and spell it for the Court Reporter, please?

7 A Yes. Charles William Hawthorne, III. C-h-a-r-l-e-s
8 W-i-l-l-i-a-m H-a-w-t-h-o-r-n-e.

9 Q Now, I called you as Charles, but you go by Bill; is
10 that right?

11 A That's right.

12 Q Okay, all right. So, Bill, can you tell me where your
13 place of employment is?

14 A Gardens at Parkway. 1508 Parkway.

15 Q Okay. How long have you worked there?

16 A Eight and a half years.

17 Q Okay, so in that eight and a half year timeframe, have
18 you worked pretty much all over that complex?

19 A Everywhere.

20 Q Okay, and you're fairly familiar with the area?

21 A Too much so.

22 Q Now, were you working there on April 8, 2020?

23 A I was.

24 Q Okay. Do you remember an incident that occurred that
25 early afternoon?

1 A Yes.

2 Q Okay. When that happened, where were you on the
3 property?

4 A I just came out of the office. I had a work order at
5 building five, and I came out and I was smoking a cigarette
6 before I went back there. And then I heard something that
7 sounded like firecrackers. And I said, there's the kids
8 again. So I jumped in my Jeep, rode around between building
9 four and five, and I saw somebody hopping and waving,
10 hopping down the sidewalk. So, I pulled in where I was
11 supposed to do the work, and the gentleman opened up my
12 passenger door and just jumped in my car and said he had to
13 go to the hospital.

14 Q Okay. Now, Mr. Hawthorne, you just talked about a lot
15 of different places, so I'm going to have you step down, as
16 we've done with some prior witnesses and just have you show
17 me exactly where all this happened. Okay. And to just put
18 you off the stand, and you're kind of turned to the jury.
19 Just make sure you speak up nice and loud.

20 A Sure.

21 Q Okay, so let's look at State's 86 right here. That's a
22 zoomed in version of the complex. So, do you work in the
23 complex with the brown roofs or the green roofs?

24 A The green right here.

25 Q Okay, so now tell me again exactly what happened when

Hawthorne-Direct Examination

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1 you were coming off your break and exactly where you were on
2 the property.

3 A Okay, I was right here at the office. Should be right
4 here.

5 Q Okay. Sorry. So, let's look at 88. So, the office is
6 over here?

7 A That would be the office right there.

8 Q Okay. The far right hand side near the main road on
9 Parkway, right?

10 A Yes. And I always park right here.

11 Q Okay. All right. So it's off to the side here.

12 A Yes.

13 Q We'll go from there.

14 A Okay. So, I was smoking a cigarette. I heard what I
15 sounded like firecrackers going off. Kids do it all the
16 time. And it sounded like it was up the tree line here.
17 So I said, let me go back there and see what they've done
18 done now. So I pulled out and came up here, because I had a
19 work order for right here.

20 Q I'm sorry. Did you walk or were you driving?

21 A I was driving my Nissan Pathfinder.

22 Q Okay, so you drive right here.

23 A I keep my tools in the back, you know, and I just drive
24 around the complex, you know, as needed. And I pull -- when
25 I came to here, I pull in, there was a black car that was

1 parked right here.

2 Q Okay, I'm sorry, I'm just going to stop you. So when
3 you pull in, you're between what two buildings?

4 A This is number four, and that's number five.

5 Q Okay. So you pull in between four and five.

6 A I pulled in right here where that car is. And when I
7 was pulling in, the guy was hopping down the sidewalk. And
8 I pulled in. Right when I was pulling in, this car was
9 backing out and it took off and turned and went out.

10 I didn't get a tag and everything, but it was a black car.

11 Q Okay. And so that black car was parked right here in
12 front of building ---

13 A Four.

14 Q Okay. And the guy that's hopping down the sidewalk, is
15 he in front of five?

16 A Yes, right here. And I got out, because he was waving
17 his hand and I didn't know what was going on. All of a
18 sudden, he didn't even say them to me. He just jumped in
19 the passenger side of the car and said, I need to go to the
20 hospital. And when he passed my car, I had noticed he had
21 blood on his backside. I mean, bleeding profusely. Jumped
22 in my car and I said, you know, what -- He said, I got to go
23 to the hospital. And I immediately called 911 before I got
24 in the car. And he said, I've got to go, I got to go.
25 I said we're going. And I jumped in the car and I had 911

1 on phone the whole time.

2 Q Okay, I'm going to stop you for just a second because I
3 have a follow up question. So you said you saw black car
4 parked over here ---

5 A Yes.

6 Q --- and it sped out. What did you see for that car
7 that you speeding out?

8 A When they turned right here to go out of the
9 apartments, the back, the passenger side back door was open
10 and feet were hanging out.

11 Q Okay, so you saw human feet hanging out the back. Were
12 they barefoot? Did they have shoes on?

13 A They had tennis shoes on.

14 Q Do you remember anything about what those tennis shoes
15 looked like?

16 A I'm thinking they were blue.

17 Q Okay, so you saw blue sneakers ---

18 A Unless it was a blue bumper sticker or something. I saw
19 blue.

20 Q Okay, but as you remember that day, they were hanging
21 out the back seat?

22 A Yes.

23 Q All right, so it leaves, and you get back in the car
24 with this person from the sidewalk?

25 A Yes. And I immediately got to the hospital.

1 Q I'm going to have you get back on the stand so you can
2 be a little more comfortable going over these questions.

3 Okay?

4 A All right.

5 Q Okay, so you said you got into the car. You
6 immediately dialed 911, correct?

7 A Yes. Well, actually before I got in the car I dialed
8 them.

9 Q Okay. And so, what were you telling 911?

10 A Basically, what I had thought was a drive by shooting,
11 and I had somebody that was bleeding, that had been shot,
12 and I was on the way to the emergency room.

13 Q Okay. Were you kind of relaying information from the
14 person in your car to 911?

15 A I was. They asked me to find out his name.

16 Q Did he tell you his name?

17 A He did.

18 Q What was his name?

19 A He said Xaymon (Phonetic) Hill. He said Xaymon
20 (Phonetic) at first, and then they asked me, what's your
21 last name? And asked me his last name and he said Hill.

22 Q Okay. Now, Mr. Hawthorn, did you see him get shot?

23 A I did not.

24 Q Okay, you just saw blood, and he was screaming about
25 being shot.

Hawthorne-Cross Examination

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1 A Yeah, it was easy to tell he had been shot, probably
2 several times, in the back.

3 Q Okay. When you were relaying information to 911, did
4 they ask any information about how he got shot?

5 A No, not that I recall.

6 Q Was he able to tell you how he got shot?

7 A He didn't. He was just saying, I just got to go. I got
8 to go. I got to go. I ran two red light. It was two red
9 lights between. I ran them both.

10 Q So, you were doing the right thing, taking him to the
11 hospital?

12 A I think. I hope.

13 Q Now, he couldn't tell you how he was shot. Was he able
14 to tell you who shot him?

15 A No, that didn't come up.

16 Q Had you seen Mr. Hill before that day when he hopped
17 into your car?

18 Q I may have seen -- there's people walk through all the
19 time. They cut through back and forth. There's a path
20 between building four and five. Actually, it's just a
21 little curb. You can actually drive a car through there if
22 you wanted to, because we've had people drive through there
23 before from the apartments next door.

24 MS. HOFFMAN: No further questions.

25 THE COURT: Mr. Tinsley:

1 CROSS EXAMINATION

2 BY MR. TINSLEY:

3 Q Mr. Hill didn't have a handgun when he got near your
4 pathfinder; did he?

5 A I saw no gun.

6 Q And he was in excruciating pain at that point?

7 A I would imagine so, yeah. He was hopping. He wasn't
8 screaming or anything like that, but, I mean, by the looks
9 of his back, he had to be in terrible pain.

10 Q And that's why you ran two red lights to get him to the
11 hospital so quick; wasn't it?

12 A Yeah. I mean, that was a lot of blood. It ruined my
13 seats in the car. Hopefully I got him there, and I was
14 hoping I'd get him there in time, because there's a lot of
15 blood, so that's why I ran two red lights.

16 Q Thank you for coming today, and thank you for your
17 service. Taking Mr. Hill to the hospital, and I don't have
18 any further questions.

19 THE COURT: Mr. Henderson?

20 CROSS EXAMINATION

21 BY MR. HENDERSON:

22 Q Hey, Mr. Hawthorne. How are you, sir?

23 A I'm doing well.

24 Q And I think your testimony was, Mr. Tinsley asked you,
25 did you see Mr. Hill with any guns? And your answer was no.

Hawthorne-Cross Examination

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- 1 A No. I did not.
- 2 Q Did you see any guns that day?
- 3 A When I got back, I saw a gun in the parking lot that
- 4 the law enforcement was surrounding. I don't know guns. It
- 5 was a black handgun, and it was orange Bic lighter beside
- 6 it.
- 7 Q Are you just assuming that guns associated with this
- 8 incident, or are you just guessing? Or do you know?
- 9 A I would assume so, if there was just a shooting and
- 10 there's a gun laying in the parking lot.
- 11 Q Okay, but you didn't see any shooting, though?
- 12 A No.
- 13 Q Okay. And you said you saw a black car ---
- 14 A Yes.
- 15 Q --- heading out. And you said -- I'm looking kind of a
- 16 statement that you gave to law enforcement that it appears
- 17 as if feet were hanging out of the car?
- 18 A Yes.
- 19 Q Okay. And you didn't hear any gunshots coming from
- 20 that vehicle, did you?
- 21 A No.
- 22 Q Okay. You didn't see any muzzle flashes coming out of
- 23 that car?
- 24 A No.
- 25 Q Okay. Didn't see anybody shooting toward that car,

1 did you?

2 A Did not.

3 Q Okay. You said you took Mr. Hill to the hospital.

4 A That's correct.

5 Q Okay. Did you see anybody else's body there? I mean,

6 obviously, you saw Mr. Hill in person. You saw his full

7 body. Did you see any other full bodies of anybody else

8 that you think might have been involved that day?

9 A I did not.

10 Q You did not? Okay. Just not at all?

11 A Well, I mean, I've seen the feet hanging out of the

12 black car.

13 Q Right, but that's not a full body.

14 A Okay.

15 Q Okay. You saw Mr. Hill's full body. His full body was

16 in your car. Is that correct?

17 A Right.

18 Q And you didn't see any other full bodies that day?

19 A I did not.

20 MR. HENDERSON: Okay. I don't have anything further,

21 Your Honor.

22 THE COURT: Mr. Grose?

23 CROSS EXAMINATION

24 BY MR. GROSE:

25 Q Just a couple of questions, sort of following up. When

1 you first heard the sounds, you thought it was fireworks?

2 A That's correct.

3 Q And apparently that's common in the area sometimes with
4 kids playing.

5 A It is.

6 Q And when you realized that it wasn't fireworks, was
7 when you saw this person that turned out to be Mr. Hill
8 hopping down the road.

9 A That's correct.

10 Q All right, but you didn't actually see any gunshots
11 fired?

12 A I did not.

13 Q You didn't actually see anyone with a gun?

14 A I did not.

15 Q You were just there doing your job that day?

16 A Correct.

17 Q And when you saw somebody who was hurt, you took them
18 to the hospital?

19 A That's right.

20 Q And you're here to tell us what you remember from that
21 day?

22 A That's correct.

23 Q And, don't take this the wrong way, but you're not
24 trying to guess or theorize anything about what might have
25 happened or could not have happened?

1 A I'm not guessing.

2 Q Because you wouldn't want to make assumptions.

3 A It wouldn't be fair.

4 Q That's a very good way of saying it. Mr. Hawthorne,
5 thank you for being here today.

6 THE COURT: No redirect?

7 MS. HOFFMAN: Just briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. HOFFMAN:

10 Q Mr. Hawthorne, one of the defense attorneys asked you,
11 when Mr. Hill got into your car, did you see a gun, and you
12 said no, correct?

13 A That's correct.

14 Q Okay. Did you see a holster on his person?

15 A I did not. I didn't notice. I was just too busy
16 driving. I didn't keep gandering over. You know, I was
17 just on the phone and driving.

18 Q I understand. And they asked you about that gun in the
19 parking lot. Would you have noticed if there had been a gun
20 in the middle of that parking lot previously in that day?

21 A I didn't. No.

22 Q Okay. So, you didn't see a gun in that parking lot
23 previously in the day?

24 A No, I did not.

25 Q Okay, and then when you saw what we now know is Mr.

Hawthorne-Recross Examination

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1 Hill kind of coming down that sidewalk and that black
2 car leaving, was that happening at the same time?

3 A Same time.

4 Q Okay, so as he's hobbling in your direction, that black
5 car is speeding off.

6 MR. GROSE: Objection. Leading.

7 THE COURT: I think she's just trying to get
8 clarification. Overruled.

9 A That's correct.

10 MS. HOFFMAN: No further questions, Your Honor.

11 THE COURT: Recross, Mr. Tinsley?

12 MR. TINSLEY: No, Your Honor.

13 THE COURT: Recross, Mr. Henderson?

14 RECROSS EXAMINATION

15 BY MR. HENDERSON:

16 Q When you left with Mr. Hill to the hospital, was the
17 gun in the parking lot?

18 A I have no idea. I only noticed the gun when the law
19 enforcement was around it when I came back.

20 Q When you got back. So, you don't know when the gun got
21 there?

22 A No.

23 Q You don't know how it got there?

24 A I have no idea.

25 MR. HENDERSON: Nothing further, Your Honor.

1 THE COURT: Anything further, Mr. Grose?

2 MR. GROSE: No follow up.

3 THE COURT: Do you have another brief witness for the
4 evening, or are we at a good stopping point?

5 MR. STUMBO: Judge, I think our next witness is Deputy
6 Cockrell, who we have body cam footage, which is about 30,
7 about 20 minutes worth of body cam. If we want to work
8 later tonight, we're willing to do it. I don't know what
9 the Court's preference is.

10 THE COURT: Let's do this. Let me get a preview of
11 what we got coming tomorrow. Y'all step over here real
12 quick.

13 (WHEREUPON, sidebar held.)

14 All right, ladies and gentlemen of the jury, I've
15 talked to the attorneys. It's probably best that we go
16 ahead and take a break for the evening because the next
17 witness may last just a little while. And I know I'm
18 imposing on you already, and I know I'm inconveniencing you
19 enough, and I'm trying to minimize that. And I'm sure that
20 you all have a life outside of these walls, or at least I
21 hope you do. God knows I do.

22 I'm going to let you all go for the night. If you could
23 be back here tomorrow morning at 9:15 and just come straight
24 into the jury room here. There should be some coffee there,
25 maybe some snacks or light snacks of some kind, but just

1 come straight and try and be here right here at 9:15
2 tomorrow morning. Do wear the juror badges back. It'll
3 help you get in quicker and identify you as jurors in this
4 particular case.

5 Now, ladies and gentlemen, I'm well aware that when you
6 got your juror summons a month or two ago, you came from the
7 mailbox, and with glee, you opened it up and you were like,
8 oh, honey, or whoever it is you share a room with or a roof
9 with. Honey, I've been summoned for jury duty. This is
10 just so fantastic. I'm so excited. I'm thrilled. Okay, so
11 I know that you your spouse significant other -- I know that
12 they know that you had jury duty this morning. All right?
13 So when you get home tonight, how's it going to play out?
14 Well, probably the same way as with me and Kelly. She comes
15 in, oh, Frank, how was your day? Oh, it was fine. And of
16 course, they're going to ask you, how was your day? Oh, it
17 was fine. What are they going to ask next? Well, were you
18 picked on a jury? And you can say, yes, I was picked on a
19 jury. What are they going to ask next? What kind of case
20 is it? All right, that's where you got to draw the line.
21 Explain that you're dealing with a very codgedy, angry, old,
22 mean judge who has instructed you that you can't talk to
23 them about the case. And the reason for that, ladies and
24 gentlemen, is this is your decision to make, not your
25 significant other, your husband, wife, or whoever it is you

1 share a house with, all right? So, it's your decision, not
2 theirs. And just tell them, hey, look, I'll talk to you
3 about it after it's over with, but hopefully you've got more
4 interesting things to talk about than this case, all right?
5 So, again, no independent research. Don't discuss the case
6 with anybody that you share a house with, and I'll see you
7 back here tomorrow morning at 9:15. Leave the tablets in
8 your seats. The bailiff will collect those, and we'll
9 secure those tonight. Have a pleasant evening. See you at
10 9:15. Thank you.

11 (WHEREUPON, jury exited and proceedings recessed 5:45
12 p.m.)

13 TRIAL DAY 3: August 17, 2022

14 (WHEREUPON, proceedings resumed at 10:43 a.m.)

15 THE COURT: We're going back on the record. The record,
16 of course, will reflect we've been waiting for a juror to
17 arrive. (Juror 158, Timothy Jackson in courtroom.)

18 Sir, I understand that the deputy -- they found you
19 this morning asleep, okay? We were supposed to start at
20 9:15 and we need to try to do better in terms of moving
21 forward efficiently. Tonight, let me suggest a bedtime of
22 around 10:00 for you. Because we need to minimize the
23 inconvenience of all concerned, and that includes you as
24 well. So, let's do that. If you could, just join the jury
25 in the jury room and we'll start shortly. Okay, sir. Thank

1 you.

2 (WHEREUPON, Juror 158 exited courtroom.)

3 THE COURT: Of course, the record will reflect that
4 everyone is present with counsel again. I apologize for the
5 delay in beginning. Solicitor, are you ready to proceed?

6 MR. STUMBO: We are, Judge.

7 THE COURT: Let's go ahead and have the jury in please.

8 (WHEREUPON, jury entered 10:44 a.m.)

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, welcome back and thank you for being here. Again, I
11 apologize for the delay in getting started this morning.
12 I'm confident that that we won't have a problem along those
13 lines going forward. We're still, of course, in the State's
14 case in chief, so at this point, Solicitor, if you'll call
15 your next witness, please.

16 MS. TAYLOR: Thank you, Your Honor. The State calls
17 Deputy Cody Cockrell.

18 WHEREUPON, Cody Cockrell, having first
19 been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. TAYLOR:

22 Q Good morning. Please tell us your name for the record.

23 A Cody Cockrell.

24 Q And obviously, you're here in uniform. Who do you work
25 for?

- 1 A Greenwood County Sheriff's Office.
- 2 Q What's your job at the Sheriff's Office?
- 3 A Right now I'm a school resource officer.
- 4 Q Back in April of 2020, what was your job then?
- 5 A I was a school resource officer, but I was helping
- 6 uniform patrol due to being out of school for the pandemic.
- 7 Q So, you were on uniform patrol on April 8, 2020?
- 8 A Yes, ma'am.
- 9 Q Did you receive a call about gunshots at Hillcrest
- 10 Condos?
- 11 A Yes, ma'am.
- 12 Q I'm not going to get you to come down. Can you hear me
- 13 okay if I come over here?
- 14 A Yes, ma'am.
- 15 Q Hillcrest Condos -- is that this apartment complex
- 16 right here?
- 17 A Yes, ma'am.
- 18 Q Is this in the county of Greenwood?
- 19 A Yes, ma'am.
- 20 Q All right, and do you know if these complexes are
- 21 county, city?
- 22 A From what I remember when I worked uniform patrol full
- 23 time, one or two of those complexes around it is in the
- 24 city.
- 25 Q So, this is a, kind of, a donut hole of the county in

1 here?

2 A Yes, ma'am.

3 Q So, you received the call about gunshots at Hillcrest.
4 Condos. What did you do?

5 A I was actually really close, so I responded as quickly
6 as I could. Once pulling into the complex, with all the
7 radio traffic, we kind of didn't have a good idea as to
8 where or what was going on. So then I got out of my
9 vehicle, and got out on foot, and that's when -- eventually
10 came to apartment building "G" where I encountered Mr. Goode
11 with a gunshot wound to the foot.

12 Q At some point after you arrived did you -- did you have
13 a body worn camera at the time, a body cam?

14 A Yes, ma'am.

15 Q At some point after you arrived, did you activate that?

16 A Yes, ma'am. I attempted to activate it upon my
17 arrival, but it was getting close to the end of my shift
18 that day and in an attempt to save battery, I'll cut it all
19 the way off. So, at that point when I need to activate it,
20 I have to let it power up and then hit record.

21 Q So, is there a little bit of a lag from when you start
22 it?

23 A Yes, ma'am.

24 Q I'm going to show you what's been marked as State's
25 Exhibit 85. Is that a copy of your body cam from that day?

1 A Yes, ma'am.

2 MS. TAYLOR: Your Honor, the State offers Exhibit 85
3 into evidence.

4 THE COURT: Any objections? No objections.

5 MR. HENDERSON: Subject to what I said yesterday about
6 the "my people".

7 THE COURT: Sustained. Well, not sustained, but noted.
8 It's in it's in evidence. State's 85 is in evidence and you
9 may publish.

10 MS. TAYLOR: Thank you, Your Honor.

11 (WHEREUPON, State's Exhibit No. 85 in evidence and
12 published to the jury.)

13 MS. TAYLOR: All right, I'm going to stop it right
14 there.

15 Q If you don't mind, I want to go back through the video
16 and ask you some questions about different things we see at
17 different points. Can you see from right there?

18 A Yes, ma'am.

19 Q I'm going to take us all the way back to the beginning.
20 You said there was a bit of a lag on your camera?

21 A Yes, ma'am.

22 Q So, had you already seen Mr. Goode at this point?

23 A Yes, ma'am.

24 Q Now, at 1:05 -- the gun you just picked up right there.
25 Can you describe how that -- the state of that gun when you

1 found it?

2 A It didn't appear to be thrown. It appeared to be just
3 set up there. It was -- it was loaded, and the reason I took
4 it is I had to make it safe for the scene, because at that
5 point I didn't know if anybody else was in the apartment and
6 I didn't want somebody to come out while I was rendering
7 medical aid and there be a weapon readily available.

8 Q Was it loaded with -- was it fully loaded, do you know?

9 A I don't remember, as far as the magazine. I know there
10 was one in the chamber which I popped out and locked the
11 chamber back.

12 Q So this is you making that gun safe at this point?

13 A Yes, ma'am.

14 Q Outside -- can you see where the cursor is?

15 A Yes, ma'am.

16 Q Is that where Mr. Goode was located when you got there?

17 A Yes, ma'am.

18 Q Now, we hear you on the video calling out to dispatch a
19 lot to note different things in the log. Did you note to
20 dispatch the exact second you arrived on scene?

21 A In this situation, what I remember doing is, since we
22 didn't have -- prior to my arrival, since I was the first
23 one there, there was a lot of talk on the radio. People
24 trying to get information. As I arrived into the apartment
25 complex and got out on foot, I tried to get out and tell

1 them I was in the area, which is what I usually do on a
2 call. I'll say 10-88, which is our "in the area" and I
3 don't call 10-23, or "on scene", until I know I'm at the
4 scene of whatever I'm investigating. And in this incident,
5 as soon as I walked around the building and saw Mr. Goode
6 and saw he was injured, I called out 10-23, or "on scene".

7 Q So, how long would you say you were actually there
8 before you called out that you were on scene?

9 A Two to four minutes.

10 Q So, if we hear about a seven minute gap between the 911
11 call and you arriving, would that be accurate? The seven
12 minute gap between the 911 call and ---

13 A On scene?

14 Q --- on the CAD on scene time?

15 A That's -- I mean, that could probably -- that's going
16 to probably be pretty close, because I was fairly close and,
17 like I said, I got out on foot. And I don't think -- I
18 wasn't even close to the actual incident location when I got
19 out on foot. So originally, once things kind of settled
20 down, I actually had to walk back to my vehicle and retrieve
21 my patrol car and move it closer to the scene.

22 Q Now, we see you next. Obviously y'all applied
23 tourniquets to Mr. Parks; is that correct?

24 A Yes, ma'am.

25 Q This may sound like a silly question, but did he

Cockrell-Direct Examination

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1 appear to be in a lot of pain?

2 A Yes, ma'am.

3 Q Did he appear to be able to get up and walk around and
4 move about?

5 A Honestly, by his -- just the way he was acting, it was
6 probably a lot of work for him just to get inside the
7 apartment.

8 Q I'm going to fast forward it a little bit. We see you
9 now. What are you doing here?

10 A I'm clearly clearing the apartment, making it safe,
11 doing what we call a safety sweep to make sure there's no
12 one else in the apartment.

13 Q And was there any evidence that anyone else was in
14 that apartment?

15 A No, ma'am.

16 Q Did you see in plain view any firearms in that
17 apartment?

18 A Just the one that was sitting on the back of the
19 couch.

20 Q Did you see? Do you recall any bloody footprints, or
21 any evidence that someone had been bleeding in the back of
22 that apartment?

23 A No, ma'am. The only the only blood I remember seeing
24 would be in the main living area, and it appeared that Mr.
25 Parks had went over to -- if you see where I grabbed the

1 towel and throw it. It appeared he had went to that same
2 stack of clothing and tried to grab something to put
3 pressure on his wounds.

4 Q I'm going to fast forward a little bit more. All
5 right, here, at about the seven minute mark, 7:11. Is this
6 EMS on scene now?

7 A I believe so. It's either EMS or fire along with
8 EMS.

9 Q Are they having to assist Mr. Parks into that chair?

10 A Yes, ma'am.

11 Q And it looks -- how many guys does it look like it
12 took to get him in that chair?

13 A It took three guys to lift him up and one to actually
14 push the chair up under.

15 Q All right. I want to ask a question about the surface
16 on the ceiling over that stoop. What does that look like
17 it's made of? Is that, like, brick? Siding?

18 A Vinyl siding.

19 Q Vinyl siding?

20 A Or vinyl soffit.

21 Q Alright, and around this here, around the 6:15 mark.
22 What were you doing there?

23 A Seeing if the gun had been recently fired.

24 Q Now, as a law enforcement officer, do you have to fire
25 a weapon routinely?

Cockrell-Direct Examination

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- 1 A Yes, ma'am.
- 2 Q Just to stay qualified.
- 3 A Qualify, yes, ma'am.
- 4 Q So, are you familiar with the way a handgun smells
- 5 after it's just been fired?
- 6 A Yes, ma'am. I've been around guns most of my life.
- 7 Q Can you describe that smell for the jury?
- 8 A It's a -- it's like a -- I mean, I just call it a
- 9 gunpowder smell of, you know, freshly fired gunpowder.
- 10 Q And did you smell that on that weapon in the
- 11 apartment?
- 12 A No, ma'am.
- 13 Q And was the weapon warm or cold?
- 14 A It didn't feel warm, the barrel didn't, which usually,
- 15 even with my gloves on that I've got there, those are the
- 16 exact same gloves that I qualify with. I can still feel a
- 17 barrel's heat coming through those gloves, because they're
- 18 not real thick. I did not feel any heat coming from that
- 19 barrel when I cleared it.
- 20 Q Alright, thanks for going over that video with me.
- 21 I'm going to switch now and ask you about some pictures.
- 22 I'm going to hand you what's been marked as State's exhibits
- 23 2 through 9. Are these all pictures from the scene that
- 24 day?
- 25 A Yes, ma'am.

1 MS. TAYLOR: Your Honor, the State offers Exhibits 2
2 through 9 into evidence at this time.

3 THE COURT: I think those are already agreed to.

4 MR. HENDERSON: I think they're already in evidence by
5 agreement, Your Honor.

6 MS. TAYLOR: Okay, I just -- we didn't have a
7 stipulation.

8 THE COURT: I think we've agreed that 2 through 9 and
9 up to, like, 79 or something, with the exception of three
10 that we'll talk about later. So, those are in evidence.
11 You can publish.

12 Q All right, showing you, first of all, State's exhibit
13 2. Can you see from where you are?

14 A Yes, ma'am.

15 Q The screen up there. What's that?

16 A The front door to the apartment Mr. Parks was in.

17 Q And that's Apartment ■?

18 A Yes, ma'am.

19 Q Can you tell what this is on the door?

20 A It looks like blood smear.

21 Q And is State's 3 -- is that just a wider shot of that
22 same door?

23 A Yes, ma'am.

24 Q What's this all over the rug out front?

25 A That's also blood.

Cockrell-Direct Examination

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1 Q And on the door, kind of the spray. What did that
2 appear to be?

3 A Blood splatter.

4 Q State's exhibit 4. Is that another angle of that
5 blood?

6 A Yes, ma'am.

7 Q Is this like a rug or something that's been thrown over
8 the railing?

9 A I think so.

10 Q State's exhibit 5. What is that?

11 A A view inside the apartment from the doorway.

12 Q All of this blood right here, is that where Mr. Parks
13 was laying?

14 A Yes, ma'am.

15 Q Is this the gun back here on the far side of the couch?

16 A Yes, ma'am.

17 Q Is that after you had made it safe?

18 A Yes, ma'am.

19 Q And when you got in, in the apartment, was the gun
20 somewhere in here?

21 A It was laid on the top of the -- basically on top of
22 where your back leans against the couch.

23 Q State's exhibit number 9. Can you tell me what that
24 is?

25 A That's the magazine that I dropped out, and the bullet

1 that was loaded in the gun.

2 Q That was the round that was actually in the chamber?

3 A Yes, ma'am.

4 Q And then State's exhibit 8. Is that just all three of
5 -- the gun, plus those other two items?

6 A Yes, ma'am.

7 Q State's exhibit number 9. What does this look like on
8 the front of this couch?

9 A It looks like blood from ---

10 Q Did you notice ---

11 MR. GROSE: Is that 9 or 7?

12 MS. TAYLOR: Oh, I'm sorry it's seven. I'm sorry.

13 MR. GROSE: Thank you.

14 Q Seven. And does the -- most of the blood on that couch
15 appear to be concentrated on the front side?

16 A Yes, ma'am.

17 Q And State's exhibit 6, is that just a different angle?

18 A Yes, ma'am.

19 Q What's this back here in the corner? Can you tell?

20 A I believe that was the -- Oh, that's I -- I can't tell
21 from the picture without looking closer.

22 Q Did a child live in this apartment?

23 A I believe so, or at some point. If you remember from
24 my body cam video, there was a small child's bed leaning
25 against a closet that I had to kind of move to get the door

1 open.

2 Q As you were clearing the house, were you conducting a
3 full search at that time?

4 A No, ma'am. I was just making sure there was no one
5 else in there.

6 Q Was anyone else allowed in before a search warrant
7 could be executed?

8 A Other than people helping to get Mr. Parks out.

9 Q So, law enforcement controlled that scene from that --
10 from the time you arrived?

11 A Yes, ma'am.

12 Q As a road officer, or someone assisting the road at the
13 time, was it your job to fully investigate a crime or an
14 incident that occurred?

15 A No, ma'am.

16 Q What was the full extent of your duties that day?

17 A Due to how close I was, it was just getting to the
18 scene, securing the scene, and offering medical -- whatever
19 medical I could for anyone that was hurt.

20 MS. TAYLOR: Please answer any questions Mr. Tinsley
21 has for you.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Mr. Tinsley?

24 MR. TINSLEY: Thank you, Your Honor.

25 CROSS EXAMINATION

1 BY MR. TINSLEY:

2 Q Deputy Cockrell, so you didn't do any investigation at
3 that scene?

4 A No, sir. All I did is, once we got Mr. Parks out, I
5 did just kind of see what I could see laying around outside,
6 is when I located the projectile on the front porch.

7 Q And so you didn't knock on any doors in that apartment
8 complex?

9 A Not that I recall.

10 Q You didn't find any blood, other than what we saw on
11 that video?

12 A I mean, there were blood drops, you know, from the top
13 of the porch at the bottom that had dripped down, obviously,
14 but other than that, no, sir.

15 Q You didn't find any other type -- any other evidence,
16 other than what you've been over?

17 A The projectile. I did locate two holes in the vinyl
18 soffit.

19 Q And the projectile was ---

20 A There was

21 Q --- on the porch?

22 A --- there was one on the on the top porch entering the
23 apartment, laying in between two slats of lumber. I think
24 my camera died, but at another point I did locate another
25 projectile that appeared to have fallen through and was

Cockrell-Cross Examination

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1 laying on the concrete below.

2 Q You agree with me that 7 minutes is a decent amount of
3 time?

4 A Depends on the situation.

5 Q Well, to hide something. Seven minutes is a good
6 amount of time?

7 A Not if I'm shot.

8 Q I'm not asking if you're shot. I'm asking is seven
9 minutes sufficient to hide something.

10 A Then no, sir. I don't believe it's a long amount of
11 time, in my personal opinion.

12 Q Okay. Okay. All right. There's fence back there, at
13 the back of Hillcrest; correct?

14 A I'm not sure.

15 Q Okay, so you didn't go back there and look at that
16 fence?

17 A No, sir.

18 Q You didn't go look behind that fence.

19 A No, sir.

20 Q And when you testified that the gun you found in the
21 apartment had been placed rather than tossed, you were just
22 speculating, right?

23 A Well, it's a small area. It'd be hard to toss a gun
24 and it stay up there.

25 Q What, somebody good at tossing something?

Cockrell-Cross Examination

410

- 1 A Maybe so.
- 2 Q Or just dumb luck?
- 3 A It's possible.
- 4 Q You asked Mr. Parks who shot him?
- 5 A No, sir. I didn't.
- 6 Q Well, somebody on that on that video did.
- 7 A I think it was Officer Stroup.
- 8 Q And his response was, "I don't know."
- 9 A I don't, honestly, I don't -- I wasn't listening to
- 10 what he was saying. I was trying to ---
- 11 Q You won't disagree with me that's what he said?
- 12 A No, sir. I won't.
- 13 MR. TINSLEY: No further questions. Please answer any.
- 14 questions Mr. Henderson has.
- 15 CROSS EXAMINATION
- 16 BY MR. HENDERSON:
- 17 Q Hey Deputy. How are you, sir?
- 18 A Good, how are you, sir?
- 19 Q Good to have you here. You said you were close by when
- 20 you got the call or you heard the radio traffic?
- 21 A Yes, sir.
- 22 Q Do you recall where you were at?
- 23 A I don't. But I was probably within a mile.
- 24 Q OK, now when you got a call like that would you have
- 25 turned on your blue lights?

Cockrell-Cross Examination

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1 A Yes, sir.

2 Q OK, and when you turn on your blue lights, your video
3 comes on; correct?

4 A Not necessarily for me, since I'm a school resource
5 officer.

6 Q Is your car not equipped with video?

7 A It is now. Yes, sir.

8 Q But was it in April of 2020?

9 A It was, but it was not working properly and, like I
10 said, being a school resource officer, I don't -- I'm never
11 in my car. I'm always in the school.

12 Q I understand, and I think your testimony was, that as
13 best of your recollection it sounds like that you would have
14 radioed in when you found -- when you saw Mr. Goode on the
15 ground?

16 A Well, he was kind of standing there, but yes, sir.

17 Q Standing, sitting. But -- but, you found him. And
18 again, according to the incident report, the CAD report,
19 that was about a seven-minute gap. You don't dispute that,
20 do you?

21 A The on-scene time and ---

22 Q Right, versus when the call came in from 911.

23 A No, sir.

24 Q I think you actually said in direct testimony that
25 sounded about right?

- 1 A Yes, sir.
- 2 Q Okay. I noticed, looking at that video, there was a
3 great big old hole in the bathroom door. Do you remember
4 seeing that?
- 5 A Sort of.
- 6 Q Did anybody reach their hand down in that hole to see
7 what might have been in there?
- 8 A No, sir.
- 9 Q Okay. You didn't, did you?
- 10 A I wasn't conducting a search of the apartment.
- 11 Q Right. Do you know if anybody, after the fact, put
12 their hands down that big old hole in the bathroom door?
- 13 A Once I -- once the end of my body cam, I never step
14 foot back in the apartment, so I have no idea.
- 15 Q I got you. And it looked like the firearm -- what type
16 of firearm was that that you found on the sofa?
- 17 A I don't remember. I really don't. It was a handgun.
- 18 Q Right, and if I'm not mistaken, it looked like it was
19 aimed toward the door. Pointed toward the door.
- 20 A I'd have to look back at the video.
- 21 Q Okay. I mean, again, use your best recollection. I
22 know the jury just looked at the video, but again, it
23 appeared to be aimed toward the door.
- 24 A I'd have to look back at the video.
- 25 Q Right. I got you. How about these photos? Was there

Cockrell-Cross Examination

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1 a photo?

2 A I think the photos were only after I'd made it safe.

3 Q OK, I thought there was the photo of it just laying on
4 the couch when you got there. Maybe I'm wrong about that,
5 sir.

6 A No, sir. I took the photos ---

7 Q After the fact? I got you.

8 A Yes, sir.

9 Q And, again, you were in Apartment ■; correct?

10 A Yes, sir.

11 Q Who was renting Apartment 3 right next door?

12 A I don't know.

13 Q Did you bang on the door?

14 A No, sir. I didn't do any investigating.

15 Q Okay. I know it wasn't on your video, but I didn't
16 know after the fact if you banged on the door?

17 A No, sir.

18 Q Do you know if any of the detectives banged on the
19 door?

20 A Once -- like I said, once I got out of the apartment
21 and the scene was turned over to our investigators, I went
22 and retrieved my patrol car and actually started working on
23 the initial report.

24 Q Okay. Now, you've read that incident report. You
25 actually wrote part of the incident report. Is that

1 correct?

2 A Yes, sir.

3 Q Have you, in preparing for your testimony today, have
4 you read the whole incident report?

5 A No, sir.

6 Q Right below Apartment ■ is Apartment 2. And right
7 below Apartment 3 is Apartment 1. Do you know if anybody
8 knocked on those doors?

9 A No, sir. I wasn't there. I don't know.

10 Q Okay. Now, seems like, you know, if I'm not mistaken,
11 there was another, kind of, that the State hadn't put in.
12 But, there's a body cam from Deputy Stroup. Do you remember
13 that? Have you watched that?

14 A No, sir.

15 Q Okay. So you don't know whether or not he suggested
16 that people knock on those doors?

17 A I don't.

18 Q You just don't know.

19 A (No verbal response.)

20 Q Okay. As far as you know, you didn't.

21 A Correct.

22 Q Do you know if Deputy Stroup knocked on the doors?

23 A No, sir.

24 Q Okay. Do you know if anybody knocked on those doors?

25 A Once again, I wasn't there. I don't know.

Cockrell-Cross Examination

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1 Q Do you know if anybody started trying to figure out
2 what Mr. Parks drove? What vehicle he drove.

3 A No, sir, I don't.

4 Q Okay. Do you know if anybody asked Mr. Goode what
5 vehicle he drove?

6 A No, sir. I don't.

7 Q Okay. And you would agree that there are parking spots
8 pretty close to this apartment.

9 A Whose parking spots?

10 Q Any parking spots or just general parking spots.

11 A Yes, sir.

12 Q I mean, that's kind of the nature of an apartment
13 complex; correct?

14 A Yes, sir.

15 Q That there's plenty of parking for the apartments.

16 A Yes, sir.

17 Q Okay. Do you know if anybody inquired as to what type
18 of vehicles these gentlemen were driving?

19 A That would be something an investigator would have to
20 let you know.

21 Q Okay, and how about -- and again, I think Mr. Tinsley
22 asked you this. Did anybody go look behind these fence
23 lines? Or do you know?

24 A I didn't.

25 Q Okay. And I heard, you know, vaguely, but you can hear

1 it, and the jury may need to go back and listen to it, but
2 on your video it shows law enforcement, not necessarily you,
3 talking to Mr. Goode while he's out there on the ground.

4 You remember that?

5 Q I guess. I wasn't talking to him.

6 A Right, but you're filming it. You know, it's captured
7 on your video. Do you remember hearing that a while ago.

8 A Hearing what? Them talking to him?

9 Q Right.

10 A No, sir. I don't recall it. Like I said, just because
11 my body camera records, it doesn't mean I'm involved in it.

12 Q And you -- and I'll represent to you that Mr. Goode
13 said a man in a mask shot him.

14 A Okay.

15 Q Did you hear that?

16 A I did not.

17 Q Okay. Did you find a mask?

18 A I didn't look for one.

19 Q Okay. Do you know if anybody found a mask?

20 A I did not take part in investigating.

21 Q Okay. I mean, you're familiar with this case I hope,
22 aren't you?

23 A I'm familiar with what I had to do with it. Yes, sir.

24 Q Right. I mean, just the scuttlebutt at the Sheriff's
25 Office. Has anybody talked about finding a mask?

Cockrell-Cross Examination

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1 A No, sir. Not to me.

2 MS. TAYLOR: Your Honor, I'm going to object to asking
3 about what other people have told him about the case.

4 THE COURT: Sustained. Sustained.

5 MR. HENDERSON: I don't have anything further, Your
6 Honor.

7 THE COURT: Mr. Grose?

8 MR. GROSE: May it please the Court?

9 CROSS EXAMINATION

10 BY MR. GROSE:

11 Q You may have said this already -- by the way, I'm
12 Charles Grose. I represent Chazz Hurley. You may have said
13 this already, Deputy, but how long have you been a law
14 enforcement officer?

15 A 15 years.

16 Q And as part of being a law enforcement officer, you go
17 through training; is that right?

18 A Yes, sir.

19 Q Including training at the Criminal Justice Academy?

20 A Yes, sir.

21 Q And one of the things that that you do is you're
22 trained in writing reports?

23 A Yes, sir.

24 Q And did I hear you say that as soon as you turned the
25 scene over to the investigators that you went back to the

1 car and started writing your report?

2 A Yes, sir.

3 Q Because it's important to write things down when
4 they're fresh in your mind?

5 A (No verbal response.)

6 Q Is that is that a yes?

7 A Yes, sir, sorry.

8 Q And I don't mean to get on you about that, it's just
9 that our court reporter has to take down those answers,
10 because we're making a transcript of all this.

11 A Yes, sir.

12 Q And sometimes when I testify, I forget myself. I guess
13 it's important to write some of that stuff down, because in
14 a case like we're here today, it's been a year, almost a
15 year and a half, since this happened. Is that right?

16 A Yes, sir.

17 Q Okay. Do you have a copy of your report there with
18 you?

19 A No, sir.

20 Q Did you bring one with you today?

21 A No, sir.

22 Q Did you review it before your testimony?

23 A I've read over it, once I received my subpoena.

24 Q You read over it?

25 A Yes, sir.

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- 1 Q Does that look like the first page of your report?
- 2 A It looks like the first -- yes, sir. I'd have to read
- 3 over it to make sure.
- 4 Q Okay. All right. Do you want to read it over?
- 5 A Yes, sir.
- 6 Q And you just swipe that way.
- 7 A Yes, sir. It appears to be my report.
- 8 Q And I want to, kind of -- And when you say it appears
- 9 to be your report, this is the report you wrote, began on in
- 10 your patrol car, right after this happened?
- 11 A Yes, sir.
- 12 Q And there's been some questions about the time. The
- 13 report reflects the dispatch time at 2:12 in the afternoon.
- 14 Is that correct?
- 15 A Where?
- 16 Q Right here.
- 17 A Yes, sir.
- 18 Q And the time arrived is at 1419?
- 19 A Yes, sir.
- 20 Q And, if I understood your testimony earlier, the time
- 21 that you arrived would have been when you called in and gave
- 22 a code. I forget what it was, but gave a code and said you
- 23 had arrived, and that was when you saw Mr. Goode?
- 24 A Yes, sir.
- 25 Q Okay. Now, there were some questions about Mr. Goode

1 earlier, and I want to make sure that we are clear about
2 that. When you first arrived, Mr. Goode was standing,
3 wasn't he?

4 A Yes, sir.

5 Q Okay, and when you first arrived, Mr. Goode was
6 walking, wasn't he?

7 A Hobbling on one foot. Yes, sir.

8 Q Okay. And actually it says, it was "limping" is the
9 word that you used in your report, right?

10 A Yes, sir.

11 Q Okay, and that was when you advised Mr. Goode to lie
12 down?

13 A Yes, sir.

14 Q Okay. And it was Mr. Goode that told you that somebody
15 else was shot and was inside an apartment?

16 A Yes, sir.

17 Q Okay. Now, as a first responder, is it fair to say
18 that one of the first things that you have to do is to make
19 certain that people are safe?

20 A Make certain people are safe?

21 Q Safe.

22 A Yes, sir.

23 Q Okay, and from reading your incident report it sounds
24 like you had to make a decision about whether to begin
25 rendering aid to Mr. Goode, or go check on the person in the

Cockrell-Cross Examination

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- 1 apartment. Is that right?
- 2 A I wanted to see who had the more serious injuries.
- 3 Yes, sir.
- 4 Q Okay, but you noted that Mr. Goode had a certain level
- 5 of awareness, right?
- 6 A Yes, sir.
- 7 Q And a certain level of alertness?
- 8 A Yes, sir.
- 9 Q And that Mr. Goode was moving around, walking.
- 10 Limping, but walking when you saw him?
- 11 A (No verbal response.)
- 12 Q Is that correct?
- 13 A Yes, sir. I mean, he was hobbling in one spot, but
- 14 yes, sir.
- 15 Q Okay. And -- well, but he had to get to that spot
- 16 though, didn't he?
- 17 A Yes, sir.
- 18 Q Okay, because he said that his friend was in the
- 19 apartment, right?
- 20 A Yes, sir.
- 21 Q And so, when we're talking about the time between the
- 22 dispatch at 4:12 -- I mean, I'm sorry. At 2:12, 1412
- 23 military time, 2:12 civilian time, and 2:19 when you
- 24 arrived. When we're talking about that 7 minutes, you don't
- 25 know where Mr. Goode was between 2:12 and 2:19 before you

1 saw him, do you?

2 A No, sir. I don't.

3 Q You don't know where Mr. Goode was, albeit limping, but
4 walking around in that 7 minutes from 2:12 to 2:19; do you?

5 A I do not.

6 Q And there was a question about 7 minutes that Mr.
7 Tinsley asked, I think, about being enough time to hide
8 things; right?

9 MS. TAYLOR: Objection, Your Honor. Calls for
10 speculation.

11 MR. GROSE: Well, this is already in evidence, Your
12 Honor. They didn't object when he was ---

13 THE COURT: Overruled.

14 MR. GROSE: Thank you.

15 Q All right. So -- and I'm just asking what you know and
16 what you don't know. And you don't know whether Mr. Goode
17 hid anything in that 7 minutes; do you?

18 A No, sir.

19 Q You don't know whether Mr. Goode gave something to some
20 other person that wasn't even interviewed; do you?

21 A I do not.

22 Q I mean, you were there doing your job to make sure
23 people were safe, and secure the scene, and turn it over to
24 investigators; right?

25 A Yes, sir.

1 Q And obviously you can't speak for Mr. Goode during
2 those 7 minutes.

3 A No, sir.

4 MR. GROSE: Thank you very much.

5 THE COURT: Any redirect?

6 MS. TAYLOR: Very briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. TAYLOR:

9 Q It may take me just a second though. While I'm looking
10 for this, Mr. Tinsley asked a question about a projectile.
11 And I think it would be helpful. Can you explain to the jury
12 what the difference is between a projectile, a casing, and a
13 complete round that would go into a handgun?

14 A A projectile is actually the bullet that comes out of
15 the gun when you shoot it. A casing is the shell that
16 ejects that the bullet was fired out of it usually. Those
17 are, you usually find shell casings a lot. You don't find
18 projectiles every now and then, especially full projectile.
19 And the whole bullet is basically the projectile inside the
20 casing. That's what you load into your gun before you shoot
21 it.

22 Q Sorry, there's one particular picture I want to show
23 you. I'm having a hard time putting my hands on it. We'll
24 ask that of somebody else.

25 MS. TAYLOR: No further questions, Your Honor.

1 THE COURT: No recross?

2 MR. TINSLEY: None, Your Honor.

3 MR. HENDERSON: No, sir.

4 CROSS EXAMINATION

5 BY MR. GROSE:

6 Q Did you say that you observed two projectiles?

7 A Yes, sir.

8 Q You don't know ---

9 A I don't know -- now, I don't know if the second one was
10 a full projectile that -- like the one I see on my body cam.

11 Q So, a full projectile and a second projectile, which
12 may or may not have been full?

13 A Right. What we call a fragment.

14 Q All right. But you aren't the one who collected those?

15 A No, sir.

16 Q Somebody else did that?

17 A Yes, sir.

18 THE COURT: You can step down.

19 MR. STUMBO: If we could excuse Mr. Cockrell to get back
20 to his SRO duties, Judge.

21 THE COURT: Certainly. Sure. Ladies and gentlemen, I'm
22 going to take a brief ten minute break. We'll be back on
23 the record at 11:50. Don't discuss the case, but feel free
24 to pop to the back, get something to drink, refresh
25 yourselves, and we'll be back on the record at 11:50. Thank

1 you.

2 (WHEREUPON, jury exited 11:40 am. Recess 11:40-11:58

3 a.m. Jury entered 11:58 a.m.)

4 THE COURT: The jury is back and seated. Solicitor, if
5 you would call your next witness, please.

6 MR. STUMBO: Your Honor, the State calls Gabriel Goode.

7 WHEREUPON, Gabriel Goode, having first been
8 duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. STUMBO:

11 Q Good morning, Mr. Goode. Did you grow up in Greenwood?

12 A Yeah.

13 Q Make sure you speak up, because this lady right here in
14 front of you is taking down --

15 THE COURT: Is that microphone on?

16 Q Just talking to the mic so she can hear you.

17 THE COURT: It's not working. Sorry. Try again.

18 Q Okay. Did you grow up in Greenwood?

19 A Yeah. Yes, sir.

20 Q Thank you. Just make sure you say "yes" or "no" so she
21 can take it down.

22 THE COURT: I think this one's going to work better.

23 Q How old are you?

24 A Twenty-three.

25 Q Okay. Did you go to school here in Greenwood?

- 1 A No, sir.
- 2 Q Okay. Where did you go?
- 3 A I went to Emerald.
- 4 Q You went to Emerald not Greenwood High?
- 5 A Uh-huh.
- 6 THE COURT: That's a "yes".
- 7 Q Do you go by Gabe?
- 8 A Yeah.
- 9 Q Okay, Gabe, back on April 8, 2020, that's the day you
- 10 got shot, where were you living at the time?
- 11 A In an apartment with my old lady.
- 12 Q Okay. An apartment -- you said your old lady. Do
- 13 y'all have a child together?
- 14 A Yeah.
- 15 Q All right. How old was your child?
- 16 A At the time or now?
- 17 Q At the time.
- 18 A She was one.
- 19 Q She was one, so now she's three?
- 20 A Yeah.
- 21 Q What's your -- the mother of your child. What's her
- 22 name?
- 23 A Cameron.
- 24 Q Did you say, "Campbell"?
- 25 A Cameron.

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- 1 Q Cameron?
- 2 A Uh-huh.
- 3 Q And your child, boy or girl?
- 4 A Girl.
- 5 Q What's her name?
- 6 A Phoenix.
- 7 Q At the time, you said you lived in Cameron's apartment
- 8 and Phoenix lived there with y'all?
- 9 A Yes.
- 10 Q Okay. And that was Apartment [REDACTED]?
- 11 A Yes.
- 12 Q I'm going to show you, if you can -- can you see that
- 13 screen? I'm going to put some pictures up here. Can you
- 14 see that?
- 15 A Yes.
- 16 Q I'm going to show you what's been in evidence as
- 17 State's Exhibit 16. Do you recognize that place?
- 18 A Yes.
- 19 Q Is that your girlfriend's or your -- the mother of your
- 20 child's apartment?
- 21 A Yes.
- 22 Q Which one is it?
- 23 A G4 on the right at the top.
- 24 Q OK, on the door that's right side, second floor?
- 25 A Yes.

1 Q And I'm going to also show you what's in evidence as
2 State's 17, a little bit closer view there. So, it's that
3 door that's right there at the top of the steps?

4 A Yes.

5 Q Now tell me about April 8, in the afternoon. What --
6 before all this happened, can you tell me what you were
7 doing?

8 A Me and my cousin was on the porch smoking a blunt.

9 Q Okay. Let's back up a little bit before then. Cameron
10 and Phoenix, were they at the apartment that afternoon?

11 A Yeah.

12 Q And when were they there?

13 A Probably, like, what you mean?

14 Q At what point -- were they there before the shooting
15 took place?

16 A Yes.

17 Q Were they there when the shooting took place?

18 A No.

19 Q Tell me about how your afternoon went. Before all this
20 happened. Before your cousin, Justin, got there.

21 A Okay. I woke up. Regular day. Fed my daughter. I
22 forgot me and my girlfriend were arguing about something,
23 but they end up leaving. My cousin had pulled up before
24 they left. When they left, me and my cousin went on the
25 porch and started smoking.

Goode-Direct Examination

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- 1 Q Okay. So, you and Cameron were arguing about
2 something?
- 3 A Yeah.
- 4 Q Okay. You don't remember what it was about?
- 5 A Huh-uh.
- 6 Q That's a "no"?
- 7 A Yeah, a no.
- 8 Q And they leave then. So, Cameron leaves and takes
9 Phoenix with her?
- 10 A Yes.
- 11 Q And at what point did your cousin get there?
- 12 A He got there about ten or fifteen minutes before they
13 left.
- 14 Q What's your cousin's name?
- 15 A Justin Parks.
- 16 Q After they left -- is this afternoon time at this
17 point?
- 18 A Yeah. Afternoon, yeah.
- 19 Q Let's get back to the point. You said you and your
20 cousin went out on the porch. I say porch. When you say
21 porch, you're referring to these steps?
- 22 A Yes.
- 23 Q Okay. You said y'all are out there smoking a blunt;
24 correct?
- 25 A Yes.

1 Q All right. Where -- what direction are you facing
2 towards right before this happened?

3 A So, it was, like -- see like a brick wall in front of
4 the steps. I was facing towards the brick wall.

5 Q Okay. The brick wall would be at the -- at my finger
6 at the bottom of these steps. There's a brick wall that
7 that goes along there. You're facing that brick wall?

8 A Yes.

9 Q What direction is your cousin Justin facing?

10 A He on the right of me, facing towards the road.

11 Q Okay. So, he's up here. Where on the steps? At the
12 top or in the middle?

13 A He at the top.

14 Q All right, and he's facing back the other direction
15 towards the parking lot?

16 A Yes.

17 Q I'm going to go back to 16 here. So, Justin's back
18 would be to this corner?

19 A Yes.

20 Q And he'd be facing out toward the parking lot the other
21 way?

22 A Yes.

23 Q And you're standing at the top, facing down towards the
24 brick at the bottom of the steps?

25 A Yes.

- 1 Q Tell the jury what happens next, Gabe.
- 2 A Shit, we was smoking a blunt. Somebody came around
- 3 shooting.
- 4 Q Okay. Came around from which direction?
- 5 A My left side.
- 6 Q OK, so looking again at 16 -- I should have just left
- 7 it up there. You say left side. If you're facing down the
- 8 bottom of the steps, it would be down towards that bush on
- 9 the corner?
- 10 A Yes.
- 11 Q That's where the shots came from?
- 12 A Yes.
- 13 Q Okay. Tell me what you remember seeing. Did you hear
- 14 the shots first or did you see people first?
- 15 A I had seen a flash from a muzzle.
- 16 Q Okay. You saw a flash from a muzzle at the same time
- 17 you hear gunshots?
- 18 A Yeah.
- 19 Q What do you remember about -- did you look towards the
- 20 muzzle flash?
- 21 A No, I didn't look towards it. I seen out of my
- 22 peripheral.
- 23 Q Okay. Well, what did you see out of your peripheral?
- 24 A Somebody had on a mask.
- 25 Q What kind of mask? A shirt tied around the face, or a

1 mask like we wear during COVID? What kind of mask?

2 A No, a black ski mask.

3 Q And do you remember anything about -- did you see the
4 gun? You said you saw the flash coming from the gun. What
5 do you remember about the guns, if anything?

6 A What you mean?

7 Q Did you recognize any color on the guns?

8 A It was tan.

9 Q Okay, you saw one that was tan?

10 A Yeah.

11 Q All right.

12 MR. STUMBO: Judge, what's been marked as State's 92
13 for ID only at this point, the evidence custodian will -- If
14 I could approach the witness?

15 THE COURT: Sure.

16 Q I'm going to show you what's been marked for ID as
17 State's 92. A tan -- is that color consistent tan color.
18 what you saw?

19 A (No verbal response.)

20 Q That's a yes?

21 THE COURT: That's a yes.

22 MR. STUMBO: And, Judge, just for the Court's -- I know
23 you probably saw this. It's secured with a gun lock.

24 THE COURT: Very good.

25 Q What do you do -- do you feel anything? Did you get

- 1 hit with any bullets?
- 2 A Yes, in my foot.
- 3 Q Okay. And is it painful? That's a silly question, but
- 4 did it hurt?
- 5 A Yes.
- 6 Q What happened to Justin? Did he get shot?
- 7 A Yeah, he got shot too.
- 8 Q Where did he get hit?
- 9 A Once in the hand. Two times in the leg. Something
- 10 like that.
- 11 Q Okay. So, he was bleeding from his legs at that point?
- 12 A Uh-huh. Yes.
- 13 Q Where does he go after he gets shot?
- 14 A We both hit the ground.
- 15 Q Okay. On the steps?
- 16 A Yes.
- 17 Q At the time, did you have a gun in your hand or on your
- 18 person?
- 19 A No. It was in the living room on the couch.
- 20 Q Okay, so you did own the gun, but it was inside?
- 21 A Yes.
- 22 Q Did Justin have a gun in his hand when y'all got shot?
- 23 A No.
- 24 Q Did he have one on his person anywhere that you
- 25 remember?

- 1 A No.
- 2 Q Did you shoot back at where the bullets were coming
3 from?
- 4 A No.
- 5 Q Did you have time to shoot back from where the bullets
6 were coming from?
- 7 A No.
- 8 Q How about Justin? Did he shoot back at anybody?
- 9 A No.
- 10 Q Did he have time to shoot back at anybody?
- 11 A No.
- 12 Q Did you call 911?
- 13 A Yes.
- 14 Q Did you do that from a cell phone or a house phone?
- 15 A Cell phone.
- 16 Q And when you're on the phone with 911, where is Justin?
- 17 A In my apartment.
- 18 Q Okay. Is he -- I know in reparation for court today
19 you've watched these officers' body cams where they're
20 working on him on the floor. Is that where he went to?
- 21 A Yes.
- 22 Q And where were you at that time when you were talking
23 to the 911 operator?
- 24 A I was talking to them inside my apartment. Then I went
25 out on the steps. Then I waited for him to come, but they

1 went to the wrong place, so I started hopping off the steps
2 to get their attention to show them where it was at.

3 Q You saw some patrol cars roll through and pass where
4 you were, so you went out to try to get their attention?

5 MR. GROSE: Objection to the leading.

6 THE COURT: Overruled.

7 Q Just to follow up. All right, this grassy area -- and
8 I know the grass -- does it extend around the corner here
9 where that brick wall is?

10 A A little bit. Yeah.

11 Q Where were you, just in relation to the steps, when the
12 officer approached you?

13 A Right there by the sidewalk, breezeway, walking towards
14 steps.

15 Q Okay, so in the grass, or on the sidewalk?

16 A In the grass.

17 Q And that was just right out in front of the apartment
18 here?

19 A Yeah.

20 Q From the time you got on the -- or you got shot, until
21 the time you call 911, did you go anywhere else besides the
22 apartment and down in the front of the apartment?

23 A No.

24 Q You ever go out to your car?

25 A No.

1 Q What about Justin? Was he able to walk?

2 A No, he couldn't even get up.

3 Q Okay, so he kind of crawled inside, I guess, the
4 apartment?

5 A Yeah.

6 Q All right. And from the time you were on the phone
7 with the 911 operator until the time the first officer got
8 to you, did you go anywhere else other than in front of the
9 apartment, the steps, or inside the apartment?

10 A No.

11 Q I'm going to show you -- do you remember what you were
12 wearing that day, Gabe?

13 A Joggers, bedroom shoes, tank top.

14 Q I'm going to show you what's in evidence as State's 13
15 on the screen here. Do those look familiar?

16 A Yes.

17 Q Are those your joggers?

18 A Yes.

19 Q Did you have those on when the officers got there?

20 A Yes.

21 Q All right. The tank top. Does this look like the tank
22 top you were wearing?

23 A Yes.

24 Q And that would be in State's Number 11, the tank top
25 and a pair of underpants, for the record. I'm going to show

- 1 you State's 12 now. Did you have on socks?
- 2 A Yes.
- 3 Q What color socks?
- 4 A Black.
- 5 Q I'm going to show you State's 12. Does that look like
- 6 the sock you were wearing?
- 7 A Yes.
- 8 Q OK, now this little rod going through it. Obviously,
- 9 that's not what you had on your foot, correct?
- 10 A (No response.)
- 11 Q You didn't have a rod sticking through your foot when
- 12 you had the sock on.
- 13 A No.
- 14 Q Did you take it off or did somebody else take it off?
- 15 A The police cut it off.
- 16 Q Okay. They cut it off when they were working on you?
- 17 A Yes.
- 18 Q Did they take you to the hospital, Gabe?
- 19 A Yes.
- 20 Q The doctors worked on you there?
- 21 A Yes.
- 22 Q Did you have to spend the night there or did you get
- 23 released that day?
- 24 A I got out the same day.
- 25 Q Have you still got a scar on your foot from that

- 1 gunshot?
- 2 A Yes.
- 3 Q Do you remember how many people came around the corner?
- 4 Do you have any recollection of that, or did you just see a
- 5 gun?
- 6 A I don't know.
- 7 Q Did you follow people -- did you go back around that
- 8 corner to see if you could find them?
- 9 A No.
- 10 Q Gabe, I think you mentioned to me as we were preparing,
- 11 talking before today, that you did some rap videos. Did you
- 12 do some rap music video?
- 13 A Yes.
- 14 Q I think you told me your -- you had a nickname,
- 15 Backflip Gabe in a lot of those videos?
- 16 A (No verbal response.)
- 17 Q And those were out on YouTube and anybody can pull them
- 18 up and watch it; right?
- 19 A Yes.
- 20 Q Your rap videos, do you have other guys with you in
- 21 those?
- 22 A Sometimes.
- 23 Q Friends of yours?
- 24 A Yes.
- 25 Q Your cousin, Justin? Is he in some of those videos

1 with you?

2 A Yes.

3 Q Now of your group of friends, was a guy named Ji'Tavius
4 Adams one of your friends?

5 A Yes.

6 Q You used to hang out with him?

7 A Every now and then.

8 THE COURT: If I may approach the witness, Your Honor.
9 This one hasn't been marked yet. Mark, this as the next
10 number.

11 (WHEREUPON, photo marked State's 135 identification.)

12 Q I'm going to hand you State's 135. Do you recognize
13 the individual in that picture?

14 A Yes.

15 Q Who was that?

16 A That's Ji' Adams.

17 Q Gabe, where is Ji' today? Do you know where he is?

18 A Prison.

19 Q What's he in prison for? Do you know?

20 A I think murder.

21 Q Do you know where he shot -- so, he shot somebody?

22 MR. HENDERSON: Leading.

23 THE COURT: Overruled.

24 Q You know why -- do you know what happened?

25 A I don't know.

1 Q But he was convicted of killing somebody and he's in
2 prison now; is that correct?

3 A Yes.

4 Q Did that happen before all of this shooting happened?
5 Do you know when that happened?

6 A Yeah, I think so. I think it happened before.

7 Q So, at the time that Ji'Tavius Adams was arrested for
8 killing somebody, he was in jail for awaiting court on that;
9 right?

10 A Yes.

11 Q He wasn't out hanging out with y'all at that point?

12 A No.

13 Q One last thing, Gabe, if you could. Which foot did it
14 hit you in?

15 A My left.

16 Q OK, if you could, just step down real briefly and keep
17 your voice up. I just want you to come to the steps here.
18 Could you show the jury about -- I know your shoes are on,
19 but just about where it went in and came out of your foot,
20 your left foot?

21 A On the side and came out the top.

22 Q Just for the record, you're pointing to the arch of
23 your left foot, into the arch, and out the top of your foot?

24 A Yes.

25 Q OK, thank you. You can return to the stand.

Goode-Cross Examination

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1 MR. STUMBO: Bet the Court's indulgence. Thank you,
2 Gabe. Sorry for what you went through that day. Please
3 answer any questions the defense lawyers may have.

4 THE COURT: Mr. Tinsley?

5 CROSS EXAMINATION

6 BY MR. TINSLEY:

7 Q Mr. Goode -- is it Goode or Good?

8 A Goode.

9 Q Okay. Do you have any idea of why the police listed
10 your address is [REDACTED] Florida Avenue in their report?

11 A That's my mama's address.

12 Q Did your cousin, Justin Parks, did he live at Apartment
13 [REDACTED] as well?

14 A No.

15 Q Any idea of why he would have been listed as that is
16 his address by the police?

17 A Huh-uh.

18 Q Do you know where he lived at the time?

19 A No.

20 Q You testified that the shots came from a man in a black
21 ski mask.

22 A Yes.

23 Q So, that's all that you know about who fired the shots?

24 A Yes.

25 Q It's just one person?

- 1 A I don't know.
- 2 Q You just saw one person.
- 3 A Yeah.
- 4 Q Did you help your cousin Justin into the apartment
- 5 after he got shot?
- 6 A Yes.
- 7 Q So, did you kind of drag him, or how did that go?
- 8 A No, I was on one foot and he was crawling, so we made
- 9 team work.
- 10 Q Okay, so you were up and just, kind of, helping push
- 11 him?
- 12 A Yeah.
- 13 Q And y'all were both outside on the porch when it
- 14 happened?
- 15 A Yes.
- 16 Q Okay, and after you got him into the apartment, where
- 17 did you go?
- 18 A On the couch.
- 19 Q OK, so you stayed in the apartment?
- 20 A Yes.
- 21 Q Okay. Was the door open at that point?
- 22 A I don't remember.
- 23 Q Had you gone outside when you saw the officer ride by
- 24 that you went down to flag down?
- 25 A No, sir. I was on the front porch and I was talking

1 to the people on the phone. The officer rode by on the
2 other side.

3 Q Okay, so you came outside at some point to make a phone
4 make a phone -- to make the phone call to 911?

5 A I started the phone call on the inside, and I walked on
6 the front porch.

7 Q And you were able to make it down to the parking lot to
8 flag an officer down?

9 A No, I didn't make it to a parking lot.

10 Q But you made it to the grass by the parking lot?

11 A Yes.

12 Q And you were walking -- limping may be a better word,
13 when the officer came up.

14 A Hopping on one foot.

15 Q And he had to tell you to -- he told you to sit down?

16 A Yes.

17 Q The hairstyle you have? What do you call that? Is it
18 dreadlocks? Baby dreads? Twisties? Something else? A A
19 fro.

20 Q A fro is what you'd call it?

21 A Yeah.

22 Q It comes up about an inch? Is that fair to say?

23 A Yeah.

24 MR. TINSLEY: I don't have any further questions.

25 Please answer any questions Mr. Henderson has.

1 THE COURT: Mr. Henderson?

2 CROSS EXAMINATION

3 BY MR. HENDERSON:

4 Q Hey, Mr. Goode. How are you, sir?

5 A Fine.

6 Q In April of 2020, what type of car did you own?

7 A I didn't own a car.

8 Q Because I heard some mention about a car, if I'm not
9 mistaken.

10 A I didn't own a car.

11 Q Okay, did you have any transportation at that time?

12 A No.

13 Q How about your girlfriend, Cameron? Is it Cameron, I
14 believe?

15 A Yes.

16 Q Okay. Did Cameron have a vehicle?

17 A Yes.

18 Q What type of vehicle did she have at that time?

19 A A white Honda.

20 Q A white Honda. And again, you're calling your
21 hairstyle -- you're calling it a fro?

22 A Yes.

23 Q I guess f-r-o?

24 A Yes.

25 Q And you agree that it's standing up about an inch?

1 A Yes.

2 MR. HENDERSON: I don't have anything further, Your
3 Honor.

4 THE COURT: Mr. Grose?

5 CROSS EXAMINATION

6 BY MR. GROSE:

7 Q When the Solicitor was asking you questions, he asked
8 you about if you had a gun on that day; is that right?

9 A Yes.

10 Q That's not the only gun you've had, is it?

11 A Rephrase the question.

12 Q That gun that he asked you about, that's not the only
13 gun you have or had; is it?

14 A Ever had?

15 Q Yes.

16 A No, that's not the only gun I've ever had.

17 Q Because you got arrested in 2021 for a gun; right?

18 A Yes.

19 Q Is that a "yes"?

20 A Yes.

21 Q And you got arrested again in May of this year with a
22 gun?

23 A Yes.

24 Q Okay. And as I understand it, you're here today to
25 talk about what happened to you. Is that right?

- 1 A Yes.
- 2 Q But you don't know who did it?
- 3 A No.
- 4 MR. GROSE: Thank you. That's all I have.
- 5 MR. STUMBO: Just one in redirect.
- 6 REDIRECT EXAMINATION
- 7 BY MR. STUMBO:
- 8 Q You've carried a gun recently, and you've been arrested
- 9 for that; right?
- 10 A Yes.
- 11 Q You've been shot before, haven't you?
- 12 A Yes.
- 13 MR. STUMBO: No further questions, Judge.
- 14 THE COURT: No other recross? Sir, you can step down.
- 15 Do you have another witness we can get to before lunch?
- 16 MS. TAYLOR: Yes. The State calls Justin Parks.
- 17 WHEREUPON, Justin Parks, having first been
- 18 duly sworn, testified as follows:
- 19 DIRECT EXAMINATION
- 20 BY MS. TAYLOR:
- 21 Q Good afternoon. Can you please tell us your name for
- 22 the jury.
- 23 A Justin Parks.
- 24 Q How old are you, Mr. Parks?
- 25 A Twenty-six.

Parks-Direct Examination

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- 1 Q Are you from Greenwood?
- 2 A Yeah.
- 3 Q Where did you grow up? Where do you go to school?
- 4 A I went school at Brewer and a little bit of everywhere.
- 5 Q Are you in prison right now?
- 6 A Yes.
- 7 Q Is -- what are you in prison for?
- 8 A Probation.
- 9 Q Probation violation?
- 10 A Yes.
- 11 Q Is that any anything related to the day you got shot?
- 12 A No.
- 13 Q Going back to April 8, 2020, where were you living at
- 14 that time?
- 15 A Columbia.
- 16 Q You were in Columbia? Were you up here that day in
- 17 Greenwood?
- 18 A Yes.
- 19 Q Where did you go in Greenwood that day?
- 20 A I don't know the name of the apartments, but some
- 21 apartments.
- 22 Q Whose apartment was it?
- 23 A Gabe.
- 24 Q When you said Gabe, is that Gabriel Goode?
- 25 A Yeah.

Parks-Direct Examination

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- 1 Q Who else lived there with Gabe?
- 2 A His girlfriend.
- 3 Q Do you remember her name?
- 4 A No.
- 5 Q Did their child live with them?
- 6 A Yes.
- 7 Q Do you remember about what time you got there that day?
- 8 A No.
- 9 Q Was Gabe's girlfriend there when you got there?
- 10 A Yes.
- 11 Q Was his baby there?
- 12 A Yes.
- 13 Q Did they stay there the whole time you were there?
- 14 A No.
- 15 Q Where did they go? Do you know?
- 16 A I don't know.
- 17 Q Did they leave?
- 18 A Yes, they left.
- 19 Q Did they take the car?
- 20 A Yes.
- 21 Q Now, after they left, approximately -- did you get shot
- 22 that day?
- 23 A Yes.
- 24 Q Approximately how much time passed between the time
- 25 they left and when you got shot?

Parks-Direct Examination

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- 1 A I don't know. Probably about ten minutes or something.
- 2 Q And where were you when you got shot? Where were you
- 3 standing?
- 4 A On the porch.
- 5 Q Can you see the screen from where you're sitting?
- 6 A Yes.
- 7 Q Is that the porch you were standing on?
- 8 A Yes.
- 9 Q And were you standing or were you sitting?
- 10 A I was sitting.
- 11 Q Sitting? Okay. What were you doing?
- 12 A I was on my phone.
- 13 Q Were you talking to somebody, or playing a game, or...
- 14 A I don't know exactly what I was doing, but I just know
- 15 I was on there. I probably texted somebody or something.
- 16 Q And this is State's 17 for the record. Where was Gabe?
- 17 A He was with me.
- 18 Q Was he on the on this porch with you?
- 19 A Yes.
- 20 Q Do you remember what he was doing?
- 21 A No.
- 22 Q So, you're sitting on the porch, or stand -- I'm
- 23 sorry. I know you answered, but it slipped my mind. Were
- 24 you standing or were you sitting?
- 25 A I was sitting.

- 1 Q Sitting? Were you sitting on those top steps?
- 2 A Yes.
- 3 Q You're sitting there. You're playing on your phone.
- 4 What happens next?
- 5 A I just black out. I'm on the ground. I just crawl in
- 6 the house.
- 7 Q Did you hear any gunshots?
- 8 A No.
- 9 Q Did you see anybody shooting?
- 10 A No.
- 11 Q So, you went from sitting there, and the next thing you
- 12 remember you're laying on the ground?
- 13 A Yes.
- 14 Q Were you on the ground outside of the apartment or
- 15 inside the apartment?
- 16 A Outside.
- 17 Q Where did you go when you woke up?
- 18 A To the hospital.
- 19 Q Well -- I'm sorry. Right after you, kind of, came to
- 20 and realize you've been shot, did you crawl anywhere?
- 21 A Yes. Crawled in the house.
- 22 Q And is that where law enforcement and then EMS found
- 23 you?
- 24 A Yes.
- 25 Q Were you in a lot of pain?

Parks-Direct Examination

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- 1 A Yes.
- 2 Q Were you able to stand up?
- 3 A No.
- 4 Q Were you scared?
- 5 A No.
- 6 Q You weren't scared?
- 7 A (No verbal response.)
- 8 Q Okay. Did you -- did you have a gun on you before you
- 9 got shot?
- 10 A No.
- 11 Q Did you even have a gun with you that day?
- 12 A No.
- 13 Q The gun that was found inside the apartment, was that
- 14 yours?
- 15 A No.
- 16 Q Did you see Gabe with a gun out on hat porch?
- 17 A No.
- 18 Q Did you see him shoot anybody?
- 19 A I'm not going to make you watch it, but we -- there's a
- 20 video in evidence of you after you've been shot and you're
- 21 calling, saying, I want my phone. Why did you want your
- 22 phone?
- 23 A I wanted to call my family.
- 24 Q You wanted to reach out to your family to let them know
- 25 what happened?

- 1 A Yes.
- 2 Q Are you friends with a guy by the name of Ji'Tavius
- 3 Adams?
- 4 A I know him, yeah.
- 5 Q Okay. Have y'all hung out before?
- 6 A Yes.
- 7 Q I'm going to show you what's been marked for ID as
- 8 State's 135. Is that Mr. Adams?
- 9 A Yes.
- 10 Q Do you know where Mr. Adams is right now?
- 11 A He's in jail.
- 12 Q What's he in jail for?
- 13 A For a murder.
- 14 Q Do you know who he is convicted of killing?
- 15 A Yes.
- 16 Q Who is that?
- 17 A Some dude named JP.
- 18 Q You don't know his real name? Just JP?
- 19 A Huh-uh.
- 20 Q Where were you shot?
- 21 A In the upper leg and the femur area of both sides and
- 22 my knee.
- 23 Q Did you have any injuries on your hands?
- 24 A Yes.
- 25 Q Where on your hands were you hurt?

Parks-Cross Examination

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1 A On my right index finger.

2 Q So, over here?

3 A Yes.

4 Q Did you have any broken bones?

5 A Yes.

6 Q Where? What was broken?

7 A My femur.

8 MS. TAYLOR: Please answer any questions the Defense
9 has.

10 THE COURT: Mr. Tinsley?

11 MR. TINSLEY: Thank you, Your Honor.

12 CROSS EXAMINATION

13 BY MR. TINSLEY:

14 Q Mr. Parks, you lived in Columbia at the time?

15 A Yes.

16 Q Okay. Any idea why the police would have listed your
17 address as 1522 Parkway Court, Apartment ■?

18 A It was an old address.

19 Q Okay, so you lived in that same apartment at one time?

20 A Yes.

21 Q Okay. The gun that the police found in the apartment
22 on the couch was Gabe's gun?

23 A I think so.

24 Q And you answered the question about Mr. Adams that you
25 know him. Would you call him an acquaintance, I guess?

1 A Yes.

2 Q And you don't know who shot you?

3 A No.

4 MR. TINSLEY: No further questions. Please answer any
5 questions Mr. Henderson has.

6 CROSS EXAMINATION

7 BY MR. HENDERSON:

8 Q Hey, Mr. Parks. How are you today, sir?

9 A (No verbal response.)

10 Q You doing okay?

11 A Yeah.

12 Q When you blacked out, what's the first thing you
13 remember after you blacked out?

14 A Just trying to call -- look for my phone.

15 Q Okay. When you're on the stretcher?

16 A Yes.

17 Q Okay, but from the time that you blacked out, the first
18 thing you remember is wanting to use your phone?

19 A Yes.

20 Q Okay. Let me ask you -- and you drove yourself up from
21 Columbia that day?

22 A Yes.

23 Q What vehicle are you driving?

24 A I was driving a Chrysler.

25 Q Chrysler? What type of Chrysler?

Parks-Cross Examination

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- 1 A 200.
- 2 Q What color?
- 3 A Black.
- 4 Q What year? What make?
- 5 A 2015.
- 6 Q 2015? Okay. Let me ask you -- and you agree, were you
- 7 parked pretty close to Gabe's apartment?
- 8 A Yes.
- 9 Q Okay, and I know they've shown you some photographs --
- 10 kind of when you walk down the steps over to the right --
- 11 when you walk down the steps, there's a parking lot;
- 12 correct?
- 13 A Yes.
- 14 Q Were you parked over there?
- 15 A Yes.
- 16 Q From walking down those steps over to the parking lot,
- 17 what's that? 25 feet?
- 18 A Something like that.
- 19 Q It's not that far of a walk, is it?
- 20 A No.
- 21 Q And that's where your black Chrysler was parked at?
- 22 A Yes.
- 23 MR. HENDERSON: I don't have anything further, Your
- 24 Honor.
- 25 THE COURT: Mr. Grose?

1 CROSS EXAMINATION

2 BY MR. GROSE:

3 Q Mr. Parks, my name is Charles Grose and I represent
4 Chazz Hurley. I'm just going to ask you a couple of follow
5 up questions. I'm not trying to embarrass you by doing
6 this, but the prosecutor asked you about being in prison?

7 A Yes.

8 Q And I think you said that was for a probation
9 violation?

10 A Yes.

11 Q Was that probation violation -- was one of the charges
12 armed robbery?

13 A Yes.

14 Q Was one of the charges possession of a weapon?

15 A Yes.

16 Q And were there two drug charges?

17 A Yes.

18 Q And I understand that they transferred you from the
19 Department of Corrections to the Greenwood County Jail for
20 this trial?

21 A Yes.

22 Q Did they do that last Friday?

23 A Yes.

24 Q And you're here to talk about what happened to you back
25 in April of 2020?\

O'Bannon-Direct Examination

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1 A Yes.

2 Q But you don't know who is responsible for that, do you?

3 A No.

4 Q I'm sorry you had to go through all that. Thank you
5 for being here.

6 THE COURT: No redirect, Ms. Taylor?

7 MS. TAYLOR: No, sir.

8 THE COURT: Sir, you can step down. Do you have one you
9 can knock out in twenty minutes?

10 MS. TAYLOR: Your Honor, the next witness is the
11 investigator.

12 THE COURT: All right. Ladies and gentlemen, we're
13 going to go ahead and take our lunch break at this point in
14 time since I anticipate the next witness being a little bit
15 lengthy. If you could, let's plan on being back here at
16 about 1:45. Try and be back here at ---

17 MS. TAYLOR: Your Honor, I'm sorry. We do have one that
18 we can knock out in about five minutes and get him back to
19 work.

20 THE COURT: Call them. Correction, we're going to
21 continue. Go ahead.

22 MS. TAYLOR: The State calls Tony O'Bannon.

23 WHEREUPON, Anthony Wayne O'Bannon,
24 having first been duly sworn, testified as follows:

25 DIRECT EXAMINATION

- 1 BY MS. TAYLOR:
- 2 Q Good afternoon.
- 3 A Good afternoon.
- 4 Q Can you tell us your name for the record?
- 5 A Anthony Wayne O'Bannon.
- 6 Q And where do you work?
- 7 A Self Regional Hospital.
- 8 Q What's your job itself?
- 9 A I'm the security manager for the security department at
- 10 Self Regional.
- 11 Q Does Self Regional have cameras throughout the
- 12 hospital?
- 13 A Yes, we do.
- 14 Q And is part of your job monitoring that system and
- 15 pulling video as needed?
- 16 A That is part of our job.
- 17 Q Are there cameras on the emergency room?
- 18 A Yes, there is.
- 19 Q And were you asked to pull a video from April 8, 2020?
- 20 A Yes, we were.
- 21 Q I'm going to hand you what's been marked as State's
- 22 Exhibit 96. Is that -- have you seen that exhibit before?
- 23 A We have seen -- this is our video.
- 24 Q That's your video? Is it a true and accurate copy of
- 25 what happened that day?

1 A Correct.

2 MS. TAYLOR: The State moves Exhibit 96 into evidence,

3 THE COURT: No objections?

4 MR. GROSE: No objection.

5 MR. TINSLEY: No objection.

6 MR. HENDERSON: None, Your Honor.

7 THE COURT: All right. 96 is in evidence and you may

8 publish.

9 MS. TAYLOR: Your Honor, we'll actually publish this

10 through a different witness.

11 THE COURT: Okay.

12 MS. TAYLOR: No further questions. Thank you.

13 THE COURT: Mr. Tinsley?

14 MR. TINSLEY: I don't have any questions, Your Honor.

15 MR. HENDERSON: None, Your Honor.

16 MR. GROSE: No questions.

17 THE COURT: Take care, sir. Have a good day. No other

18 quick witnesses then? You're sure? We're now going to take

19 our lunch break, ladies and gentlemen. If you could, be

20 back, if at all possible, we'll just say 2:00. That'll give

21 you enough time. So, 2:00. Please be back at that point in

22 time. It's my intention to move forward with the trial at

23 that at that time. Don't talk about the case with anyone

24 and I will see you at 2:00. Enjoy your lunch. Thank you.

25 Just leave your tablets on your chair.

1 (WHEREUPON, jury exited 12:45 p.m. Lunch recess 12:45
2 p.m.-2:09 p.m.)

3 THE COURT: We'll go back on the record. The jury is
4 back. Let's bring the jury out, please.

5 (WHEREUPON, jury entered 2:09 p.m.)

6 THE COURT: The jury is seated. Solicitor, if you will
7 call your next witness, please.

8 MR. STUMBO: The State calls Detective Jonathan Davis to
9 the stand.

10 WHEREUPON, Jonathan Davis, having first
11 been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. STUMBO:

14 Q Good afternoon, Detective Davis. I take it from that
15 star on your lapel there and your jacket that you work for
16 Sheriff Dennis Kelly?

17 A Yes, sir.

18 Q How long have you been with the Sheriff's Department?

19 A Nine years.

20 Q Did you start on the road?

21 A I started in the jail.

22 Q Did you get your certification from the Criminal
23 Justice Academy?

24 A Yes, sir.

25 Q Worked the road for a little while?

Davis-Direct Examination

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1 A Yes, sir.

2 Q And then you went to investigations; correct?

3 A That's right.

4 Q How long ago did you start investigations?

5 A Three years. Three years.

6 Q One of the investigations you had occasion to work,
7 this April 8, 2020 shooting out at Hillcrest Apartments on
8 Parkway?

9 A Yes, sir.

10 Q Can you tell the jury about what you did when you
11 arrived on scene?

12 A We got a call April 8, 2020 about a shooting that had
13 taken place. When I arrived, I saw Mr. Goode being attended
14 to in the grass in front of the apartment. I made my way up
15 the stairs up to the door of Apartment [REDACTED]. I entered in and
16 I saw Deputy Cockrell and Deputy Stroup applying tourniquets
17 to Mr. Parks. Once those were applied I did assist Deputy
18 Cockrell in clearing the apartment, performing a protective
19 sweep to make sure nobody else was in the apartment, either
20 suspect or victim. As soon as that was completed and it was
21 deemed safe, I did assist EMS with placing the chair under
22 Mr. Parks to get him out of the apartment and I went down
23 the stairs, back to where Mr. Goode was located. A short
24 time later I went to my truck and began my duties as an
25 investigator. Once the scene was rendered safe. I

1 retrieved yellow markers to begin marking evidence. Began a
2 canvas around the apartment complex, specifically the
3 building of "G", and located multiple shell casings outside
4 of that apartment. If you're facing the apartment, facing
5 the door, the shell casings would have been on the right
6 side that I located.

7 Q I'm going to stop you there just to give you some
8 reference points as you describe this to the jury. I'm
9 going to first show you State's Number 22. Do you recognize
10 that?

11 A Yes, sir.

12 Q Okay. What is -- what apartment building is this?

13 A That's apartment building "G".

14 Q Okay. And ■ would be the top right door?

15 A Yes, sir.

16 Q Okay. You said when you first got there -- where did
17 you observe Mr. Goode at that time?

18 A He was slightly to the left of this bush in front of
19 the brick column.

20 Q In the grass?

21 A In the grass. Yes, sir.

22 Q So, right here in this grassy area to the left of this
23 bush as you're looking at it, that's where Goode was?

24 A That's correct. Yes, sir.

25 Q Was he standing? Sitting?

- 1 A He was laying.
- 2 Q Okay. He was laying down when you got there?
- 3 A Yes, sir.
- 4 Q Okay. I believe you saw the body cam of Deputy
- 5 Cockrell earlier. You were on that body cam helping him
- 6 clear the house, or the apartment?
- 7 A Yes.
- 8 Q And then after y'all got the apartment cleared, where
- 9 did you go after that?
- 10 A I was the one that pushed the chair under Mr. Parks
- 11 with EMS and fire. Once they took him down, I exited with
- 12 him down the steps and returned to this location right here
- 13 in the grassy area in front of the apartment.
- 14 Q Where did you go from there?
- 15 A From there, I went back to my truck and I retrieved
- 16 evidence markers and things that I needed to begin marking
- 17 evidence that was on the scene.
- 18 Q Okay. How far away, walking distance, were you from
- 19 this area to your truck?
- 20 A Twenty-five, thirty feet. I came in on the left side
- 21 parking lot that comes right up to this apartment.
- 22 Q When you got your markers you went back over to the
- 23 apartment area?
- 24 A That's right.
- 25 Q I want to show you State's 16 now. Get that glare off

- 1 of there if I can. Can you see that?
- 2 A Yes, sir.
- 3 Q What area -- I believe you saw the body cam earlier,
4 did you not?
- 5 A Yes, sir.
- 6 Q On Cockrell's body cam were you walking around that
7 side to look for evidence?
- 8 A Yes, sir.
- 9 Q Did you find any evidence out in the grassy area?
- 10 A I did. I located multiple shell casings.
- 11 Q As we're looking at this now, and I'll show you an
12 additional picture that may give us exactly where, but what
13 area, generally, on this picture did you find those casings?
- 14 A Right off of the corner of the apartment, in front of
15 the green bush, and they continued, kind of, behind the
16 green bush. It made, sort of, a half-moon around the green
17 bush on the corner.
- 18 Q Okay, so half-moon going, you know, back side of the
19 corner?
- 20 A Yes, sir.
- 21 Q Okay. Let me show you State's 21. After you -- in the
22 prior picture we didn't see any of these markers. Who put
23 down those markers in the yard there?
- 24 A I did.
- 25 Q Okay. And those were all reflective of shell casings?

- 1 A Yes, sir.
- 2 Q So, right off the corner of this bush are these casings
- 3 that you find?
- 4 A Yes, sir.
- 5 Q You didn't move them anywhere at that time?
- 6 A No, sir.
- 7 Q Okay. You just put one of the yellow markers on them?
- 8 A Yes, sir.
- 9 Q A little big closer up. Let me zoom this out a little
- 10 bit. So, on this picture how many markers do we observe
- 11 here?
- 12 A I believe it was eleven.
- 13 Q So one at the top -- one, two, three, four, and eleven
- 14 down here -- but that's eleven casings you found?
- 15 A Yes, sir. Eleven cases that I marked.
- 16 MR. GROSE: Is that 19?
- 17 MR. STUMBO: Yes. That would be -- that's 18 on this
- 18 one. I'm sorry.
- 19 MR. GROSE: Thank you.
- 20 Q And 20? Kind of panned out a little bit here from the
- 21 corner; is that correct?
- 22 A Yes, sir.
- 23 Q So, there's no way for you to tell at that point, is
- 24 there, which one of these shots were fired first?
- 25 A No, sir.

1 Q From your perspective; right? All you know is there
2 are shell casings that appear to be freshly fired.

3 A Yes, sir.

4 Q I'm going to show you this first, then I'm going to
5 have you step over to the map. I'm going to show you
6 State's 12. Is that the black sock you found or marked in
7 the yard?

8 A Yes, sir.

9 Q Okay. And this was obviously after it was taken back
10 by the evidence custodian after you found it; correct?

11 A Yes, sir.

12 Q Where did you find that black sock?

13 A In the grassy area to the left of the stairwell where
14 Mr. Goode was located.

15 Q And, as we can see in 12, it was cut?

16 A Yes, sir.

17 Q Before I have you step down, you did walk around the
18 apartment complex and speak to a number of witnesses in this
19 case?

20 A Yes, sir.

21 Q Did you have your own body cam out there that day?

22 A No, sir. I don't know where my body cam was. It may
23 have been on charge at the office or dead. I obtained Mike
24 Murdoch's body cam when I went to speak with a witness.

25 Q Okay. And he's supervisor for you in the

1 investigations unit?

2 A Yes, sir.

3 Q And you documented a number of interviews you did with
4 witnesses via body cam; correct?

5 A Yes, sir.

6 Q Some of which who have already testified?

7 A Yes, sir.

8 MR. STUMBO: If I could have you step down a minute. If
9 the jurors could just turn towards the map here. I'm going
10 to step around behind you here, so we don't crowd everyone,
11 and hand you this little pointer here.

12 Q Okay. We're going to refer to State's 86, which is
13 this on the right-hand side of this map. Do you recognize
14 the buildings on this map?

15 A Yes, sir.

16 Q Okay. If you could, show us where the Apartment "G"
17 complex is on this map where the incident took place.

18 A Okay, this is Hillcrest Condos, 1522 Parkway. This is
19 building "G".

20 Q Okay, so as we were looking at these pictures a moment
21 ago, these steps that come out from the apartments, which
22 direction are these steps facing?

23 A They're facing in this direction right here.

24 Q Okay, facing out into the grassy area; correct?

25 THE COURT: You're going to need to speak up just a

1 little bit. She's having trouble hearing you, so really
2 project.

3 A Okay, they're facing away.

4 Q Okay, and you're pointing with the pointer, for the
5 record, out to the grassy area in front of "G"?

6 A Yes, sir.

7 Q And to the right would be the parking lot; correct?

8 A Yes, sir.

9 Q To the left is basically more apartment buildings;
10 right?

11 A Yes, sir.

12 Q Okay. Now, if you could, and if you can use this
13 sharpie here if you can, and obviously it does not be exact,
14 if you could circle around the area where we saw those
15 markers?

16 A Yes, sir.

17 Q Where you found the shell casings.

18 A Okay. This is the bush on the corner. I located the
19 shell casings from the corner of this bush in this area
20 right here.

21 Q All right. If you could, just mark that for me out to
22 this side, "casings", just so -- to make the record clear.

23 A Okay.

24 Q Okay. And, the sock, I believe, you don't have to mark
25 it on here, but you described that as in the grassy area in

Davis-Cross Examination

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1 front of apartment G?

2 A Yes, sir. The sock would have been located -- this is
3 where the steps come out. The sock was located in this
4 approximate area right here.

5 Q Okay. And that's where Mr. Goode was laying when you
6 arrived?

7 A He was lying when I arrived.

8 Q All right. Thank you, Detective. You can return to
9 the stand.

10 (WHEREUPON, witness returned to the stand.)

11 MR. STUMBO: Thank you for being here this week,
12 Detective. Please answer any questions the defense
13 attorneys may have for you.

14 CROSS EXAMINATION

15 BY MR. TINSLEY:

16 Q Investigator Davis, you were quick on the scene that
17 day?

18 A Yes, sir. I'd say fairly quick. I'm not sure of my
19 response time.

20 Q And did you knock on any of these doors of any of the
21 other apartments?

22 A No, sir. I did not.

23 Q Did you find any blood other than what was in and
24 around ■?

25 A No, sir.

- 1 Q Did you find a ski mask?
- 2 A No, sir.
- 3 Q And there is a fence back there behind Hillcrest
- 4 Condos, behind that parking lot?
- 5 A Yes, sir.
- 6 Q Did you go back there and search behind that fence?
- 7 A We did search that area.
- 8 Q Okay, when you say, "we". Did you personally do it?
- 9 A Yes, sir. I was back there.
- 10 Q Who else was back there?
- 11 A I don't recall.
- 12 Q You just don't recall any?
- 13 A Maybe -- No, sir. I don't.
- 14 Q Was it just you?
- 15 A No, sir. It was not just me.
- 16 Q And you would agree with me, that location where you
- 17 found these casings doesn't tell you where the actual
- 18 bullets went?
- 19 A Correct.
- 20 Q None of these witnesses identified anybody as the
- 21 shooter?
- 22 A No, sir.
- 23 MR. TINSLEY: No further questions. Please answer any
- 24 questions Mr. Henderson has.
- 25 CROSS EXAMINATION

Davis-Cross Examination

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- 1 BY MR. HENDERSON:
- 2 Q Good afternoon, Detective Davis. How are you doing,
- 3 sir?
- 4 A Doing well, and yourself?
- 5 Q Good, good, good. Thank you for being here. Were you
- 6 the lead detective on this matter?
- 7 A No, sir. I was not.
- 8 Q Who was the lead detective?
- 9 A Mike Murdock.
- 10 Q Were there any other detectives beside you, and
- 11 Detective Murdock?
- 12 A Sure.
- 13 Q Who else was on scene, that was a detective?
- 14 A I couldn't tell you without going back and looking at
- 15 who all signed on.
- 16 Q Okay, now, today or during this trial, are we going to
- 17 hear any testimony from any detectives besides you and
- 18 Detective Murdock?
- 19 A Yes, sir.
- 20 Q And who would that be?
- 21 A I believe Investigator Womack.
- 22 Q Okay, now, is he a detective as well?
- 23 A He is.
- 24 Q Was he on scene?
- 25 A He was.

- 1 Q So at least three of you were on scene.
- 2 A Yes, sir.
- 3 Q Now, collectively, amongst all three of you, do you
- 4 think you did a full and thorough investigation?
- 5 A Yes, sir.
- 6 Q Mr. Tinsley just asked you a question, did you knock
- 7 on any other doors.
- 8 A Sure.
- 9 Q And your answer to that was "no"?
- 10 A That's right.
- 11 Q If I'm not mistaken, you saw the video that was played
- 12 this morning?
- 13 A Uh-huh.
- 14 Q Is that a "yes"?
- 15 A Yes, sir. Yes.
- 16 Q When you walk up the steps there, Apartment ■ is to
- 17 the right; correct?
- 18 A Yes.
- 19 Q And you agree that G3 is right there, immediately to
- 20 the left?
- 21 A Yes, sir.
- 22 Q You didn't knock on that door?
- 23 A No, sir.
- 24 Q Do you know if any of the detectives knocked on that
- 25 door?

Davis-Cross Examination

473

- 1 A I do not.
- 2 Q Do you think if they had, do you think it would have
- 3 turned up in one of these reports?
- 4 A Yes. If we would have talked to anybody in those
- 5 apartments, it would have been documented.
- 6 Q Okay. Even if you tried to talk to them it would be
- 7 documented; wouldn't it?
- 8 A Yes, sir.
- 9 Q Now, you've reviewed this report before today; haven't
- 10 you?
- 11 A Yes, sir.
- 12 Q And is it fair to say that there is no mention of
- 13 knocking on the door of G3?
- 14 A Not in my report.
- 15 Q Okay, or anybody else's report?
- 16 A I don't know. I can't speak for somebody else's
- 17 report. Not in my report.
- 18 Q Okay, how about in anybody's report?
- 19 A I don't know. I have not read anybody else's.
- 20 Q Okay. So, you haven't read anybody else's report on
- 21 this matter?
- 22 A I read my report.
- 23 Q Do detectives not work together?
- 24 A Yes, sir. We do.
- 25 Q It seems like y'all would be discussing this matter.

Davis-Cross Examination

474

- 1 A I'm sure at the time we were, but I don't recall
2 discussing that we had at that time.
- 3 Q So, below ■■■, you would agree, is probably G2?
- 4 A Yes, sir.
- 5 Q Is that a "yes"?
- 6 A Yes.
- 7 Q And below G3 would probably be G1?
- 8 A Yes, sir.
- 9 Q Did you knock on the doors to those apartments?
- 10 A I did not.
- 11 Q Do you know if anybody knocked on the doors of those
12 apartments?
- 13 A I do not.
- 14 Q Did you ever try to ascertain who rented those
15 apartments?
- 16 A No, sure, I did not.
- 17 Q I'm looking here at your report, and you said you
18 reviewed your report. It says that you seized, or took
19 possession of, a phone that belonged to Mr Parks. Is that
20 correct?
- 21 A Yes, sir.
- 22 Q Did you look at the phone?
- 23 A No, sir. I do not.
- 24 Q So, what did you do with the phone? Give it back to
25 Mr. Parks?

Davis-Cross Examination

475

- 1 A No, sir. I did not.
- 2 Q What did you do with it?
- 3 A I took the phone to my truck. I placed it in a white
- 4 evidence bag, I marked it as Mr Park's phone, which was
- 5 information that Mr Goode provided me when he handed me the
- 6 phone. I locked it and secured it in my vehicle, to which
- 7 time it was turned over to Investigator Allison for evidence
- 8 collection purposes.
- 9 Q Okay. Do you know if he did anything with the phone?
- 10 A No, sir. I do not.
- 11 Q Okay. You just don't have a clue?
- 12 A No, sir.
- 13 Q Okay. Have you seen any evidence that he did anything
- 14 with the phone?
- 15 A I have not.
- 16 Q Now, you heard some testimony earlier too, if I'm not
- 17 mistaken, that it turns out Mr. Parks testified that he
- 18 arrived in a black Chrysler. Did you hear that testimony?
- 19 A Yes, sir. I did hear it.
- 20 Q Did you ask him on the scene what his vehicle was?
- 21 A No, sir. I did not.
- 22 Q Do you know if any of the other detectives asked him
- 23 what his vehicle was?
- 24 A I don't know.
- 25 Q Okay, you just don't know?

Davis-Cross Examination

476

1 A No, sir.

2 Q If it was -- if one of them had asked, do you think it
3 would have made it in some of these reports?

4 A Should have been. Yes, sir.

5 Q Okay. Because, I mean, I think Mr. Grose, not with
6 you, but with prior law enforcement officers, that writing
7 these reports you're supposed to be very thorough; aren't
8 you?

9 A Yes, sir.

10 Q You're supposed to document everything that you did?

11 A Yes, sir.

12 Q And if you don't document that you did it, is it fair
13 to say that you didn't do it?

14 A Sure.

15 Q And you heard some testimony too that Mr. Goode's
16 girlfriend was driving some sort of white Honda vehicle?

17 A I did hear that.

18 Q Did you ask Mr. Goode out there what type of vehicle
19 he was driving, or anybody else in his house was driving?

20 A I did not.

21 Q Okay. You heard testimony that the black Chrysler was
22 parked about 25 feet from the bottom of these steps?

23 A I did hear that.

24 Q Apartment G. Okay. Now, you've already pointed out
25 to the jury where building "G" is at; correct?

Davis-Cross Examination

477

- 1 A Yes, sir.
- 2 Q Now, I suppose if there's a "G" there's also an "A"?
- 3 A Yes, sir.
- 4 Q There's also a "B"?
- 5 A Yes, sir.
- 6 Q There's also a "C"?
- 7 A Uh-huh.
- 8 Q Is that a "yes"?
- 9 A Yes, sir.
- 10 Q And there's also a "D"?
- 11 A Yes, sir.
- 12 Q There's also an "E"?
- 13 A Right.
- 14 Q There's also an "F"?
- 15 A Yes, sir.
- 16 Q How high does it go up the alphabet?
- 17 A I believe building "H".
- 18 Q "H"? Okay. One more after "G". Did you walk around
- 19 any of these other buildings?
- 20 A Rephrase your question. What are you asking?
- 21 Q Well, you know, on building "G" here it looks like
- 22 y'all were in the bushes. I mean, y'all got in the bushes.
- 23 Y'all were walking through the grass.
- 24 A Yes, sir.
- 25 Q Did you do that for building "A"?

Davis-Cross Examination

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- 1 A I did not.
- 2 Q Do you know if any of your fellow detectives did?
- 3 A I do not.
- 4 Q Did you do that for building "B"?
- 5 A I did not.
- 6 Q Did you do it for building "C"?
- 7 A No, sir.
- 8 Q Did you do it for building "D"?
- 9 A No, sir.
- 10 Q Did you do it for building "E"?
- 11 A No, sir.
- 12 Q Did you do it for building "F"?
- 13 A No, sir.
- 14 Q Did you do it for building "H"?
- 15 A No, sir.
- 16 Q Do you know if any of the other detectives did that?
- 17 A I can't speak for what they did.
- 18 Q Again, if they had done that, do you think it would
- 19 make one of the reports?
- 20 A Sure.
- 21 Q It should have, shouldn't it?
- 22 A Should have.
- 23 Q I mean, again, your job is to document with clarity
- 24 and specificity what it is you do out there.
- 25 A Absolutely.

Davis-Cross Examination

479

1 Q And, again, it's like what these nurses always say.

2 If it's not in the medical record, it didn't happen. Have
3 you ever heard that expression?

4 A I have.

5 Q Okay. And, again, is it fair to say that if it isn't
6 in your report that it didn't happen?

7 A Fair to say.

8 Q So, again, y'all just walked around building "G" where
9 you located Mr. Goode at?

10 A I did.

11 Q You did? Okay.

12 A Not saying "y'all".

13 Q Okay, you did. And you just don't know where
14 Detective Murdock walked at?

15 A No, sir.

16 Q You don't know where Detective Womack walked at?

17 A No, sir.

18 Q Have y'all not discussed that at all?

19 A No, sir.

20 Q Did Detective Murdock order you or instruct you to
21 walk around just that particular building, or did you do it
22 on your own?

23 A I did it on my own. That was my job.

24 Q Okay.

25 MR. HENDERSON: I don't have anything further, Your

Davis-Redirect Examination

480

1 Honor.

2 THE COURT: Mr. Grose?

3 CROSS EXAMINATION

4 BY MR. GROSE:

5 Q I understand that you're here today to just testify
6 about your limited portion of this investigation.

7 A That is correct.

8 Q And you collected, or marked and identified, some
9 shells?

10 A Yes, sir.

11 Q And you were one of the initial officers that were on
12 the scene?

13 A Yes, sir.

14 Q And your roll here today is to help us understand the
15 nature of this crime?

16 A Yes, sir.

17 MR. GROSE: Thank you.

18 THE COURT: Thank you, sir.

19 MR. STUMBO: Just a couple of redirect.

20 REDIRECT EXAMINATION

21 BY MR. STUMBO:

22 Q Detective Davis, you were asked the question by Mr.
23 Tinsley about you can't tell where bullets go when they
24 leave a gun out of a casing; right?

25 A Yes, sir.

Davis-Redirect Examination

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1 Q So, could you explain to the jury -- and a lot of us in
2 this room may have experience with guns, but if you shoot a
3 semi-automatic pistol, how does it eject the casings after
4 the bullet is fired?

5 A After the bullet is fired, the slide locks back and it
6 ejects the casing out to the right. Once the bullet is
7 fired, it basically pushes the slide backwards and the
8 casing comes out, generally to the right, but it also
9 depends on which side the window is on the slide that ejects
10 the shell.

11 Q Would it be fair to say that the vast majority eject
12 out to the right?

13 A Eject out to the right. Yes, sir.

14 Q Where you found these was right on the other side of
15 that bush?

16 A Yes, sir.

17 Q And also you had evidence that there were guys that
18 were shot from the steps of the apartment, because that's
19 where the blood was; right?

20 A Yes, sir.

21 Q Mr. Henderson asked you if you talked to anybody else
22 at the apartments. You did interview Mr. Hawthorne;
23 correct?

24 A Yes, I did.

25 Q Okay. And we've already heard from him in this trial;

1 right?

2 A Yes, sir.

3 Q And you sat in a truck, I believe, and interviewed him?

4 A Yes, sir.

5 Q Okay. Got his statement. When you come onto a scene
6 like this, there's a lot of work to do; right?

7 A Yes, sir.

8 Q Can you do it all? Interview every witness yourself?

9 A Absolutely not.

10 Q Okay. How about search every building in the complex
11 yourself?

12 A No, sir.

13 Q Okay. Mr. Henderson also asked you all these other
14 buildings that are here at Hillcrest. Did y'all have any
15 evidence whatsoever or reporting of a shooting in any of the
16 other buildings?

17 A No, sir.

18 Q Just building "G"?

19 A Just building "G".

20 Q But the investigative team did look in the periphery of
21 building "G" as well; correct?

22 A I'm sure they did. They can testify to that. I did
23 not. I was not a part of that.

24 Q Your role was just building "G" at that point?

25 A At that point, once I marked what I've shown here, I

Davis-Recross Examination

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1 began interviewing witnesses. I was no longer in this area.

2 Q Okay. Were you asked by supervisors to go interview
3 Mr. Hawthorne?

4 A Yes, sir. I was.

5 Q Some time later? Okay.

6 MR. STUMBO: Thank you. No further questions.

7 THE COURT: Mr. Tinsley?

8 RECROSS EXAMINATION

9 BY MR. TINSLEY:

10 Q There were several deputies on scene out there working
11 that day; right?

12 A Yes, sir.

13 MR. TINSLEY: No further questions.

14 MR. HENDERSON: Very briefly, Your Honor.

15 RECROSS EXAMINATION

16 BY MR. HENDERSON:

17 Q Detective, is it fair to say your testimony was that
18 the normal semi-automatic handgun ejects to the right?

19 A Most of them.

20 Q Most of them do. And is it fair to say that the
21 typical ejection will go about six to eight feet?

22 A I can't testify to that, but it's not a very far
23 distance.

24 Q Not a great distance, is it?

25 A No, sir.

1 Q So, if Mr. Goode is standing of the bottom of these
2 steps, turned to the left facing the corner where you found
3 the shell casings; correct?

4 A Yes, sir.

5 Q If he did any type of shooting, it would eject off to
6 the right, his casings?

7 A Ask me that one more time.

8 Q No, again, you said the typical semi-automatic handgun
9 ejects to the right?

10 A Yes, sir.

11 Q And you said the ejectments don't go that far?

12 A Right.

13 Q Okay. If Mr. Goode is standing at the bottom of the
14 steps of this apartment -

15 A Right.

16 Q --- facing left. He's looking toward the bush that
17 you're talking about. You know the bush?

18 A Yes, sir.

19 Q Because you pointed the bush out to these ladies and
20 gentlemen here. If he's facing that way, and if he shoots a
21 semi-automatic handgun that typically ejects to the right --

22 A Yes, sir.

23 Q --- those ejectments would end up in the grassy area in
24 front of the Apartment [REDACTED]. Is that fair to say?

25 A I would agree with that.

Davis-Recross Examination

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1 Q And you found Mr. Goode in that grassy area in front of
2 Apartment ■; correct?

3 A Yes, sir.

4 Q And you've heard the testimony, I think, from Deputy
5 Cockrell earlier today that from the time that 911 was
6 called until he first put his eyes on Mr. Goode actually
7 limping and walking in the grassy area, that it was a period
8 of seven minutes; correct?

9 A I did hear that.

10 Q Now, you don't know what Mr. Goode was doing during
11 those seven minutes; do you?

12 A I do not.

13 Q Did you ask him what he was doing during those seven
14 minutes?

15 A I did not.

16 Q Do you know if any of your colleagues asked him what he
17 was doing during those seven minutes?

18 A I do not.

19 Q And, again, you said you can't do it all yourself. I
20 understand that. We're all just one man or woman; correct?

21 A Yes, sir.

22 Q But there was a bevy of law enforcement officers there
23 that day; weren't there?

24 A Yes, sir.

25 Q I mean, Detective Murdock didn't say, "Hey, Detective

1 Davis, you handle "G". Detective Womack, you handle "A" and
2 "B". Officer Smith, you handle buildings "C" and "D"." Did
3 you hear any of that?

4 A I was given an assignment, and that was to go interview
5 Charles, who we've heard from.

6 Q Okay, so you didn't hear Detective Murdock give any
7 assignments for any other buildings to look around?

8 A No, sir. Once I had my assignment I went there.

9 Q So, you don't know what he assigned other folks?

10 A No, sir.

11 MR. HENDERSON: Okay. I don't have anything further.

12 THE COURT: Anything, Mr. Grose?

13 MR. GROSE: No, sir.

14 THE COURT: Sir, thanks. You can step down. You're
15 free to stay, free to leave. Solicitor, call your next
16 witness, please.

17 MR. STUMBO: Thank you, Judge. The State would call
18 Sheriff Dennis Kelly to the stand.

19 WHEREUPON, Dennis Kelly, having first been
20 duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STUMBO:

23 Q Good afternoon, Sheriff. How are you today?

24 A Good afternoon. Good.

25 Q You've been here on and off for this trial this week?

Kelly-Direct Examination

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- 1 A That's correct.
- 2 Q And it deals with something that happened April 8,
- 3 2020; correct?
- 4 A That is correct.
- 5 Q When this incident occurred, a lot of these guys that
- 6 work for you were out there on scene; correct?
- 7 A That's right.
- 8 Q Were you out -- did you come out on scene that day?
- 9 A I did.
- 10 Q Okay. And when you are able, do you like to do that?
- 11 A I do. I do in most major incidents. Most of them.
- 12 Q Okay. And who was your ranking investigator out there
- 13 on the scene that day?
- 14 A I'm thinking it was Cody Bishop maybe. I think he was
- 15 a Captain then, I believe, maybe.
- 16 Q Is Mike Murdock one of your lead investigators?
- 17 A Yes, he was out there. Yeah.
- 18 Q Was he assigned the lead on this case?
- 19 A Yes.
- 20 Q Okay. Tell me, when you get out there what do you do
- 21 when you first get there, Sheriff?
- 22 A When I first get there, I have my investigators handle
- 23 the scene. I just go for support. Also, looking, talking
- 24 to people. If I come across anyone that has any
- 25 information. So, on that incident that day I was just -- I

1 actually came in from the other apartments and just started
2 walking, seeing if there was any victims, anybody in the
3 area that had any information, and was just looking for any
4 kind of evidence. I knew it was a shooting.

5 Q You say the other apartments. That's the Gardens at
6 Parkway with the green roof?

7 A Right. Uh-huh.

8 THE COURT: That's a "yes"?

9 THE WITNESS: Yes. Sorry.

10 Q Sheriff, as part of the investigation, did you talk to
11 people that were standing around out there?

12 A I did.

13 Q Okay. Did you have occasion to look for any evidence?

14 A I was on the back side -- if this is "G", I came
15 through those trees that separates the apartments and was
16 just looking around. Just from information from my
17 deputies, and some of those residents, that the individuals
18 went back toward the apartments where I came from. So, I
19 don't know if they are Leland cypress or cedar trees, some
20 type of trees that line between the apartments, so I just
21 started walking in between and under those trees and
22 looking.

23 Q Okay. Since these are already in evidence, I'm just
24 going to put them up here on the screen. Sheriff, I'm going
25 to show you State's 70. What's that with the Number 20

Kelly-Direct Examination

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1 marker with it?

2 A I can't hardly tell. I assume it's the gun I found.

3 Q If you need to step down?

4 MR. HENDERSON: Solicitor, what number is that?

5 MR. STUMBO: I'm sorry. It's number 70.

6 A That's the tan semi. It's a Taurus 9 mm that I found
7 under that tree in those bushes.

8 Q And you, just walking the tree line, found that gun?

9 A Yes, sir. I was walking in between every tree,
10 checking every bush, anywhere that I possibly could find any
11 type of evidence, and I happened upon that weapon.

12 Q State's 69, which is a little bit closer up view of
13 that. Same gun?

14 A Yes, sir.

15 Q Okay. Was it in this position when you found it? You
16 didn't move it; did you?

17 A I didn't touch it, didn't move it. I called my
18 evidence tech to document it and secure that weapon, and
19 document it for evidence.

20 Q And that would be Greg Allison, who is your evidence
21 man?

22 A That's correct.

23 Q I'm going to show you State's 68 now. That's the gun
24 after it's logged in by your evidence tech?

25 A Yes.

1 Q Now, when you see the gun is it racked back like that
2 already when you find it?

3 A Yes. It was locked all the way to the rear.

4 Q What does that mean when a gun is locked back like
5 that?

6 A It will do that if you fire the weapon empty, it will
7 do that, or you have to manually lock it to the rear. But
8 it will lock to the rear like that if it's fired until it's
9 empty.

10 Q Okay. So, the last shot bullet that's fired out, it
11 automatically locks back in that open position?

12 A Normally. Yes, sir.

13 Q Okay. So, it was locked back in that position when you
14 saw it for the first time?

15 A Yes.

16 Q Did you see any bullets or casings on the ground around
17 it?

18 A I did not.

19 Q Okay. As part of any other active part of this
20 investigation did you do anything after that?

21 A I did not. I let my investigators. They're well
22 trained. I let them handle it. I'm just there for support.
23 I've done anything from direct traffic to assist somebody
24 with whatever. I don't try to take over the investigation.
25 I let those guys handle it.

Kelly-Cross Examination

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1 Q Okay. If they need advice you give it to them?

2 A Absolutely.

3 MR. STUMBO: Beg the Court's indulgence. Sheriff, thank
4 you for being here this week. Please answer any questions
5 the Defense attorneys may have for you.

6 THE COURT: Mr. Tinsley?

7 CROSS EXAMINATION

8 BY MR. TINSLEY:

9 Q Was this gun the only piece of evidence you found,
10 Sheriff Kelly?

11 A To my knowledge. I don't remember finding any other
12 evidence.

13 Q You testified you didn't touch the gun.

14 A That's right.

15 Q So, you don't know whether the barrel was warm? Cool?

16 A No, sir.

17 Q And you talked about looking for people with
18 information. Did you actually talk to anybody?

19 A Yes. Some of the people that were out at that point,
20 just walking around. I would just, in general, you know,
21 "Did you see anything? Do you have any information?"
22 Nobody -- people were, like, "I didn't see anything. I
23 didn't hear anything."

24 Q Okay, so you didn't turn up any information from any of
25 these folks?

1 A I did not.

2 Q Okay, and this was over at the Gardens at Parkway?

3 A I was at both, but I came in from the Parkway and
4 walked through those trees over to there, so I was in the
5 back of the other one as well.

6 Q These people that you encountered, were they just
7 people walking around?

8 A Well, we had the tape roped off, but they were in the
9 general area. Even at the other apartment I asked them if
10 they heard anything or seen anything, and nobody had any
11 information.

12 Q And these were people that were outside?

13 A (Non-verbal response.)

14 Q So, you didn't knock on any doors at either place?

15 A Huh-uh. I did not.

16 MR. TINSLEY: I don't have any further questions.

17 THE COURT: Mr. Henderson?

18 CROSS EXAMINATION

19 BY MR. HENDERSON:

20 Q Hey, Sheriff. How are you?

21 A Good.

22 Q Now, you've heard the expression, "The guilty dog
23 barks."

24 A Yes.

25 Q Okay. Now, here you've been in and out of the

1 courtroom haven't you?

2 A Yes.

3 Q Did you hear Mr. Goode testify?

4 A I did.

5 Q He's the only person here that's mentioned a tan
6 handgun; isn't he?

7 A To the best of my memory. Yes, sir.

8 Q Absolutely. And, again, you've heard testimony too
9 about, that between the 911 call and the time that Deputy
10 Cockrell came up on Mr. Goode it's a seven minute lag time?

11 A (No verbal response.)

12 Q You've heard that testimony?

13 A I have.

14 Q It's in evidence. So, you don't know what Mr. Goode
15 was doing during that seven minutes, do you?

16 A No, I do not.

17 Q Now, did you write an incident report about...

18 A I did not.

19 Q You didn't write an incident report?

20 A No, sir.

21 MR. HENDERSON: I don't have anything further.

22 THE COURT: Mr. Grose?

23 MR. GROSE: Sheriff, I don't have any questions. Thank
24 you for being here.

25 THE COURT: Thank you. You may step down. You are

Murdoch-Direct Examination

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1 welcome to stay or welcome to go. Call your next witness,
2 please.

3 MS. TAYLOR: Your Honor, the State calls Detective Mike
4 Murdoch.

5 WHEREUPON, Mike Murdoch, having first
6 been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. TAYLOR:

9 Q Good afternoon.

10 A Good afternoon.

11 Q How are you employed, Detective Murdoch?

12 A I'm currently employed at the Greenwood County
13 Sheriff's Office as the Lieutenant in the Criminal
14 Investigations Division.

15 Q How long have you been with the Sheriff's Office?

16 A I've been with the Sheriff's Office since 2015. I
17 started in Uniform Patrol in 2015 and then was transferred
18 to Criminal Investigations in 2017.

19 Q Prior to that were you -- you worked for the Highway
20 Patrol I believe. Is that correct?

21 A I began my law enforcement career in 1994 with the
22 Greenwood City Police Department, remained there
23 approximately 13 years. For some reason I left and went to
24 the South Carolina Highway Patrol. Stayed there from
25 approximately '07 until 2015 when I came to the Sheriff's

1 Office.

2 Q Were you called out to the scene on April 8, 2020?

3 A The -- not specifically. We heard the call come out
4 and the Criminal Investigations Division responded to
5 assist.

6 Q When you arrived, were you automatically -- well, let
7 me back up. Were you the lead detective on this
8 investigation?

9 A I wound up being the lead investigator. I was not the
10 Lieutenant at this time. I wasn't promoted to Lieutenant
11 until later in the summer of 2020, so I was just an
12 investigator at the time this incident occurred.

13 Q But you ended up taking lead on this investigation?

14 A I ended up. Yes.

15 Q When you first got there, what did you do?

16 A When I arrived on scene, the other units were already
17 there. I think Deputy Cockrell and Deputy Stroup were
18 already there. Mr. Goode -- as I approached the apartment,
19 Mr. Goode was lying on the ground facing the steps. I
20 briefly interacted with him. Kind of got briefed from
21 Deputy Cockrell, to the best of my -- what had transpired.
22 And at that time other information was starting to come in,
23 so I was relaying it via telephone, because I didn't have a
24 walkie, to other -- like Lieutenant Russ, who was there.
25 Wasn't on the scene. But Lieutenant Russ, Major Bishop,

1 Major Cromer, who has since retired. So, I was relaying it
2 to other units, and as more information come in other
3 detectives were sent. We were limited in number that day.
4 I think there was just three of us that day; Womack, Davis,
5 and myself. They were directed to other locations.

6 Q You said there were a lot of units already on scene.
7 Were there city units there as well?

8 A I believe there was. I didn't make contact with -- I
9 seen a lot of people on scene. I think maybe city officer,
10 Detective Blackwell, may have been on scene. Maybe others.
11 Usually in -- because that is so close to the city and
12 county, they dispatch both agencies to calls of this nature
13 in that area, so -- as it would be the norm. You had a lot
14 of marked city units and county units responding to the
15 area.

16 Q Would it be fair to say this area was crawling with law
17 enforcement?

18 A It would be safe to say that, yes.

19 Q Now, the extent of the scene. I'm trying to think if I
20 can do this without having you come over here. Can I just
21 get you to step?

22 A Yes, ma'am.

23 Q I'll just have you down to ask some questions.

24 (WHEREUPON, witness steps down from stand.)

25 Q All right. We've already heard testimony about

1 Apartment [REDACTED]. Can you find that for us on the map?

2 A I think this [REDACTED] is going to be right in here, if I'm
3 not mistaken.

4 THE COURT: He's going to need to speak up, Elizabeth.
5 I'm sorry. Switch sides and project this way.

6 A This is The Gardens at Parkway, if I'm not mistaken.
7 This is in the city limits here, so I think [REDACTED] is going to
8 be right here. Hillcrest Condos would be in the county.

9 Q And you mentioned the Gardens at Parkway. Was that
10 part of your scene as well that day?

11 A Yes. It turned out to be a gun was later located and I
12 think this is the apartment complex where Stephanie Moss,
13 who testified earlier in the week, she resided in this -- if
14 I'm not mistaken. This building right here.

15 Q And you said there was a gun located?

16 A There was later a gun located somewhere around these
17 two parking spaces right here.

18 Q Can I get you to just write a "G", kind of, in the area
19 where that gun was located?

20 A It's going to be approximately right around in here.

21 MR. HENDERSON: Can we get him to spell the word "gun",
22 just to be clear?

23 MS. TAYLOR: Sure.

24 Q All right, you can take your seat.

25 (WHEREUPON, witness returned to stand.)

1 Q You said there was a lot of law enforcement in the
2 area. Was it a confusing scene at first?

3 A Yes, ma'am.

4 Q And is that typical when you're investigating a
5 shooting or a case like this to ---

6 A Yes, ma'am. It's ---

7 Q --- have a lot of confusion?

8 A --- very typical with most scenes like this.

9 Q Does the picture become more clear as you begin
10 investigating?

11 A As time goes on, hopefully it clears up some, but
12 sometimes there's still confusion.

13 Q Now, you said there were only three of y'all, three
14 investigators that day. You, Investigator Womack, and
15 Investigator Davis. You and Investigator Davis were at the
16 scene. Where did Investigator Womack go?

17 A Investigator Womack wound up at Self Regional. Started
18 receiving calls, I think, that people coming in with gunshot
19 wounds to the hospital. So, instead of coming to the scene,
20 he goes to the hospital.

21 Q I want to go through -- well, let me back up and ask
22 this first. As an investigator with the Sheriff's Office,
23 can you just search anywhere you want to search? Anybody's
24 house you want to search?

25 A You can't go into anybody's house absent -- without a

1 search warrant, absent being invited in or exigent
2 circumstances.

3 Q All right, so -- and I think we heard earlier that once
4 the scene was secure, law enforcement pulled back, even out
5 of Apartment [REDACTED]?

6 A Yes, ma'am.

7 Q What did y'all do with regard to Apartment [REDACTED]?

8 A I called Lieutenant Russ and advised him what we had
9 and that for an abundance of caution we would need to obtain
10 a search warrant for Apartment [REDACTED] to enter and search.

11 Q And did you have probable cause to believe that some
12 crime had occurred in Apartment [REDACTED]?

13 A I believe we did, yes.

14 Q And the Magistrate agreed with you, obviously?

15 A Yes, ma'am.

16 Q So, you got a search warrant for [REDACTED]. Did you have
17 probable cause to get search warrants for any of these other
18 apartments?

19 A I didn't see probable cause for -- I think there's
20 three other apartments there. I did not see any probable
21 cause to enter.

22 Q Did you have any evidence whatsoever that anything had
23 happened in those apartments?

24 A No, ma'am.

25 Q Is it typical when you're on a scene like this for

1 people to come rushing out, trying to see what happened?

2 A Yes, ma'am.

3 Q Did anybody come rushing out of any of those three
4 apartments?

5 A No, ma'am. Not while I was there.

6 Q Did anybody come running up saying, "What's happening
7 at my house?"

8 A No, ma'am.

9 Q There were people around. Were there people around the
10 crime scene?

11 A There are numerous people spread out through the
12 complex, on the outside of the tape. So, there were
13 numerous people in the area.

14 Q And did you have any evidence whatsoever that any of
15 those people had been in those apartments?

16 A No, ma'am. I didn't.

17 Q Or that anything had happened in those apartments?

18 A No, ma'am.

19 Q So, you testified that y'all got a search warrant for
20 the apartment. Did you also walk around the scene, the
21 outside?

22 A I walked limitedly. I walked around building "G".

23 Q Did you walk over to the Gardens at Parkway?

24 A If I'm not mistaken, Deputy Mansel was over there, and
25 that's where the gun that I pointed out there, she found it

1 in a parking lot. So, I actually drove from Hillcrest
2 Condos G2 -- not actually into Garden at Parkway, but to --
3 there's a cut through still in Hillcrest condos. I parked
4 there and walked through the cut through.

5 Q The cut through you're talking about, State's Exhibit
6 Number 23, is that the path we're talking about?

7 A Yes, ma'am.

8 Q And which direction are you facing on that path?

9 A You're facing from Hillcrest Condos back into the
10 Gardens at Parkway.

11 Q Okay. So, would the gun have been located like right
12 in ---

13 A Yeah, in that approximate area. Yes, ma'am.

14 Q Maybe that little black dot right there.

15 A Yes, ma'am. I can't see the dot, but that would've
16 been the area.

17 Q I'm showing you State's 24. Is that that same parking
18 lot we were just looking at?

19 A Yes, ma'am.

20 Q And can you -- can you see something over here on maybe
21 the third space over?

22 A It looks like, approximately the third space from the
23 curb, there's like a -- well, from what I see, it's like a
24 black dot right there, or a black object right there, on the
25 photo.

1 Q And going in closer. State's 25. Does that look like
2 that same black object?

3 A Yes, ma'am.

4 Q Can you identify what that is in this picture?

5 A I can't see it clearly from here, but that is
6 consistent with where the gun was found -- a gun was found.

7 Q And even closer -- let's see. State's 27?

8 A Yes, ma'am.

9 Q Is that the gun?

10 A Yes, ma'am.

11 Q And State's 30? It's a closer up on that gun. Is that
12 correct?

13 A Yes, ma'am.

14 Q And finally, State's 31.

15 A Yes, ma'am.

16 Q So, that's the gun that was found in that parking lot?

17 A Yes, ma'am.

18 Q Now, you didn't actually collect any of the evidence
19 that day, did you?

20 A I collected that gun. The reason being, the evidence
21 custodian crime scene tech is one and the same with our
22 agency. He was at building "G" processing that scene, and
23 rather than have deputies tied up there and a firearm laying
24 in the open like that, I photographed it, collected it in a
25 box, and then turned it directly over to him to be placed

1 into evidence.

2 Q Now, when you collected that gun, did you do anything
3 to it? Did you have on gloves? How -- what did you do?

4 A I collected it with gloves on in case DNA needed to be
5 collected from the gun or any other type of forensic
6 processing. So, I put on gloves. And you never want to put
7 a live firearm, or potentially live firearm in a box for
8 someone to handle, so I made the gun safe.

9 Q I'm going to hand you what's been marked for
10 identification as State's Exhibit 93. Is that the gun you
11 collected that day?

12 A Yes, ma'am.

13 Q Now, going back over to the scene at Apartment ■■■, did
14 you walk around over there a good bit?

15 A Just briefly. After initial contact, I walked around
16 to the direction Mr. Goode said that the shots had been
17 fired from, and I found what appeared to be shell casings
18 over there. I didn't count them. I just helped secure the
19 area until the evidence tech got there, crime scene tech, to
20 start processing and collecting everything.

21 Q I'm going to show you what's been marked as Exhibit 35,
22 or entered as Exhibit 35. Can you tell me what that is?

23 A That appears to be a photo of Apartment ■■■ with the
24 door open, with a rug that's hung over the railing. And
25 that's a dowel rod that apparently that had been stuck

1 through there by the evidence or crime scene tech to show a
2 direction of travel of the projectile.

3 Q Exhibit Number 36. Can you tell me what that is?

4 A It appears to possibly be a bullet hole in vinyl
5 siding. I didn't take the picture, so I can't say exactly
6 where that's located.

7 Q Was there vinyl siding on the roof over that stoop?

8 A There was.

9 Q State's Exhibit Number 38. We have a couple of
10 different markers. What's number 17 marking? Can you tell
11 from there?

12 A I cannot.

13 Q Can you step down and ---

14 MR. GROSE: This is exhibit number?

15 MR. HENDERSON: I think 38.

16 MS. TAYLOR: Thirty eight.

17 MR. GROSE: Thank you.

18 A It appears that Number 17 is marking a projectile.

19 Q All right, and Number 16 is marking a shoe? A slide?

20 A A slide on shoe.

21 Q State's Number 41? Is that a closer up of that
22 projectile?

23 A Yes, ma'am.

24 Q Now, going back to State's 38. I'm sorry. You
25 probably want to stay there for a second. Are there any

1 casings marked up there on that stoop?

2 A I don't see any. I don't see any in that photo. No,
3 ma'am.

4 Q Were there any casings found at the top of those steps?

5 A I don't recall any being found, but I just quickly
6 viewed the scene. I don't recall any being found up there.

7 Q All right. You can have a seat again. The last
8 picture I'm going to ask you about is State's Exhibit 49.
9 Can you tell me what that appears to be?

10 A It appears to be looking back from Apartment [REDACTED] down
11 towards the ground -- the steps go down to like a little
12 landing then turns right. More steps go down to the ground.

13 Q Are there footprints on those steps?

14 A Can I?

15 Q Sure, sorry.

16 A I apologize. I'm getting old. Yes, ma'am. It appears
17 to be consistent with possibly bloody footprints.

18 Q Now, you testified that as you're on the scene at the
19 apartments, Investigator Womack is also at the hospital?

20 A Yes, ma'am.

21 Q Did you attempt to get any of the video from the
22 hospital?

23 A The hospital was notified that we would be needing the
24 video. They're great with working with law enforcement, so
25 they began their procedure to capture -- and they have

1 limited people that release it. Just for court purposes, to
2 limit the number of people that have to come to court. So,
3 they began a procedure of capturing the video that we
4 needed.

5 Q And did you get that video from the hospital?

6 A Yes, ma'am. I think it was on the tenth, I believe it
7 was, a day or two later.

8 Q And I'm going to play what's already been entered into
9 evidence as Exhibit Number 96, and ask you some questions
10 about it.

11 Q Sorry, it's taking me just a minute to get it to go.
12 (WHEREUPON, State's Exhibit 96 was published to the jury.)
13 Can you tell what time is on this video in that upper left
14 corner?

15 A It appears to be 2:09, 2:10 pm from 4/8/2020.

16 Q I'm going to fast forward just a little bit. At about
17 the 2:12:48 mark, I'm gonna ask you to be paying attention.
18 All right. And we'll pause it right here. Coming into the
19 frame, up at the very top, is that a black sedan, looks
20 like, coming down the road?

21 A Yes, ma'am. It appears to be.

22 Q All right. And stopping it here at about 2:12:58. Did
23 they just park in front of the ER?

24 A Yes, ma'am.

25 Q Can you tell the make of that car?

- 1 A It is a Toyota.
- 2 Q Do you know what kind of car that is.
- 3 A I cannot. It -- a Camry or Corolla.
- 4 Q A black Toyota sedan?
- 5 A Body style. Yes, ma'am.
- 6 Q All right. And at 2:13 and some change. They're
- 7 already speeding off; is that correct?
- 8 A Yes, ma'am.
- 9 Q Now going back, rewinding this frame by frame. Do you
- 10 know who this person they put in the wheelchair is?
- 11 A That is later -- person is later identified as Mr.
- 12 Alston, the deceased in this case.
- 13 Q When you watched this video, were you able to identify
- 14 this person right here who gets out of the back passenger
- 15 seat?
- 16 A Yes, ma'am.
- 17 Q Who is that?
- 18 A That is, Mr. Reid, seated at -- Mr. Henderson's client.
- 19 Q In the black shirt in the bow tie?
- 20 A Yes, ma'am.
- 21 Q At the far table? And you knew him before this?
- 22 A Yes, ma'am.
- 23 Q Were you able to identify the driver?
- 24 A I did not know the driver. I was not personally able
- 25 to identify him. I took a still capture of the video, sent

1 it out over city/county wide email to all officers to see if
2 anybody could identify the driver.

3 Q And I'm rewinding it just a little bit more. The shoes
4 that Mr. Alston has on. What color do those appear to be?

5 A Blue.

6 Q Now, Mr. Reid, is he jumping back into the back seat of
7 that car again?

8 A It appears he gets into the same door he got out of,
9 the rear passenger side.

10 Q So, he didn't even take the time to get into the front
11 passenger seat?

12 A No, ma'am. It appears he got back in the rear
13 passenger.

14 Q Does it look like anybody's in that front passenger
15 seat?

16 A I can't see anyone visible at this time. No, ma'am.

17 Q I'm going to keep playing this, because I have some
18 more questions at the 2:14:00 mark. All right. Here at
19 2:14:37 -ish, :39, do you see a silver SUV, it looks like,
20 coming down the road?

21 A Yes, ma'am.

22 Q All right, and it's 2:14:52. Is someone getting out of
23 that silver SUV?

24 A Yes, ma'am. Someone is getting out of the front
25 passenger.

1 Q And is he hobbling?

2 A Yes, ma'am. He appears to be hopping on one foot.

3 Q I don't know if you can see. If you need to come over
4 here and see it on the small screen, that's fine. Does he
5 appear to have a design on his shirt?

6 A There -- I can't make out specific, but there is a
7 design. It's small, numerous little small designs, possibly
8 "c" or circle shaped.

9 Q And this gentleman in the red. Do you know who that
10 is?

11 A I don't know him. I think he was later identified as
12 the maintenance man.

13 Q Okay, and what about this gentleman? Do you know who
14 that is?

15 A That was later identified as Mr. Hill.

16 Q All right, so the maintenance man -- does it look like
17 he's trying to go into the hospital with Mr. Hill?

18 A It looks like he's following behind him. Yes, ma'am.

19 Q All right, and what does it look like he's doing now?

20 A Now he's returning to speak with the city police
21 officer that pulled up.

22 Q Does it look like he's sticking around trying to give
23 information?

24 A Yes, ma'am. He approached the officer and spoke with
25 the officer.

1 Q Now, we're at -- I want to keep watching and see when
2 he finally leaves. So, at 2:16, is he moving his vehicle?

3 A Yes, ma'am.

4 Q Did he stay at the hospital for a little bit before he
5 came back to the scene?

6 A I never spoke with him. I think he returned to the
7 scene. How long, I don't know, but I that's when I think
8 Investigator Davis spoke with him.

9 Q So, when he leaves the hospital, he goes right back to
10 where he found Mr. Hill. Is that correct?

11 A Yes, ma'am. To my understanding.

12 Q Now, let me back up to this Camry again. Which door
13 did they pull the deceased, Mr. Alston, out of?

14 A The rear passenger door.

15 Q And, as an investigator, where would you expect to find
16 most of the evidence associated with Mr. Alston?

17 A In that area where he had been seated and was removed
18 from.

19 Q And is that the same door that Mr. Reid jumped right
20 back in?

21 A Yes, ma'am.

22 Q Now, did this Camry return to the scene?

23 A Not to my knowledge. No, ma'am.

24 Q So, they pull in -- just to make sure I'm right. They
25 are turning into the hospital at 2:12:52, is that correct?

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1 A Yes, ma'am. That's what it shows on the video.

2 Q And they are back in the car and pulling out at
3 2:13:45; is that correct?

4 A Yes, ma'am, that's correct.

5 Q All right. That's all the questions I have about the
6 video. And is there another angle of this?

7 A I'm not familiar with one right off hand. Unless there
8 is one that shows when they go out the front, the other end
9 of it.

10 Q On State's 96, is this another angle of this, of the ER
11 entrance?

12 A Yes, ma'am. That would be taken, kind of, looking back
13 up toward the Sheriff's Office.

14 Q Is there a lot of shadow over the car in this angle?

15 A Yes, ma'am.

16 Q Is it a lot harder to make things out?

17 A Yes, ma'am.

18 Q Does it also appear that this camera maybe jumps a
19 little bit? When -- by jump, I mean the video itself is --

20 A Advances.

21 Q --- staggering, sort of. So, this is not as good of a
22 view as the other one?

23 A No, ma'am.

24 Q Now, you said after you watched this video, you put out
25 an e-mail to city and county law enforcement. Were you able

1 to identify the car?

2 A I was. Detective McClinton with the Greenwood City
3 Police Department contacted me. He identified the driver as
4 Mr. Chazz Hurley, Mr. Grose's client, and said that the car
5 was a Toyota Camry and belonged to his mother, Trish.

6 Q And, shortly after that conversation, did the city, in
7 fact, stop that vehicle?

8 A They did. They stopped them at the New Way on Chipley,
9 at Chipley and New Market. Mr. Hurley wasn't in the vehicle
10 that time, but I think it was being driven by his mother, as
11 well as I remember.

12 Q Did you obtain a search warrant for that vehicle?

13 A I didn't at the time I seized the vehicle. I had it
14 towed to the county impound. That was on a Friday, Good
15 Friday if I'm not mistaken, the 10th. So, it was impounded
16 in our secure county storage facilities. A search warrant
17 was obtained for the vehicle on Monday and executed later
18 that day.

19 Q Did you personally execute that or did ---

20 A I obtained the search warrant. I'm not really sure who
21 actually signed off as executing it, but the crime scene
22 investigator processed the vehicle for any evidence.

23 Q Now, as part of your report, do you note the sizes of
24 the Defendants?

25 A On the initial report they do. There's a block that

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1 has to be filled in.

2 Q Would you be able to remember their sizes off the top
3 of your head.

4 A No, ma'am.

5 Q If I showed you your report, could that refresh your
6 recollection?

7 A I can read what's on the report. Yes, ma'am.

8 Q I'm going to ask you if you could, just take them in
9 order, and tell me their heights and weights.

10 A Yes, ma'am. Do you just want me to go over everybody
11 that's listed?

12 Q Well, let's go with Mr. Alston, first. How tall was
13 he?

14 A Mr. Alston is listed on the report as 6 foot 3 and
15 weighing 170 pounds.

16 Q So, pretty tall and lanky?

17 A Yes, ma'am.

18 Q What about Mr. Hill? What was his size?

19 A Mr. Hill was listed on the report as 5 foot 8, 150
20 pounds.

21 Q What about Mr. Hurley?

22 A Mr. Hurley is listed as 5 foot seven and 150 pounds.

23 Q And what about Mr. Reid?

24 A Mr. Reid is listed at 5 foot 6, 145 pounds.

25 Q So, Mr. Alston would have been a good bit taller than

1 Mr. Reid or Mr. Hill; is that correct?

2 A Yes, ma'am.

3 Q If they were crouched down, could he have appeared
4 bigger?

5 A I guess to someone he could.

6 Q You were not able to locate Mr. Hurley or Mr. Reid
7 immediately after this incident; correct?

8 A No, ma'am.

9 Q Mr. Hill was in the hospital, so you knew where he was;
10 right?

11 A Yes, ma'am.

12 Q When were you able to locate Mr. Hill? I mean, excuse
13 me. Mr. Hurley.

14 A I think Mr. Hurley was located and taken into custody
15 in July, if I'm not mistaken, somewhere around the 9th.

16 Q And what about Mr. Reid?

17 A I think he was taken into custody later on in July,
18 maybe around the 29th.

19 Q Once you were able to locate the defendants, did you
20 obtain search warrants for their DNA?

21 A I did.

22 Q And how do you take a sample for DNA purposes?

23 A It comes in a kit, and it's got a big long -- basically
24 a big long Q-tip. You can do it two ways. You can either
25 stick the Q-tip in their mouth and rub your cheeks, or you

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1 can have them hold it and rub the inside of their mouth on
2 their cheeks. Then it's allowed air dry and then placed in
3 a container.

4 Q Did you personally swab any of the defendants?

5 A I swabbed, if I'm not mistaken, I swabbed Mr. Reid.

6 Q I'm going to hand you what's been marked for
7 identification as State's 103. Are those the buccal swabs
8 you took from Mr. Reid?

9 A Yes, ma'am.

10 Q And, after swabbing Mr. Reid, what did you do with
11 that?

12 A It is, like I said, after it's air dried to prevent
13 molding and contaminating the sample it is then placed into
14 evidence, and the evidence custodian puts it in a location
15 to prevent moisture, and it's eventually taken to SLED for
16 analysis.

17 Q So, would you have taken this Exhibit 103 and placed it
18 into an evidence locker?

19 A I would have, or sometimes they're placed in
20 refrigeration, just to be on the safe side, but once it's
21 completely air dried, it is -- it can be placed in an
22 evidence locker.

23 Q And from you that would go to Greg Allison?

24 A Yes, ma'am.

25 Q Do you still have the report up there?

1 A Yes, ma'am.

2 Q Can you tell me how old these defendants are, or were,
3 or are?

4 A Mr. Reid, at the time the report was taken, was 22
5 years of age. Mr. Alston was 19 years of age. Mr. Hill, 18
6 years of age, and Mr. Hurley, 23 years of age.

7 MS. TAYLOR: Thank you, Investigator Murdoch. Please
8 answer any questions that the Defense has for you.

9 MR. HENDERSON: Your Honor, may we take a short break
10 now?

11 THE COURT: I'm actually thinking about that exact same
12 thing, Mr. Henderson. We've been at it in about an hour and
13 a half, and I imagine the jury probably needs to stretch
14 their legs and have a break. We'll be at ease for about 10
15 minutes. We'll be back on the record, we'll stay around
16 3:50, and we'll resume at that point in time. Adjourn to
17 the back and don't talk about the case. Thanks. Feel free
18 to pop downstairs if you need to.

19 You may step down. Don't talk about your testimony.

20 (WHEREUPON, recess 3:38 p.m.-3:59 p.m.)

21 THE COURT: Let's go ahead and have the jury, please.

22 (WHEREUPON, jury entered 3:59 pm.)

23 We're continuing with the examination of this witness. Mr.
24 Tinsley?

25 CROSS EXAMINATION

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1 BY MR. TINSLEY:

2 Q Lieutenant Murdoch, you would agree with me that was a
3 clear, sunny spring day.

4 A Yes, sir.

5 Q And I heard you testify about taking some DNA evidence.

6 A You're talking about the buccal swabs?

7 Q Correct.

8 A Yes, sir.

9 Q What about any fingerprints on these guys? Did y'all
10 do that?

11 A That was -- when they're turned in -- when they're
12 take, they're turned in to the crime scene tech. He either
13 processes them for latent prints or either they go down to
14 SLED for processing. Because, sometimes if you going to do
15 DNA and test for latent prints there's --- you don't want
16 one to contaminate the other. So, often times, if they're
17 going to try for both, we'll leave that up to SLED.

18 Q So, y'all didn't do anything.

19 A No, sir. As far as I know, the evidence tech did not
20 do it. Everything was sent to the State Law Enforcement
21 Division for processing.

22 Q Okay. The Solicitor asked you about getting a search
23 warrant for any of these other buildings and you didn't do
24 that?

25 A No, sir.

1 Q But you don't need a search warrant to knock on a door
2 and ask anybody if they saw or heard anything?

3 A No, sir. You do not.

4 Q Okay, and y'all didn't do any of that, door knocking?

5 A I didn't. Not at that particular building. No, sir.

6 Q And you're not aware of any other deputy doing it?

7 A Not at that building. No, sir.

8 Q And I've heard testimony about searching around
9 building "G". Did you search around any of the other eight
10 buildings?

11 A Because of the outdoor and expansive complex we didn't
12 have enough investigators to do a grid search. I called, I
13 believe it was Major Cromer at that time over uniform
14 patrol, and said we've got a lot of people out here. Is
15 there any way I can get, you know, somebody walk through,
16 talk to people, see if there's any witnesses. Whether they
17 did or not, that is beyond me. If you read the report is
18 the only thing that we know.

19 Q Okay, and there's not nothing about any of that?

20 A The only thing I know is, if you remember with Ms.
21 Bollinger, Deputy Napier actually talked to her and got that
22 statement. He's with Uniform Patrol.

23 Q Okay, and that all came about from a somebody in Ms.
24 Bollinger's apartment calling 911. So, y'all didn't just
25 cold knock on the door?

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1 A I didn't, and as far as I know, I asked for assistance
2 because we can't do it all.

3 Q I agree with that, but y'all had a lot of law
4 enforcement at the scene.

5 A We have a lot of a lot of law enforcement at the scene.
6 Don't mean they were doing everything they needed to be
7 doing, to be honest with you. A lot of them are -- just
8 like normal, they like to stand around and look. Or they
9 try to avoid this. Being up here, having to testify.

10 Q And other than the blood in the apartment, in and
11 around Apartment ■■■, y'all didn't find any blood in the
12 area; correct?

13 A I didn't. I don't -- there was none located, other
14 than around ■■■, that I'm aware of.

15 Q There is a fence behind Hillcrest Condos? You know
16 what I'm talking about?

17 A Are you talking about on the other side of the parking
18 lot --

19 Q Correct.

20 A --- wood line?

21 Q Correct. Did you go back there and search back behind
22 there yourself?

23 A I didn't. I think I understood Investigator Davis did.

24 Q And you didn't find a ski mask?

25 A No, sir. To my knowledge ---

1 Q And you're not aware of any -- I'm sorry.

2 A To my knowledge, I'm not aware of anyone finding a ski
3 mask.

4 Q None of these witnesses identified anybody as a
5 shooter?

6 A No, sir. None of the testimony I've heard did anybody
7 identify the shooter.

8 Q And you testified about a projectile being found up in
9 that porch area?

10 A Yes, sir.

11 Q And there was also one found down at ground level:
12 correct?

13 A To my understanding. Yes, sir.

14 Q And on these sizes that you looked at the report and
15 went over. Y'all are just making guesses at those sizes?

16 A There is various ways that they come up with this
17 information. Could be previous information in the record
18 system. Could be drivers license. So, there's various ways
19 that they can come up. How they come up with these, I can't
20 testify, because I did not write that part of the report.

21 Q So, you don't know where they got these?

22 A I do not.

23 Q Is it safe to say they didn't get a tape measure out
24 and a scale out to come up with precise numbers?

25 A That would be safe to say.

Murdoch-Cross Examination

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1 MR. TINSLEY: I don't have any further questions.

2 Please answer any questions Mr. Henderson has.

3 CROSS EXAMINATION

4 BY MR. HENDERSON:

5 Q Hey, Detective. How are you?

6 A Doing well, Mr. Henderson. How are you doing?

7 Q Good. I always love to see you. You're one of my
8 favorite people. Now, did I hear you right when you just
9 basically said that a lot of law enforcement officers are
10 basically lazy? That they're standing around, not doing
11 everything they ought to be doing?

12 A Mr. Henderson, you've been doing this as long as I
13 have, probably longer. We're human. Some of them are go
14 getters, and some of them like to be standing there and
15 secure the crime scene-ers. So, we're human. Just like any
16 y'all's employment you've got the go-getters and the stand
17 around-ers. We're the same way.

18 Q Right. So, is it fair to say there were some stand
19 around-ers out there that day?

20 A In twenty-eight years I've never not seen a stand
21 around-er.

22 Q They're like a bad penny. They always show up.

23 A They're useful for just standing there, or directing
24 traffic, or crime scene security.

25 Q Detective, let me borrow you down here at this -- at

1 these exhibits. And I don't recall the numbers. It looks
2 like it's number -- it looks like it's upside down. Looks
3 like Number 88 and 86. I want you -- and again we're going
4 to need to talk loud so Madam Court Reporter can hear us.
5 Point out building "G" again. I think you actually circled
6 it on one or maybe Detective Davis.

7 A I didn't. I think Detective Davis circled it here, or
8 where the casings was, which would have been at the corner
9 of "G".

10 Q I'm looking at Exhibit 86, and I see the word "casings"
11 and a circle. And you would agree with me that Deputy Davis
12 put that on there?

13 A Yes, sir.

14 Q You watched him do it, or at least ---

15 A I seen him draw something on there.

16 Q Right. And that's building "G" right there?

17 A Yes, sir.

18 Q Now, which one of these is building -- how about on
19 this map show what's building "G", if you could. And how
20 about mark it? You can draw a circle around it. Put a big
21 letter. That will be fine.

22 MR. HENDERSON: And let the record reflect that there's
23 a letter "G" that's on what's known as building "G".

24 Q Now, Do you know which one is building "A"?

25 A I do not know how they're numbered, or lettered. That I

Murdoch-Cross Examination

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1 do not know, because I had to ride around and find the other
2 police.

3 Q Okay, let me ask you, from looking out the front door
4 of Apartment "G" -- you know, we've seen a lot of
5 photographs looking down the steps there ---

6 A Yes, sir.

7 Q --- into a grassy area. How far is it walking forward
8 to this other building?

9 A It's approximately - I didn't get a tape measure and
10 measure. Maybe 25 yards, maybe?

11 Q Seventy-five feet?

12 A Could be.

13 Q How about if you're looking out the front door, down
14 the steps again, of Apartment G? If you're looking to the
15 left, going over here, how far would it be between those two
16 buildings?

17 A Maybe twenty yards. I don't know. I'm just
18 approximate. I hate to say it, but I'm guesstimating.

19 Q Right. I'm with you. I don't have a tape measure
20 either, but is it fair to say that all eight of these units
21 A, B, C, D, E, F, G, and H, are all fairly close together?

22 A Yes, sir.

23 Q And if you look at building "G", if you're walking down
24 the steps again -- the jury has seen a lot of photographs
25 looking down the steps out. And it's pretty close -- the

- 1 parking lot is pretty close to the right, right there?
- 2 A Uh-huh.
- 3 Q Is that a "yes"?
- 4 A Yes, sir.
- 5 Q And actually I think it must have been Mr. Parks who
- 6 testified, that it may be 25 feet. Did you hear him testify
- 7 to that, when he walked down the steps over there?
- 8 A He testified to some -- if you say he testified, I
- 9 don't doubt you.
- 10 Q I mean, that's my recollection of his testimony.
- 11 A I'm not doubting you, Carson. Mr. Henderson.
- 12 Q But all these buildings are fairly close?
- 13 A Yes, sir.
- 14 Q Okay. Again, I think Ms. Taylor actually used the
- 15 comment of, this place was swarming with law enforcement?
- 16 A Yes, sir.
- 17 Q Might not might not have been swarming. Might have
- 18 been teeming. It might have been some other.
- 19 A There was a lot there.
- 20 Q Right. A lot there. You can take your seat,
- 21 Detective. And I think that Mr. Tinsley asked that you
- 22 didn't instruct anybody else to walk around these other
- 23 buildings, like A, B, C, D, E, F?
- 24 A I didn't instruct anybody to. I testified to Mr.
- 25 Tinsley that I asked could we get somebody to walk through

Murdoch-Cross Examination

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1 for witnesses. Whether they did or not, we can only go by
2 what's in the report.

3 Q Right. And do you recall talking with Mr. Goode or Mr.
4 Parks about their vehicles?

5 A No, sir. I had very limited contact. I had no contact
6 with Mr. Parks and very limited with Mr. Goode.

7 Q Do you know if anybody asked them about their vehicles?

8 A Not that I know of.

9 Q And again, you're --

10 A They didn't in my presence, if they did.

11 Q You heard Deputy Detective Davis testify that, you
12 know, it's like any professional training that you're taught
13 how to document stuff in reports.

14 A Yes, sir.

15 Q And you're supposed to be extremely thorough, and
16 accurate, and complete. Is that fair to say?

17 A Yes, sir.

18 Q And then often times, like nurses tell me, that if it's
19 not in a medical record it didn't happen.

20 A That's correct.

21 Q And again, is it fair enough to say that if it's not in
22 the cumulative report -- not just your report, but Detective
23 Davis's report, Detective Womack's report. Several people
24 wrote report; correct?

25 A Yes, sir.

1 Q Is it fair enough to say that if it's not in those
2 reports that didn't happen?

3 A If it's not in the report, we can't say that it
4 happened.

5 Q And, so again, you know, just in building "G", you
6 didn't knock on Apartment number three?

7 A I knocked on no doors.

8 Q Okay. Did you ever ask the maintenance people who
9 lived in those apartments?

10 A I didn't.

11 Q Okay, do you know if any of your colleagues did?

12 A No, sir.

13 Q I saw what's looking like, I think it was State's
14 Exhibit Number 36 which showed a hole in vinyl. Do you
15 remember seeing that?

16 A Are you talking about the one that was up there where I
17 said it looks like vinyl? I didn't take a picture?

18 Q Correct.

19 A I did.

20 Q Okay, and I think the Solicitor asked you, does it look
21 like a bullet hole?

22 A I think I testified that it appeared to me to be a
23 bullet hole.

24 Q Okay, maybe you testified to that. Do you know if a
25 bullet was ever removed from that hole?

Murdoch-Cross Examination

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1 A Not that I'm aware of. If it's where I think it was,
2 it's kind of high up, and no. I don't think anybody got a
3 ladder and went up there. No.

4 Q Now, you said Mr. Allison's the evidence technician?

5 A Crime scene technician.

6 Q Now, he's got a ladder some place, doesn't he?

7 A I don't know. I don't...

8 Q Now, Greenwood County's got a ladder someplace.

9 A I'm sure they do.

10 Q OK, the County Manager is actually out here. I mean,
11 I'm sure they'd get y'all a ladder if you needed one.

12 A I'm sure.

13 Q Do you know whether or not Mr. Allison or Officer
14 Deputy Allison looked up in that hole?

15 A I do not know.

16 Q And you saw that video. I asked somebody else. That
17 big hole in the door in that apartment. Did anybody reach
18 their hand down into that big hole in the door?

19 A Not in my presence.

20 Q Has there been any word about anybody reaching their
21 hand down in there?

22 A I haven't heard any testimony here today. No, sir.

23 Q Now, I've noticed the Solicitor was playing this video
24 where Mr. Reid, Mr. Hurley, and Mr. Alston all arrive at the
25 Emergency Room. You saw video?

1 A Yes, sir.

2 Q And Mr. Hurley gets out and goes off camera. Looks
3 like he's going towards the door. Wouldn't you agree with
4 that?

5 A I would.

6 Q The ER door?

7 A Yes, sir.

8 Q From watching that video, it almost appears that they
9 were waiting on him. I just got that impression.

10 MS. TAYLOR: Objection, Your Honor. This is all
11 speculation.

12 MR. HENDERSON: Let me follow up.

13 MS. TAYLOR: Your Honor, he just said he got that
14 impression, and that would be.

15 THE COURT: I'll sustain the objection to that, but I
16 think maybe you can rephrase that and get where you're
17 going.

18 MR. HENDERSON: Absolutely.

19 Q When Mr. Hurley got out of the car, is it fair to say
20 that very quickly somebody else was coming out the door with
21 a wheelchair?

22 A Yes, sir. In a short amount of time, someone came out.

23 Q Bingo. A short amount of time?

24 A Yes, sir.

25 Q Okay. Did you ever ask anybody at the hospital whether

Murdoch-Cross Examination

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1 or not they -- that the hospital got a call from Mr. Reid or
2 Mr. Hurley saying, "Hey, we've got somebody who's harmed.
3 Can you come out and meet us."

4 A No, sir.

5 Q Did anybody -- I think you said Detective Womack was
6 the detective at the hospital. Did he tell you that he
7 asked, did he ask that lady who brought the wheelchair out?

8 A I haven't. He hasn't told me if they did.

9 Q Okay. And again, I think Mr. Tinsley said, or you
10 agreed with Mr. Tinsley, that wasn't raining that day.

11 A No, sir.

12 Q And it's my understanding, now correct me if I'm wrong,
13 on that tan handgun that the Sheriff found -- you've heard
14 that testimony?

15 A I heard the testimony.

16 Q And I think that gun, there was nothing found on that
17 gun. And when I say "nothing", no DNA, no fingerprints. Am
18 I correct about that?

19 A I can't testify to that. It was sent down. That will
20 probably be something -- I'm assuming they'll bring SLED up
21 later in the week. You may want to defer to that.

22 Q Okay. Assuming that nothing is found on that handgun -
23 - just assume that ---

24 MS. TAYLOR: Your Honor, this is leading to
25 speculation. I'm sure just by the way it's phrased.

1 MR. HENDERSON: No, no.

2 THE COURT: Let me hear the question first.

3 Q You're very knowledgeable about firearms.

4 A I'm not a ballistic expert or firearms expert. I have
5 limited knowledge.

6 Q Not asking you an expert ques -- I mean, you shoot
7 guns. You shoot pistols. You shoot on a regular basis.

8 A I qualify a couple of times a year.

9 Q Absolutely, and every time you touch a firearm you're
10 putting your fingerprint on it. You would agree?

11 A I would agree.

12 Q And then every time you touch the firearm, you're
13 putting your DNA, probably, on the firearm.

14 MS. TAYLOR: Objection, Your Honor.

15 THE COURT: Sustained. That would call for an expert
16 opinion, and I'm assuming we're going to have an analyst
17 here at some point in the future. Let's save that one for
18 him, if we could.

19 Q Okay. It wasn't raining that day.

20 A No, sir.

21 Q Let's assume again, if nothing is found on a handgun,
22 could the handgun have been wiped down?

23 A You're asking -- I can't speculate, Mr. Henderson. I
24 don't know.

25 MR. HENDERSON: I don't have anything further, Your

Murdoch-Cross Examination

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1 Honor.

2 THE COURT: Mr. Grose?

3 CROSS EXAMINATION

4 BY MR. GROSE:

5 Q When Mr. Henderson first started asking you questions,
6 he asked you if you had testified earlier about some of the
7 law enforcement officers just standing around?

8 A Yes, sir.

9 Q And you said there's go getters and stand around-ers?

10 A Yes, sir.

11 Q All right. When you first brought that up, when the
12 prosecutor was asking you questions, I thought I heard you
13 say that some of the, what we call stand around-ers, do that
14 because they don't want to end up having to testify. Did
15 you say that?

16 A Yes. In some in some cases, yes, sir.

17 Q So, if you don't do anything, and you keep your name
18 out of a report, you don't end up coming to court like
19 you're doing here today?

20 A Yes, sir.

21 Q But I did hear you say that though?

22 A Absolutely. I said that, Mr. Grose.

23 Q All right. I also think that at the very beginning. Of
24 the prosecutor's questioning you said that you wound up
25 being the chief investigator?

1 A Yes, sir.

2 Q Okay. Were you the chief investigator to begin with?

3 A In cases like this, everybody just shows up and
4 eventually one person is designated a lead. And in this
5 case, I was designated a lead later on.

6 Q Okay. When you say later on, how much later on?

7 A Probably towards the end of the day, when the paperwork
8 started coming in. Usually, nowadays the lead is more or
9 less the point of the contact between the Solicitor's Office
10 and other -- just so they have one person to contact instead
11 of having them try to contact somebody in the whole unit.

12 Q And I appreciate that answer. I want to kind of unpack
13 it a little bit. You said that you were designated the lead
14 investigator towards the end of the day?

15 A Yes, sir.

16 Q Was it still daylight?

17 A Yes. I will say, yes.

18 Q We know this happened around a little bit after 2:00 in
19 the afternoon. Was it -- were you designated the lead by
20 3:00?

21 A I can't give you a specific time.

22 Q But it was still daylight?

23 A It was a that day. I can't give you a specific time. I
24 didn't look at my watch and such and such a time. I was
25 designated -- by the time we finished for the day, I was the

1 lead.

2 Q I got you. Now, I understand the sheriff was out there
3 for a little, while based on his testimony. Is that right?

4 A Yes, sir.

5 Q Okay. I also heard him say that he stayed out of the
6 way of the investigators. Is that right? Did you hear that
7 too?

8 A Yes, sir.

9 Q I think I also heard him say that, is it Major Cody
10 Bishop?

11 A Yes, sir.

12 Q Was the -- other than the Sheriff, was the most senior
13 person out there? Is that what you recall?

14 A Yes, sir.

15 Q Okay. And I think you testified there was at least two
16 other investigators there, other than you?

17 A On the scene?

18 Q Yes, sir.

19 A The only ones I'm aware of was Investigator Davis was
20 on scene, Womack went to the hospital, and then the CSI.

21 Q Okay. Fair enough. So, there was at least one other
22 investigator other than you?

23 A Yes, sir.

24 Q Plus the Sheriff. Plus Major Bishop. Yes?

1 A Yes, sir.

2 Q And investigator Womack went to the hospital; is that
3 right?

4 A Yes, sir.

5 Q A I think a few minutes ago when I was asking you
6 questions you said that nowadays the lead investigator is
7 the person who collects the materials and is then the point
8 contact with the Solicitor's Office?

9 A Yes, sir.

10 Q Okay. All right. When the prosecutor was asking you
11 questions, I think you testified that this particular crime
12 scene was a confusing crime scene?

13 A It was chaotic.

14 Q Chaotic? And that that is typical of a case like this?

15 A Yes, sir.

16 Q And I think you -- they also asked you about, you know,
17 does sometimes that clears up, and I think you said
18 sometimes it does, but sometimes it's still confusing or
19 chaotic?

20 A Sometimes it takes a while. Yes, sir.

21 Q And that was the case here, wasn't it?

22 A It took a while.

23 Q And that was the case here?

24 A Yes, sir.

25 MR. GROSE: Beg the Court's indulgence for a moment.

Murdoch-Redirect Examination

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1 THE COURT: Yes, sir.

2 MR. GROSE: Thank you for your patience, Your Honor.

3 That's all I have at this time.

4 THE COURT: Any redirect?

5 MS. TAYLOR: Yes, Sir.

6 REDIRECT EXAMINATION

7 BY MS. TAYLOR:

8 Q That last question Mr. Grose asked. I want to make
9 sure this jury has your answer right. As to this particular
10 crime scene, did it clear up, after a while, what happened?

11 A It cleared up, yes.

12 Q Now, going back to these questions about the reports
13 and what ended up in the reports. Does every officer who
14 goes to a crime scene write a report?

15 A No, ma'am.

16 Q Does every single person who gets talked to at a crime
17 scene end up in a report?

18 A No, ma'am.

19 Q Does every 911 call end up in a report, verbatim?\

20 A No, ma'am.

21 Q Do the 911 calls even end up in a report?

22 A No, ma'am.

23 Q Is it safe to say that if an officer stumbles across
24 something that appears to be important, that ends up in a
25 report?

Murdoch-Recross Examination

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- 1 A Yes, ma'am.
- 2 Q If he talks to someone who appears to have information,
3 does that end up in a report?
- 4 A Yes, ma'am.
- 5 Q If an officer anywhere on the crime scene sees
6 something that appears to be of evidentiary value, do they
7 note that and it ends up in a report?
- 8 A It should. Yes, ma'am.
- 9 Q The stand around-ers, as you call them, I think you
10 said they end up maintaining crime scene security and
11 directing traffic?
- 12 A That's correct.
- 13 Q Are these going to be the guys out walking the scene
14 and looking for evidence?
- 15 A Those are not the ones you want out there, no.
- 16 Q And you need those people to maintain the scene and the
17 security; is that correct?
- 18 A Yes, ma'am.
- 19 Q So, you're not going to have thirty officers writing.
20 Reports on what they didn't find?
- 21 A No, ma'am.
- 22 MS. TAYLOR: Thank you, Investigator Murdoch.
- 23 THE COURT: Any recross?
- 24 RE CROSS EXAMINATION
- 25 BY MR. TINSLEY:

Murdoch-Recross Examination

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1 Q Lieutenant Murdoch, she asked you about needing
2 officers to maintain the scene. You'd love to have a
3 hundred percent go getters on your force; wouldn't you?

4 A Love it.

5 MR. TINSLEY: No further questions.

6 RECROSS EXAMINATION

7 BY MR. HENDERSON:

8 Q Detective, I want to make sure I heard your answer
9 correct to the Solicitor on redirect that on a case of this
10 magnitude that all 911 calls may not end up in the case
11 file. Did I hear that right?

12 A No, in the report. We don't take and transcribe the
13 911 call and rewrite it in the report.

14 Q Okay, but all 911 calls should be available in your
15 case file?

16 A All 911 calls should be in the ultimate case file that
17 is transmitted, yes.

18 Q Okay. And were you the one responsible for gathering
19 all these 911 calls? Or anything else that went into the
20 case file?

21 A As far as 911 calls, I have to obtain them from the
22 manager. They send them to me and then I forward them. I
23 do not know how many or what calls came into the 911 center.
24 That's not my area.

25 Q You just have no idea.

1 A I have no idea.

2 Q Can you say under oath today that all the 911 calls are
3 actually in your case file?

4 A All the ones I got I forwarded.

5 Q Right. That's a different -- you're answering a
6 different question.

7 A All the ones that I got in my file went. I can't say
8 that all of them came to me. I don't know how many that
9 there were.

10 Q As a go getter, I know you're a go getter and I have
11 the utmost respect for you, but as a go getter detective at
12 the hospital, should Detective Womack have been asking --

13 MS. TAYLOR: Your Honor, I'm going to object to what
14 another officer should or should not have been doing, who
15 has not even testified yet.

16 MR. HENDERSON: He's the lead investigator on this
17 matter, Your Honor.

18 THE COURT: Sustained. You can ask him when he
19 testifies.

20 MR. HENDERSON: Okay. I don't have anything further,
21 Your Honor.

22 THE COURT: Mr. Grose?

23 RECROSS EXAMINATION

24 BY MR. GROSE:

25 Q About these 911 calls that Mr. Henderson just asked you

Womack-Direct Examination

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1 about. You're not sure whether all of them were collected?

2 A From -- clarify that a little bit for me.

3 Q Well, all the 911 calls that relate to this case,
4 you're not sure that all of them were collected?

5 A Did I collect them? I re -- we fill out a form. I
6 submit it to the 911 manager, and they send what we ask for.
7 Other than that, I do not know.

8 Q So, even though you filled out that form, you don't
9 know if you got all of them?

10 A I don't -- you're asking me -- no. I got what I got.
11 I can't -- beyond that, I can't testify to.

12 Q I got you.

13 MR. GROSE: That's all I have.

14 THE COURT: Thank you. You can step down. Call your
15 next witness, please.

16 MS. TAYLOR: Your Honor, the State calls Investigator
17 Matt Womack.

18 WHEREUPON, Matthew Womack, having first
19 been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. TAYLOR:

22 Q Good afternoon.

23 A Good afternoon.

24 Q How are you employed?

25 A I'm sorry?

- 1 Q How are you employed?
- 2 A Oh, by the Greenwood County Sheriff's Office.
- 3 Q How long have you been with the Sheriff's Office?
- 4 A I've been with them since 2017.
- 5 Q How long have you been in law enforcement?
- 6 A Eleven and a half years. Before Greenwood I was at the
- 7 Newberry County Sheriff's Office.
- 8 Q What are your current duties at the Sheriff's Office?
- 9 A I am an investigator and secondary evidence custodian.
- 10 Q Going back to April 8, 2020, did you respond to a
- 11 shooting at Hillcrest Condos?
- 12 A I responded to Self Memorial Hospital, or Self Regional
- 13 Hospital, at the request of Investigator Murdoch. I was not
- 14 close to town. I was off, following up on another case, so
- 15 it took me a little while to get back into town.
- 16 Q Did you go out to the actual shooting scene at all?
- 17 A I did not.
- 18 Q So when you got to the hospital, what did you find?
- 19 A So, I met with the -- there was two deputies there.
- 20 One was an SRO, Chad Robertson, and then Mike Young, who was
- 21 the Sergeant for the shift at the time, and then
- 22 Investigator Blackwell was there as well from the Greenwood
- 23 City Police Department.
- 24 Q And did the hospital have a number of patients being
- 25 treated for gunshot wounds?

Womack-Direct Examination

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1 A So, when I came in, I entered through the ambulance
2 bay. The building was on lock down at that point in time
3 through the front entrance for safety matters, so I had to
4 come in through the back of the security. And then I was
5 notified by the SRO, Sergeant Young at the time, and
6 Investigator Blackwell did. There was at least four
7 individuals with gunshot wounds. Just as they were updating
8 me on conditions for each, the physicians at that time, did
9 indicate that one of the victims did not survive.

10 Q When you first got to the hospital, did the hospital
11 know who all of the people they were treating were?

12 A I don't -- I don't know.

13 Q Do you know if they have an identity for the person who
14 ultimately was the decedent?

15 A So, whenever the staff was, you know, continuing to
16 work on all the victims after the victim who ended up being
17 identified as Mr. Alston, after he was found to be deceased.
18 He was in the most serious condition when he came in and so
19 they started treating Mr. Goode, Mr. Parks, and Mr. Hill.
20 They did not -- Corner Cox arrived very shortly after I did,
21 and at that point in time we were trying to identify the
22 male that ultimately was Mr. Alston.

23 Q So when Coroner Cox arrived, y'all are still trying to
24 identify the decedent?

25 A That's correct. The hospital staff did not have

1 specific information of his identity.

2 Q So, they did not even know his name?

3 A That's correct.

4 Q And you keep using the term "victim". Is that -- are
5 you using that in a in a legal sense or just a gunshot wound
6 sense?

7 A Well, it a gunshot wound sense. At that point in time
8 when I arrived, I had no idea if they were suspects or
9 victims. I had no idea. So I, you know, I treat everybody
10 as a victim at that time.

11 Q You stated that Coroner Cox arrived very shortly after
12 you did and after Mr. Alston, I guess, was pronounced
13 deceased.

14 A Yes, ma'am.

15 Q What did you do next?

16 A At that point in time myself, Corner Cox, and his
17 deputy, we reviewed the body of Mr. Alston for his injuries.

18 Q Did you take any pictures of Mr. Alston's injuries?

19 A I did.

20 MS. TAYLOR: Your Honor, may we approach?

21 MR. HENDERSON: Your Honor, yeah, I think this is a good
22 time to approach.

23 (WHEREUPON, sidebar held.)

24 THE COURT: Ladies and gentlemen of the jury I need to
25 take up a brief issue of law with the attorneys. I hope

Womack-Direct Examination

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1 this won't take more than five to 10 minutes. Adjourn to
2 the back if you would and I'll have you back out here as
3 soon as I finish ruling on this issue. Okay. Thank you for
4 your patience. Don't discuss the case.

5 (WHEREUPON, jury exited 4:36 pm.)

6 THE COURT: We're still on the record. At the sidebar,
7 Ms. Taylor showed me basically three photographs. One is
8 color and it depicts Mr. Alston, showing his whole body, his
9 head, his torso, and then there were two other black and
10 white photos. And the genesis of the black and white photos
11 is actually an e-mail communication from last week and I
12 knew that there was probably going to be an issue with the
13 defense possibly objecting to the color photographs. And so
14 I suggested that maybe the Solicitor should procure black
15 and white photos which don't show the decedent's face.

16 I've taken a look at those for the purpose of
17 preserving what we said at sidebar, and I'm assuming that
18 the objection is basically that the prejudicial effect
19 outweighs any probative value? It's a 403 objection,
20 gentlemen?

21 MR. GROSE: Yes, sir. Can we get -- is this Exhibit 80
22 that we're talking about?

23 THE COURT: So, State's 80 is the color one?

24 MS. TAYLOR: We don't have any of the marked yet, but
25 the whatever comes in would be State's 80. Yes, sir.

1 THE COURT: Let me hear your rationale for introducing
2 those please.

3 MS. TAYLOR: Your Honor, the State's asking for the full
4 color photograph for two reasons. Number one, as far as the
5 color issue, the photo is of Mr. Alston. He's laying on a
6 bed in the trauma bay. On his right side, kind of over his
7 rib cage, there is an obvious lump that is the projectile
8 that the pathologist will ultimately testify to. It's
9 circled and you can see it very clearly. Does not show up
10 as well on the black and white photos. Also, the -- his
11 head clearly shows his hairstyle, which is very probative in
12 this case because there was testimony from Jameel Wilson
13 that the two backseat passengers in the Camry had twisties
14 in their hair. And if you see Mr. Alston's hairstyle, he
15 very clearly had short, what I would categorize as twists,
16 in his hair. So that hairstyle is very probative for the
17 jury, Your Honor.

18 THE COURT: May I see those and the black and white
19 exhibits again and take another look?

20 MS. TAYLOR: Yes. And, Your Honor, just for the record,
21 the ones I show you, I had two copies of the same black and
22 white.

23 THE COURT: Oh, Okay.

24 COURT REPORTER: Should I go ahead and mark them, in
25 case he needs to refer to them.

1 MS. TAYLOR: Yes.

2 COURT REPORTER: Which one would be 80?

3 MS. TAYLOR: The color.

4 THE COURT: I'm going to want the black and white in
5 too, so whatever is next, just mark it.

6 (WHEREUPON, photos marked State's Exhibit 80, State's
7 Exhibit 134 for identification.)

8 THE COURT: The record will reflect that the color
9 photograph has been marked as State's Exhibit 80, and the
10 black and white State's Exhibit 134, just for identification
11 at this point. I assume that, like the brown liquid that
12 looks like it's running down the side of Mr. Alston's torso.
13 That's, like, a antiseptic of some kind, like Mercurochrome
14 or something like that?

15 MS. TAYLOR: That's what I would assume, Your Honor.
16 Like a Betadine or something. They had done surgical
17 procedures, and then the other pictures will show surgical
18 procedures, and obviously they would have sterilized him
19 somehow.

20 THE COURT: Right. Does the defense want to be heard
21 further on this question? Anyone?

22 MR. TINSLEY: Yes. I'll turn it over to Mr. Grose.

23 THE COURT: Mr. Grose?

24 MR. GROSE: I think, Judge, as you indicated one of the
25 objections was, you know, with regard to -- or the

1 objections regard to the prejudicial effect substantially
2 outweighing any probative value. And of course, a lot of
3 the things that the Solicitor says are relevant. They could
4 ask questions of either this witness or of the doctor who
5 testifies. You know, this picture -- you know, the color
6 picture that shows the head and the entire body. In
7 addition to what you already pointed out, which is, you know
8 regarding the anesthetic or something to clean the wounds,
9 you have other signs of, you know, medical intervention. As
10 far as, it still looks like ---

11 THE COURT: A breathing tube.

12 MR. GROSE: Yeah, there's a breathing tube in his
13 mouth.

14 THE COURT: He's been intubated.

15 MR. GROSE: And there's -- right, and there's other
16 patches and cords. And I can't tell, you know, some of them
17 appear to be on him and some of them appear to be maybe
18 running towards him. With regard to the black and white
19 photograph that you've been given. You know, these are the
20 -- where you just see the torso. You're still seeing that
21 medical intervention. And of course that's -- I think
22 that's a problem. You know, they are -- they do have --
23 these are not the only photographs that they have. It may
24 be that from the autopsy photos that they could get
25 something that would be, you know, show the similar thing,

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1 as far as the hair. We do have some objections to those,
2 but, for example, I'm looking at what's been marked as
3 State's Exhibit 81. I don't know that they need the medical
4 intervention on that, but they it also shows the decedent's
5 hair. And when I look at it, you know, it's not measured,
6 but it does appear to be more than an inch. So, I don't
7 even know that this reflects as what they're telling Your
8 Honor that it reflects. So, you know, I think the
9 prejudicial effect substantially outweighs any probative
10 value.

11 And I was having a little trouble hearing. This is
12 just for clarification. I know we started talking about
13 Exhibit 80. Is that still the color photograph?

14 THE COURT: Yeah, 80 is still the color, and 134 I
15 wanted just to mark that as an -- they're both ID at this
16 point though.

17 MR. GROSE: And then that's the black and white?

18 THE COURT: Yes.

19 MR. GROSE: And that was that was just for my
20 clarification, because I heard 130, but I didn't catch ---

21 THE COURT: And I've lost my mic. So, I'm sorry.

22 MR. GROSE: We're all going to get in trouble for not
23 using the mics right this week.

24 THE COURT: You're right. Okay. And of course, just
25 for the record, I'm certain that Mr. Hill and Mr. Hurley are

1 -- I'm sorry. Mr. Hill and Mr. Reid join in the argument
2 and the objection?

3 MR. HENDERSON: That's correct, Your Honor. \

4 MR. TINSLEY: Correct, Your Honor.

5 THE COURT: Did you feel the need to reply?

6 MS. TAYLOR: Your Honor, just -- a lot of the cross
7 examination has come down to this hairstyle. I think it is
8 -- the evidence of the hairstyle in the picture. I know
9 that Mr. Grose said we could ask questions but, you know, a
10 picture is worth 1,000 words, or 1,000 questions, in the
11 jury's eyes. So, the State believes that that photo should
12 come in.

13 MR. GROSE: Your Honor, I'm not going to argue with how
14 many words a picture is worth. It just doesn't have to be
15 that picture. And that's my point. And I think that
16 there's other ways for them to try to do it. And I threw
17 out one suggestion, and they're not offering you any other
18 alternatives.

19 MS. TAYLOR: Your Honor, there's also a lot of really
20 graphic pictures that we're keeping out. We're being very
21 measured in what we're trying to do and I was at a CLE at
22 the Solicitor's Conference one time where some pretty
23 graphic pictures of a deceased child who had been ---

24 THE COURT: The dog mauling thing?

25 MS. TAYLOR: --- mauled to death by dogs.

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1 THE COURT: Yes. The dog mauling case. They showed us
2 the same pictures at a judge's conference, and the consensus
3 was that if those could come in and be considered admissible
4 in that kind of a case, and the judge who tried it was
5 actually sitting next to me and, I'll tell you a story about
6 that later, but there was actually a mistake made in what
7 you were shown.

8 But here's where I'm coming down on this. As a general
9 rule, I am very cautious about photographs of deceased
10 individuals because they can be graphic. These photos are
11 certainly not as bad as many I've seen, and more to the
12 point, the hairstyle and the way his hair appeared close to
13 the time -- temporally close to the time that these -- that
14 this incident took place, I think is relevant, so the
15 autopsy clearly took place some time later. Maybe they
16 could use those photographs. But this is, the photograph,
17 State's 80, shows what his hair supposedly looked like
18 within an hour of the incident occurring. The bullet and
19 the circled bulge on the right side of Mr. Alston's chest is
20 also much more visible in the color photograph than it is in
21 the black and white.

22 I understand your position, Mr. Grose. I'm going to
23 allow State's 80. I think the probative value is there, and
24 the jury has already seen a video of Mr. Goode being
25 attended to. That included showing his genitals. I warned

1 the jury ahead of time about possibly seeing unpleasant
2 things and nobody indicated that that would cause some undue
3 pressure on them, or otherwise affect their ability to be
4 fair and assess the evidence objectively. So, your --
5 everyone's objections are noted. I'll permit 80 to be
6 introduced, subject to the Defendants' objections. No need
7 to renew the objection when she introduces it here shortly.
8 And 134 will remain a State's exhibit just for
9 identification, not in evidence, so that in the event this
10 matter is reviewed, any review in court can make its own
11 comparison between the black and white and the State's 80.
12 Alright, that's my ruling on that.

13 How many more were you looking at getting to this
14 afternoon?

15 MR. STUMBO: We were hoping for two more city officers.

16 THE COURT: Our regrettable delay this morning, which
17 was occasioned by no one's faults in this courtroom, maybe
18 it put us a little bit behind. Give those back to Elizabeth
19 and we'll be at ease for a few moments. Step down, but
20 don't talk about your testimony.

21 (WHEREUPON, recess 4:49-5:00 p.m.)

22 THE COURT: We're back on the record and Mr. Henderson,
23 you indicated there was one thing before we bring in the
24 jury back?

25 MR. HENDERSON: Absolutely, Your Honor. The court

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1 deputies just informed us that this morning that they
2 actually brought the straggler juror here.

3 THE COURT: Right.

4 MR. HENDERSON: We were under the impression that he
5 drove and they followed him.

6 THE COURT: No, I figured you all knew that already.
7 I'm sorry.

8 MR. HENDERSON: No, we didn't. We were under the
9 impression that he was driving and he had a tail on him to
10 make sure he didn't veer off to go to Callison or something.
11 You never can tell. The deputy said that they want to give
12 him a ride home, and it's not so much that we were worried
13 about what the deputies would do or say to him. We don't
14 think they would say a word. It's how he perceives it.
15 It's almost that if he perceives that if I don't "tow the
16 line", so to speak, I'm going to get another ride in the
17 squad car and it might not be so friendly the next time.

18 THE COURT: He actually indicated to them this morning,
19 and I was going to let you all know, that both he and one
20 other juror have had transportation issues. And I don't
21 know who the other juror is, but she's a female, and she
22 indicated that for the last couple of days, she's been able
23 to Band-Aid it and catch rides, but she's not sure that
24 that's going to be the case tomorrow morning and I said you
25 know, look, we'll send a car out to pick you up too. Just

1 because I don't want to be in the same position with her
2 tomorrow morning if she can't get a ride that we were in
3 with this, with the guy this morning when they went to his
4 apartment. But yeah, he's here without a car. I mean, we
5 don't have Uber. We have limited options here.

6 I'm certain the deputies aren't going to talk to them,
7 and I've already spoken to them and I'm sure they won't, so
8 I think we'll be all right. But yeah, they both have
9 transport issues and the guy this morning apparently was
10 asleep in bed when he knocked on the door and -- whatever.
11 I'd feel better with this trial proceeding expeditiously.
12 If we assist them to the extent we need to, to get here.

13 MR. HENDERSON: Now, it's my understanding that he said
14 he's got transportation to get here tomorrow that's not a
15 police?

16 THE COURT: No, neither of them do.

17 MR. HENDERSON: Neither of them do? Okay.

18 THE COURT: Yeah, well he does not. The guy from this
19 morning does not. He's got transportation issues. You
20 remember, he works landscaping. I got the impression that
21 maybe it was one of those things where his boss picks him up
22 or something and then they go cut grass. But the lady,
23 whoever she is, indicated, didn't she? Was it --

24 BAILIFF: It was not me.

25 THE COURT: It was some -- somebody indicated to me

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1 that she does have. She's been able to Band-Aid it the last
2 three days and get somebody to pick her up and take her
3 back, but it's a day-by-day sort of thing. So, that's where
4 we are. I don't know what you would suggest by way of a
5 solution other than we give her a ride.

6 MR. HENDERSON: Right and again, it's not suggesting
7 that deputies to do anything that's wrong, it's how the
8 riders would perceive it.

9 THE COURT: I imagine that they would be appreciative
10 that they're getting a free ride and don't have to worry
11 about cab fare. That's what we're doing though. I've made
12 that decision.

13 MR. HENDERSON: I just wanted to put that on the record,
14 Your Honor.

15 THE COURT: I understand, but that's the only solution
16 I got.

17 MS. TAYLOR: Your Honor?

18 THE COURT: Ma'am?

19 MS. TAYLOR: While we were on the break, I went ahead
20 and went through all the pictures I was going to do with
21 this witness. It's my understanding Mr. Tinsley has an
22 objection to State's 50, 51, and 52 as well, so I thought
23 we'd gone on and talk about that now.

24 THE COURT: Let me let me go ahead and see those again.
25 Did you do a black and white on these?

1 MS. TAYLOR: I do not have a black and white on those.

2 And Your Honor, I think it's going to be obvious, even in a
3 black and white, that that's a jail jumpsuit.

4 THE COURT: Mr. Tinsley, again, it's just the prejudice
5 of the jumpsuit and everything?

6 MR. TINSLEY: Correct. I mean, just the same reason why
7 he doesn't have to sit here dressed like that. It's highly
8 prejudicial.

9 MS. TAYLOR: And, Your Honor, I think obviously the
10 jury understands that at some point he was arrested and
11 probably spent at least a little bit of time in the
12 Greenwood Detention Center.

13 MR. HENDERSON: Your Honor, if I may interject. I've
14 just created these pictures all in black and white. I've
15 got a black and white copy of them.

16 THE COURT: Let me see what you've got.

17 MR. HENDERSON: Which does not necessarily look like a
18 jail jumpsuit, or at least a whole lot less.

19 MR. TINSLEY: It cuts the prejudice way down. There's
20 three pictures that essentially show the same thing. I
21 think they're showing where the bullet wounds were, so I
22 think one picture would suffice.

23 MR. HENDERSON: And, Your Honor, if I may approach.
24 Here is 51 and 52, all in black and white as well.

25 THE COURT: I'm assuming, Solicitor, at some point in

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1 time you are going to elicit testimony that, okay, based on
2 all of this, the decision was made to charge Mr. Hill with
3 the offense of attempted murder and blah, blah, blah?

4 MS. TAYLOR: Yes, sir.

5 THE COURT: At some point that's going to be elicited?
6 I've already told the jury that indictments are, you know,
7 the fact that the defendants were arrested, charged, and
8 indicted in this case isn't evidence and isn't relevant and
9 I think that they have common sense to understand that any
10 time you're arrested, you're probably going to be putting
11 them in the jail. Especially when you're dealing with an
12 incident involving shooting. I'll permit the State to use
13 52, 51, and 50 and understand Mr. Tinsley's objection, but
14 they do better depict the injuries than the black and white.
15 Mr. Henderson has a point that the black and white would
16 obscure the orange jumpsuit, but it doesn't catch the
17 contour of Mr. Hill's torso and it's just easier to discern
18 it all in color.

19 MR. HENDERSON: And, Your Honor, those three exhibits I
20 handed up black and white, could we get those marked as a
21 Court's exhibit?

22 THE COURT: Yes, what I'm going to do is I'm going to
23 collectively make them another Court's exhibit. I'm just
24 going to staple all three of them together and make them
25 collectively a single exhibit.

1 MR. TINSLEY: Judge, I just want to make clear on the
2 record that in addition to the prejudice argument, I think
3 having all three of them, that it's improper. It's just
4 cumulative. I think one could do the trick.

5 THE COURT: I understand your position. We're up to --

6 COURT REPORTER: Court's 22.

7 (WHEREUPON, three black and white photos marked Court's
8 22 for identification.)

9 THE COURT: Let's have the jury.

10 (WHEREUPON, jury entered 5:08 p.m.)

11 THE COURT: The jury is back and seated. Ladies and
12 gentlemen, I've addressed that legal issue, and just so that
13 you're aware, I've told the parties that after we finish
14 with this witness, we will be done for the day. So, if you
15 have -- I know it's Wednesday night and y'all might have
16 church obligations or something here shortly, so hopefully
17 we'll be in a position to get you to those if you do. Ms.
18 Taylor, go ahead please.

19 MS. TAYLOR: Thank you, Your Honor.

20 BY MS. TAYLOR:

21 Q All right, Investigator Womack. When we left off, I
22 think you were saying that you took some pictures of Mr.
23 Alston in the ER.

24 A Yes, ma'am. Myself, Corner Cox and Deputy Coroner
25 Derek Rash, at the time.

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1 Q And State's Exhibit 80, is that one of the pictures you
2 took?

3 A It is.

4 MS. TAYLOR: Your Honor, the State offers Exhibit 80
5 into evidence this time.

6 THE COURT: Subject to the pre-trial rulings a few
7 moments ago and any exceptions. You may publish.

8 Q All right, I'm showing you what's been marked entered
9 into evidence in State's 80. Who is that?

10 A That was later identified as Mr. Alston.

11 Q And, obviously at this point is he deceased?

12 A Yes, ma'am.

13 Q Now what, when you took this picture, what were you
14 trying to capture?

15 A When observing Mr. Alston's body, I observed, if you
16 look just below the armpit, you'll see a bulge right where
17 the ribs are. That's correct. And it has a circle drawn
18 around it. Now, I did not do that. Medical personnel
19 circled that, and it appeared to be to me as a as a foreign
20 object such as a, probably a bullet.

21 Q All right and one other thing on this picture. Mr.
22 Alston's hairstyle.

23 A Yes, ma'am.

24 Q Was his hair in twists.

25 A Yes, ma'am. As far as I remember. Yes, ma'am.

1 Q And now this wasn't the extent of his injuries, was it?

2 A No, ma'am. This is just one of many photographs.

3 Q Did he have entrance wounds on the other side of his
4 body?

5 A He did. I will add that we did observe that protrusion
6 first, which made us, you know, further look on the side of
7 the body ultimately finding there was.

8 Q And was Mr. Alston taken for an autopsy?

9 A He was.

10 Q Presumably, the pathologist can talk about entry and
11 exit and all those kind of details?

12 A Yes, ma'am.

13 Q You took some pictures of Mr. Alston. Did you do
14 anything else with his body?

15 A Yes, ma'am. I did collect or conducted a gunshot
16 residue test on Mr. Alston's hands.

17 Q And what is -- when you say a gunshot residue test,
18 what are you doing when you perform a gunshot residue test?

19 A So, the gunshot residue test, we summarize GSR, they
20 are provided by SLED to law enforcement agencies and they're
21 very simple to use. I have one with me. I'll be happy to
22 demonstrate how one is performed by any investigator or law
23 enforcement officer.

24 Q Very, very quickly. Since I know we're bumping up
25 against a late hour. How do you perform that test?

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1 A So, they come sealed. You'll see the tamper resistant
2 seal. We will open the seal. Inside is instructions.
3 Analysis or information. It has things like the officers
4 collecting their badge number, agency case number, the
5 information from the individual you're taking the GSR from.
6 It also comes with latex gloves, so that you don't have any
7 cross contamination. And then it comes with two valves.
8 One says right hand and then the other says left hand. And
9 you'll, obviously glove. You'll take it and you'll dab it
10 on the victim's or suspect's hand at that point in time,
11 front and back. And it's a little sticky substance and it
12 will gather the gunshot residue if it's available.

13 Q And is there a specific amount of time that SLED
14 requires you to obtain that evidence within?

15 A Yes, within either -- usually six hours, I believe is
16 their policy, if I remember correctly.

17 Q So, you performed that on Mr. Alston?

18 A I did.

19 Q And was that relatively soon after you got to the
20 hospital?

21 A Yes, ma'am.

22 Q Do you have any idea of what time it would have been?

23 A Within, I would say within 30 minutes of me arriving at
24 the hospital.

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

1 identification as State's 99. Can you identify that for me?

2 A GSR kit that I collected.

3 Q From Mr. Alston? Now the other three individuals that
4 were at the hospital, did you perform GSR kits on them?

5 A I did not. At that point in time, Corner Cox and I was
6 notified that Mr. Alston's mother, Ms. Jackson, was in the
7 lobby. It's not a good time, any time, to notify a mother
8 that her child has been killed. And so, instead of having
9 an interview separately or have to make her go through this
10 multiple times, I made the decision that Corner Cox and I
11 would go and get information from her at the same time.

12 With that being said, the other individuals Mr. Hill,
13 Mr. Parks, and Mr. Goode were awaiting surgery and we needed
14 to collect the GSR kits. So, at that point in time, I gave
15 those three to Investigator Blackwell to perform the GSR.

16 Q And, when you say Investigator Blackwell, is that Matt
17 Blackwell with the Police Department?

18 A Yes, ma'am. Greenwood City Police Department.

19 Q And you were trying to get that done in that time frame
20 you've got to get that collected?

21 A Yes, ma'am. Again, they had gunshot wounds. They were
22 awaiting surgery at any moment. So, it's something that
23 needed to be done.

24 Q And after Investigator Blackwell did that, did he
25 return the completed kits to you?

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1 A Yes, ma'am. As soon as I returned back to where they
2 were at, they went in my possession.

3 Q And were those sealed when you received them back from
4 Investigator Blackwell?

5 A Well, he was completing them and sealing them. Yes,
6 ma'am.

7 Q Did you do anything with those after you received them
8 from Investigator Blackwell?

9 A As soon as I took them, I sealed them on my side as
10 well and entered them in evidence.

11 Q All right. And showing you State's 100, 101 and 102.
12 Are those the GSR kits from Xayvion Hill, Justin Parks, and
13 Gabriel Goode, respectively?

14 A GSR from Mr. Hill. GSR from Mr. Parks, and GSR from
15 Mr. Goode.

16 Q And you made no changes to those after you got them
17 from Investigator Blackwell?

18 A No, ma'am.

19 Q After you spoke with Ms. Jackson, Mr. Alston's mom,
20 what did you do next?

21 A At that point in time, I went to interview -- Well, I
22 met with Investigator Blackwell, received the GSR, and then
23 I interviewed the three individuals, Mr. Hill first.

24 Q All right. Let's talk about Mr. Hill. Obviously, he's
25 in the hospital at that point. Was he in police custody?

- 1 A No, ma'am.
- 2 Q Did he talk to you?
- 3 A Briefly.
- 4 Q What did he tell you?
- 5 A I asked him what happened. Again, he was awaiting to
- 6 be taken to surgery, had a gunshot wound. He stated that he
- 7 and a friend named Beezy were riding together in town.
- 8 Stated he couldn't remember anything else, but believed that
- 9 they were in a Honda car. He couldn't give me any further
- 10 information. I asked him how he got shot and he stated that
- 11 he didn't know.
- 12 Q Is Mr. Hill present in the courtroom today?
- 13 A He is.
- 14 Q Can you identify him for me?
- 15 A He's Mr. Tinsley's client.
- 16 Q So in the kind of plaid shirt sitting beside Mr.
- 17 Tinsley?
- 18 A Yes.
- 19 Q Now, did his hair look like that on April 8, 2020?
- 20 A It did not. It was longer.
- 21 Q So, it was longer? Was it kind of on the top of his
- 22 head?
- 23 A Yes.
- 24 MR. HENDERSON: Judge, we would have another matter.)
- 25 (WHEREUPON, sidebar held.)

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1 BY MS. TAYLOR:

2 Q I'm sorry, Investigator Womack. Just a little bit of
3 arts and crafts real quick.

4 A That's fine.

5 Q I'm going to show you what's been marked as State's
6 136. Is that Mr. Hill?

7 A It is.

8 Q Is that what he looked like when you interviewed him?

9 A It does.

10 MS. TAYLOR: Your Honor, the State offers Exhibit 136
11 into evidence.

12 THE COURT: Without objection?

13 MR. TINSLEY: Without objection, Your Honor.

14 MR. HENDERSON: Right.

15 THE COURT: 136 is in.

16 Q All right. So, that's what he looked like when you saw
17 him in the hospital?

18 A When I interviewed him. Yes, ma'am.

19 Q Did you happen to notice his injuries in the hospital?

20 A I did.

21 Q And where does he appear to be injured?

22 A He appeared to have it in his left hip area, or closer
23 to his groin, and ---

24 Q Can you, maybe, step down and show us? Just keep your
25 voice up.

1 A Into his left hip area, like right in here, maybe
2 closer to his groin, and then out his back. Can everybody
3 see me? Right here.

4 Q Did you meet with -- did you talk to Mr. Parks?

5 A So, at that point in time, I collected Mr. Hill's
6 clothing and then secured it, and then I went and met with
7 Mr. Parks.

8 Q Let's talk about Mr. Hill's clothing first then. I'm
9 going to show you what's already in evidence as State's 53.
10 Now, when you -- after you collected the clothing, what did
11 you do with it?

12 A So, I took the clothing. Anytime we have any clothing
13 that has biological, such as blood, and especially a large
14 amount of blood, in evidence we have a drying chamber. And
15 essentially what that does is you hang it up. You turn the
16 chamber on, and it allows it to vent and dry properly so
17 that there's, you know, no kind of molding or any kind of,
18 you know, dangerous bacteria or anything like that. So, I
19 would have taken it straight there and put it in the drying
20 chamber.

21 Q And as you said earlier, one of your duties with the
22 Sheriff's Office is as backup evidence custodian?

23 A Yes, ma'am. I'm secondary evidence custodian.

24 Q Were you and Greg Allison, the current evidence
25 custodian, working together on this?

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1 A Yes, ma'am. Sure were.

2 Q After the clothing came out of the drying chamber, did
3 y'all photograph everything?

4 A Yes, ma'am.

5 Q All right. And to do that, do you just lay it all out?

6 A Well, we have a photographic station in evidence where
7 we can lay it out and have enough room. Like I said, things
8 vary sometimes in sizes, and it's a lot easier. You can
9 control the lighting and things of that nature.

10 Q So, showing you State's 53, can you tell me what this
11 is?

12 A So, that is the undergarments from Mr. Hill and the
13 marker is marking what appears to be a bullet hole.

14 Q All right. And State's 54, what's that?

15 A That would be, I think that's the exit. If I remember
16 correctly. Let me step down.

17 Q Sure. Here. Would it help you to see them beside each
18 other?

19 A So the. That's fine. The right side would be the front
20 of the underwear and the left side picture would be the rear
21 of the underwear.

22 Q So, it went completely through his underwear and
23 presumably his body?

24 A Yes, ma'am.

25 Q Now, I'm going to show you State's 55 and 56. Can you

1 tell me what those are showing?

2 A So, those are the pants collected from Mr. Hill, and it
3 -- where you see the green sticker, is what appears to be
4 the exit wound, or what could be the exit wound.

5 MR. TINSLEY: I'm going to object, Your Honor. He's
6 obviously speculating. I don't think he's qualified to know
7 the entrance and exit. He said -- it might as well be
8 testimony. He's speculating.

9 THE COURT: Well, unless you can lay more of a
10 foundation, I'll sustain that. But if you want to back up?

11 Q Investigator Womack, do you have any training in
12 identifying entry and exit ---

13 A I sure do. I sure do.

14 Q Is that -- you received that as part of your law
15 enforcement experience?

16 A Yes, ma'am. I sure have, to include advanced training
17 for crime scene and things of that nature.

18 Q And, based on your training, did this appear to be an
19 entry or an exit?

20 A An exit.

21 MR. HENDERSON: Is the exit 55 or 56?

22 THE WITNESS: They're both the same. One is zoomed in
23 closer. The one on the right is a zoomed in photograph.

24 THE COURT: Yeah, they're the same.

25 Q The State's 56 is a zoomed in picture of State's 55; is

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1 that correct?

2 A Yes, ma'am.

3 Q Now, these are not in evidence. I'm going to show you,
4 State's 131, 132 and 133 after I show the Defense. State's
5 131, 132, and 133, are those additional pictures you took of
6 the clothing?

7 A They are.

8 Q And are those fair and accurate depictions of the
9 clothing?

10 A They are.

11 Q The State offers 131, 132 and 133 into evidence, Your
12 Honor.

13 THE COURT: No objections?

14 MR. TINSLEY: No, objection, Your Honor.

15 MR. HENDERSON: They're in evidence.

16 (WHEREUPON, State's Exhibits 131, 132, and 133 in
17 evidence.)

18 Q State's 131, can you tell me what this is?

19 A So, the rods that you'll see are where myself or
20 Investigator Allison have placed showing where the holes are
21 in the clothing. This picture indicates that the shirt was
22 lined up with the hole in the underwear, and then the hole
23 in the back of the pants. This photograph.

24 Q Was there a hole in the front of the pants?

25 A There was not.

1 Q But there was a hole in the front of the underwear?

2 A There was.

3 Q State's 132. What is that one showing?

4 A Again, that's showing just a different angle of where
5 the holes are on each of the garments. If I may stand and
6 maybe it will clarify a little more?

7 Q Sure.

8 A So, in the shirt, and the underwear, and the pants, the
9 holes would all line up coming out right here just below the
10 back.

11 Q Is that -- that's assuming his shirt was untucked?

12 A Yes, ma'am.

13 Q And State's 133. Was that his shirt?

14 A Yes, ma'am.

15 Q Does it appear to have a pattern on it?

16 A Yes, ma'am. I would describe those as what I would
17 know as the clothing manufacturer Champion, the "c" from
18 that.

19 Q And State's 57, just another one of his shirt showing
20 the hole?

21 A Yes, ma'am. That would be the back of the shirt.

22 Q State's 58 and 59? Are those his shoes?

23 A Yes, ma'am. Those are the shoes collected from Mr.
24 Hill.

25 Q So, you talked to Mr. Hill. You collected his

1 clothing. You already told us what you did with the
2 clothing. Obviously, before you take all these pictures,
3 you're still at the hospital. What do you do after you talk
4 to Mr. Hill?

5 A So, I then speak with Mr. Parks.

6 Q And did you make note of his injuries?

7 A I sure did.

8 Q What injuries did he have, that you recall?

9 A So, he had an apparent gunshot wound in the right
10 pelvis area, the right upper buttocks, the right knee area.
11 It ended up being a shattered femur, from what the
12 physicians were saying at the time, and lodged the
13 projectile in there, and then his left thigh area and his
14 calf, left calf.

15 Q Did you collect clothing from him as well?

16 A I sure did.

17 Q Did you follow that same process with evidence?

18 A Yes, ma'am. The exact same process.

19 Q And are State's 14 and 15, is that his T-shirt and
20 socks?

21 A Yes, ma'am.

22 Q Did you collect any clothing from Mr. Alston?

23 A I believe so. Yes, ma'am.

24 Q And would you follow that same evidence process?

25 A Yes, ma'am. There's certain procedures with Mr. Alston

1 is once -- and the reason for photographing him there, as
2 well as the autopsy, is for -- to document the state that he
3 is in before autopsy. So, the tubes and all that would
4 stay. But, if they were cut off by law enforcement or
5 medical personnel, I would have collected them.

6 Q State's 66 and 60. Well, let's talk about 60 first.
7 Are those the shoes you collected from Mr. Alston?

8 A Yes, ma'am.

9 Q And State's 66?

10 A His underwear.

11 Q And you also spoke with Mr. Goode?

12 A Mr. Goode after Mr. Parks.

13 Q And where was his injury?

14 A In the foot.

15 Q Now, at some point, obviously Mr. Hill was arrested.

16 Is that correct?

17 A Yes, ma'am.

18 Q And charged with the charges we are here on today?

19 A Yes, ma'am.

20 Q Did someone obtain a search warrant for pictures of Mr.
21 Hill?

22 A I did not. I don't know. I believe so.

23 Q Or did you have occasion to take pictures of Mr. Hill?

24 A Yes, yes.

25 MR. GROSE: Your Honor, may we approach?

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1 (Whereupon, sidebar held.)

2 THE COURT: Please continue, Ms. Taylor.

3 Q And did you take pictures of Mr. Hill?

4 A I did.

5 Q I'm showing you State's 50, 51, and 52. Are those
6 pictures you took.

7 A They are.

8 Q Your Honor, the State offers 50, 51, and 52 into
9 evidence.

10 THE COURT: Subject to the prior objections and
11 rulings, those are in evidence.

12 (WHEREUPON, State's Exhibits 50-52 in evidence.)

13 Q All right. State's 50. What are you showing with that
14 picture?

15 A This is the -- Mr. Hill, in our interview room where we
16 conducted the photographs of his injuries post treatment
17 from the hospital.

18 Q And he spent a few days in the hospital, didn't he?

19 A Yes, ma'am. If I remember correctly, this is
20 approximately a week after the incident.

21 Q Okay, so with this bandage, was the entry wound you saw
22 more to the left or to the right?

23 A I believe it was, if you're looking at this photograph,
24 more to the left, towards closer to the groin.

25 Q And then State's 52? That's his -- the exit wound?

1 A Yes, ma'am.

2 Q Do you remember -- I mean, they've got a lot of bandage
3 on there.

4 A Yes, ma'am.

5 Q Do you remember where abouts it had been?

6 A Yes, ma'am. I would say closer to the middle of the of
7 the back, top of the buttocks. Again, he was, you know,
8 released from the hospital at that point in time. So, and
9 on -- we're trying to give him as much courtesy as possible
10 while taking photographs.

11 Q Did you attend the autopsy for Mr. Alston?

12 A I did not.

13 MS. TAYLOR: Beg the Court's indulgence.

14 Q Ultimately, Investigator Womack, were Mr. Hurley and
15 Mr. Reid also charged with these crimes?

16 A Yes, ma'am.

17 Q But on the date you took those pictures, Mr. Hill is
18 the only one in custody?

19 A The second picture that you showed, yes.

20 Q And you did not have access to Mr. Hurley or Mr. Reid
21 to perform GSR or anything like that on them?

22 A I did not.

23 MS. TAYLOR: Thank you, Investigator Womack. Please
24 answer any questions Mr. Tinsley has.

25 THE Court: Mr. Tinsley?

1 CROSS EXAMINATION

2 BY MR. TINSLEY:

3 Q Deputy Womack, you would agree with me that Mr. Alston,
4 the sides of his head were not shaved in those photographs
5 we looked at?

6 A I'd have to look again.

7 Q Okay. We won't go through all that. Would you agree
8 with me that his hair was more than an inch long?

9 A I mean -- I didn't measure his hair length.

10 Q So, you don't know?

11 A I don't know.

12 Q All right. And when you talked to Mr. Hill, my client,
13 he was waiting to go into surgery?

14 A That's correct.

15 Q For some injuries that kept him in the hospital for a
16 few days?

17 A That's correct.

18 Q And he appeared to be in pain to you at that point?

19 A Absolutely.

20 Q And are you familiar with the term "busting slack" as
21 far as wearing your pants?

22 A I'm sorry. You'll have to be more specific.

23 Q You've never heard that term?

24 A No.

25 Q Okay, but, I mean, is it uncommon for young folks to

1 wear their pants low, below -- to where their boxers show?

2 A No, it's not uncommon.

3 Q And wearing your pants like that would be consistent
4 with a hole being in the boxers and not in the jeans,
5 correct?

6 A I'm sorry?

7 Q Wearing your jeans like that would make -- would be
8 consistent with a hole being in the boxers, but not the
9 jeans in the front.

10 A Depending on the situation.

11 Q Okay. So, that's a yes?

12 A Yes.

13 Q And you didn't find a black ski mask in Mr. Hill's
14 clothing?

15 A Absolutely not.

16 MR. TINSLEY: No further questions. Please answer any
17 questions Mr. Henderson has.

18 CROSS EXAMINATION

19 BY MR. HENDERSON:

20 Q Hey, Detective. How are you, sir?

21 A I'm fine.

22 Q Good. Thank you for being with us. Let's go over a
23 couple of things. You said that you were someplace else
24 when these calls came in and you had to travel from there to
25 the hospital?

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- 1 A Yes, sir. I was out following up on other cases.
- 2 Q And do you recollect where you were at?
- 3 A I don't recall.
- 4 Q Okay, and I think your testimony was, or at least I got
- 5 the idea was, is that Detective Murdoch ordered you to go to
- 6 the hospital.
- 7 A That's correct.
- 8 Q Okay. And do you recall what time it was that you
- 9 arrived at the hospital?
- 10 A I don't have any idea.
- 11 Q Okay. Was it daylight?
- 12 A Yes, sir.
- 13 Q Okay. I mean, I think all the videos and stuff ---
- 14 A It was within 30 minutes of the incident.
- 15 Q So, around 2:30?
- 16 A Yes, sir, that's probably fair.
- 17 Q Is it fair to say that by the time you got your orders
- 18 to go there, is it fair to say that Detective Murdoch was
- 19 already supervising the operation?
- 20 A I don't know if he was supervising. He contacted me
- 21 from the scene and asked me to go to the Emergency Room.
- 22 Q And you did it?
- 23 A Absolutely.
- 24 Q Is he your superior?
- 25 A At this moment he is.

1 Q Okay. Let me ask you, did you ask anybody at the
2 hospital whether or not Mr. Reid or Mr. Hurley called 911 to
3 give the hospital staff advance notice they're bringing in
4 somebody who's hurt?

5 A About them specifically?

6 Q Right.

7 A No.

8 Q Well, did you ask hospital staff did anybody call
9 saying that they're bringing in hurt folks?

10 A I did not.

11 Q You didn't?

12 A My information came from the deputies that were there.

13 Q So, you so you didn't follow up on that, or you just
14 didn't ask that question?

15 A I did not ask that question.

16 Q Okay. You know, it says -- the way I understand it,
17 you and Deputy Allison are both evidence technicians?

18 A No, he is the primary. I am the secondary. At some
19 point in time, you know, he may be sick or on vacation, and
20 I'll have to fill in at some point.

21 Q Absolutely. Now, your technician staff, I mean, y'all
22 have got a ladder, don't you?

23 A A ladder?

24 Q Right.

25 A Well, at the Sheriff's Office.

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1 Q Y'all have got access to one.

2 A Yes, sir.

3 Q Well, did you go down to -- I think you said you didn't
4 go ever go down to Hillcrest.

5 A No, sir. I did not.

6 Q Do you know if Deputy Allison ever took the ladder down
7 there to go up into the soffit to see if there was a bullet?

8 A I have no idea.

9 Q You haven't talked to him about that?

10 A Not that specifically, no.

11 Q But y'all have a ladder?

12 A The Sheriff's Office has a ladder. Yes, sir.

13 Q And you know where it's at?

14 A Yes, sir.

15 Q And you have a way to take it down there? Or any
16 deputy --

17 A My truck. Yes, sir.

18 Q --- has a way to take it down there? Okay.

19 MR. HENDERSON: I don't think I have anything further,
20 Your Honor.

21 THE COURT: Mr. Grose?

22 CROSS EXAMINATION

23 BY MR. GROSE:

24 Q I believe you said that -- you said testified that you
25 had interviewed Justin Parks at the hospital?

1 A Yes, sir.

2 Q And that you took clothing from him?

3 A Yes, sir.

4 Q At the time you interviewed him, were you aware that he
5 was on probation for armed robbery?

6 A I had no idea.

7 MR. GROSE: That's all I have. Thank you.

8 THE COURT: No redirect?

9 MS. TAYLOR: No, sir.

10 THE COURT: Sir, you can step down. Ladies and
11 gentlemen, we're going to go ahead and break for the day,
12 and I'm going to ask that you report back tomorrow morning
13 at 9:15. The Bailiffs did tell me that I think two of you
14 were needing a ride tomorrow morning, and so we're going to
15 accommodate that and make sure that you get here. Probably
16 need to be ready to leave your house, or wherever it is that
17 you live -- I think one of you all lives in Ninety Six, so
18 that's about ten minutes, fifteen minutes. So, plan on them
19 being there maybe around ten of eight, just to give yourself
20 some breathing room. Okay, so if you need a ride be ready
21 about 7:50 and they'll pick you up of course, and we're
22 going to get you back tomorrow.

23 Additionally, ladies and gentlemen, just to let you
24 know, I indicated on, I think yesterday, not to read any
25 news reports or do any kind of independent research, or

1 listen to any radio or TV stories about this case. In the
2 "for what it's worth" category, a reporter has been here
3 from the Index today, the Index journal. I don't know -- I
4 anticipate there may be a story in tomorrow's paper.
5 Obviously, Thursday they don't do the print paper. They do
6 it online. So, if you could, if your habit is to wake up
7 and read the paper with the morning coffee, then just be
8 sure to skip any story that might appear in the paper about
9 this case. Because obviously, as I'm instructing you,
10 you're not supposed to read or do any kind of independent
11 research about this case. So, if that is your routine and
12 you get the e-version of the Index, then just avoid any
13 article about this particular case, all right.

14 Again, don't talk to anybody about this case this
15 evening. Be back here tomorrow morning at 9:15, and we will
16 resume at that point in time. Yes, sir.

17 BAILIFF: You said ten of eight. You mean ten of nine?

18 THE COURT: Ten of nine. It's late. All right. Ten of
19 -- Be ready at 8:50. All right, 8:50. And I think you
20 should be okay if you're catching a ride from a deputy
21 tomorrow. Have a good night. Leave your notes in the
22 seats. We'll collect those. See you more tomorrow morning
23 at 9:15. Thank you.

24 (Whereupon, jury exited and proceedings recessed 5:48 pm.)

25 TRIAL DAY 4: August 18, 2022

1 (WHEREUPON, proceedings resumed 9:30 a.m.)

2 THE COURT: If we may, we'll go back on the record. All
3 right. We're back on the record. All jurors are present.
4 You've got your next witness here, Solicitor?

5 MR. STUMBO: Yes, sir.

6 THE COURT: Very good. Go ahead and bring them in if
7 you could.

8 (WHEREUPON, Clerk began to swear witness prior to jury
9 entrance.)

10 THE COURT: Hold on. Let me get the jury first. Go
11 ahead and bring the jury in, please.

12 (WHEREUPON, jury entered 9:32 a.m.)

13 THE COURT: Ladies and gentlemen of the jury, welcome
14 back. Thank you for being here and thank you all for being
15 on time this morning. I do appreciate that. We're, of
16 course, still in the State's case in chief. Solicitor, if
17 you'll call your next witness, please.

18 MR. STUMBO: Thank you, Judge. The State calls
19 Lieutenant Matt Blackwell to the stand.

20 WHEREUPON, Matthew Blackwell, having
21 first been duly sworn, testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STUMBO:

24 Q Good morning, Detective Blackwell.

25 A Good morning. Which agency do you work for?

1 A I work for the Greenwood Police Department.

2 Q And what year did you start there?

3 A I started working for the Greenwood Police Department
4 in 2008.

5 Q You've been there for your entire law enforcement?

6 A Yes, sir. Been there for my entire law enforcement
7 career.

8 Q Okay. During that time, I assume, you've worked on the
9 road.

10 A Yes, Sir. Worked on the road for about a year and a
11 half.

12 Q All right. And then, since that time, you've been in
13 major Crimes investigations and been an investigator or
14 detective with the office.

15 A Yes, sir. I've been a detective ever since.

16 Q And I believe also there's a ACE team, which is
17 community policing, that the Chief does; is that correct?

18 A Yes, sir. It's the active community engagement team. I
19 was placed on the active community engagement team a couple
20 of years ago, taken off of it about this year to go back
21 into detective work.

22 Q As part of your work as a detective, I'm going to take
23 you to an investigation in the city, a homicide on Pearl
24 Street, March 3, 2020.

25 A Yes, sir.

1 Q Who was that? Was that a homicide case?

2 A Yes, sir. That was a homicide case where Jakevius
3 Parker was killed by Ji'Tavius Adams on Pearl Street in
4 Greenwood.

5 Q Okay. At what time of day did that happen?

6 A Around 8:00 in the morning.

7 Q Okay, so after daylight?

8 A Yes, sir.

9 Q What was -- from what y'all could tell from what you
10 could gather in the investigation, what was the Jakevius
11 Parker doing that morning?

12 A Mr. Parker just went to the store to get some chips and
13 a drink, I believe it was, and he was walking back to his
14 home on Pearl Street, or somewhere in that area, and a
15 vehicle drove by. Ji'Tavius Adams got out of the vehicle,
16 shot several rounds at him, striking him, and he died right
17 there on the scene.

18 Q Bag of chips and drinks found right there by ---

19 A Yes, sir.

20 Q Jakevius Parker's body?

21 A Yes, sir.

22 Q Ji'Tavius Adams, after investigation, was arrested in
23 that case?

24 A He was arrested. Yes, sir.

25 Q And he was charged with murder; correct?

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1 A Yes, sir.

2 Q And I believe pled guilty in that case?

3 A He did. He's now in prison for it.

4 Q And that was March 3, 2020 was the incident date?

5 A Yes, sir.

6 Q And, just to be clear, none of the individuals involved
7 with this case, either defendants or the two guys we heard
8 from yesterday that got shot at in April, or the guy that's
9 deceased, Mr. Alston, had any involvement? There's no
10 evidence they had any involvement with the March 3 murder of
11 Jakevius Parker?

12 A No, sir.

13 Q Ji'Tavius Adams was the only one arrested in that case?

14 A He was the only one arrested.

15 Q Now, you talked to us about the fact that you were in
16 detective work and you've done some community policing work
17 at the department over the last several years. As part of
18 that work, do you do social media research to assist in
19 these investigations?

20 A Yes, sir. Yes, sir. Sometimes, if we have names and
21 stuff that come up investigations, we'll check their social
22 media pages to see who they associate with and hang out
23 with.

24 Q Who is friends with who?

25 A Yes, sir.

1 Q As part of your investigative work related to and in
2 this case in particular, this April 8, 2020 case, the
3 shooting over on Parkway, that was in the county, right?

4 A Yes, sir. That was in the county.

5 Q Okay, but it's close to the city line?

6 A Yes, sir. There's three apartment complexes on Parkway.
7 Two of them are in the city. The one that happened in the
8 county is located directly in the middle of them, and it
9 would have been in the county. Yes, sir.

10 Q There was actually evidence found in the complex in
11 this case, though, the gun in the parking lot that we've
12 heard about, that's in the city.

13 A Yes, sir. That was in the parking lot in the city.

14 Q So, you assisted the county in this case with the
15 investigation?

16 A I did, yes, sir. Kind of, when it came out, everybody
17 from the city and county, since it's so close, all go to the
18 same place if an incident like that happens.

19 Q Now, as part of your investigative work, you said you
20 do social media research. Who, if anybody, involved in this
21 case, were friends with or associated with Jakevius Parker,
22 who was killed March 3, 2020?

23 A Through our investigative work and just social media
24 posts, all three of the defendants were friends with Mr.
25 Parker.

1 Q Okay. How about the deceased, Mr. Alston? Was he
2 friends with Mr. Parker?

3 A Yes, sir. Yes, sir.

4 Q So Trivoriaye Alston, or Man-Man, who the one that was
5 killed in this incident in April?

6 A That's right.

7 Q He was also friends with and associated with Mr.
8 Parker?

9 A Yes, sir.

10 Q Who, if anyone involved in this case in April of 2020,
11 was friends with or associated with Ji'Tavius Adams, who was
12 convicted of killing Parker?

13 A That would have been Mr. Parks and Mr. Goode who
14 testified here yesterday.

15 Q I'm going to show you some exhibits that have already
16 been marked for identification purposes. I'm going to give
17 you the numbers for the record.

18 A Yes, sir.

19 Q If you could look through that stack of pictures, and
20 while you do, for the record, what I've handed you for ID is
21 State's 109, State's 110, State's 114, State's 115, State's
22 116, State's 120, State's 121, 122, 123, and 124.

23 A Yes, sir.

24 Q Do you recognize what photographs depicted in those
25 exhibits?

1 A Yes, sir. These are all photographs that were taken
2 off of social media from different public social media
3 accounts.

4 Q Okay. Now, tell me, do you have a -- basically with
5 the Police Department as part of your community work and
6 detective work, do you have a, kind of, a Facebook page that
7 is not Matt Blackwell?

8 A Yes, sir. There are some pages that we have that
9 wouldn't have my name on it, but I also have pages that do
10 have my name on it just with an e-mail.

11 Q And anybody can create a profile on Facebook; correct?

12 A That's right. Yes, sir. And just look at them.

13 Q And you can do searches on Facebook of what people post
14 on Facebook; right?

15 A Yes, sir.

16 Q And you utilize some of your accounts just to do that,
17 so it doesn't have your personal name on it; right?

18 A Yes, sir.

19 Q All of these, you say, or I mean -- how do you document
20 them? Is it basically just a screen shot of the page?

21 A Yes, sir. I'll just save the image on my computer,
22 save the image, the date that I took it off of the social
23 media site, and put it in a file on my computer.

24 Q And you would label that for describing the page you
25 took it off of?

1 A Yes, sir. The name that the photo was under, and then
2 I'll also put the name of the, who we identified as the
3 social media page belonging to, and then the date.

4 Q Okay, so you can create a Facebook page. And I know a
5 lot of us in the room are familiar with Facebook to some
6 extent. You could create a Facebook profile that is not
7 your name, obviously, right?

8 A Yes, sir.

9 Q It might create five profiles on Facebook; right?

10 A Yes, sir.

11 Q And have different names with them, right?

12 A Yes, sir.

13 Q And how would you, just through your investigative
14 work, be able to say this page that's named not a real name
15 is associated with this person?

16 A Well, a lot of times it just has a lot of the photos of
17 that person on there, and then posting comments from family
18 and other members, and videos of that person on the page.

19 Q And then "likes" maybe, from friends of their friends,
20 that you that you've been able to associate them with;
21 right?

22 A Yes, sir.

23 Q All right. And were you able to do that as to these
24 exhibits that I just read off of the record that I handed
25 you?

1 A Yes, sir. I was.

2 Q And they are fair and accurate representations of the
3 screen shot that you took using Facebook that was publicly
4 accessible and put into your files?

5 MR. STUMBO: Judge, at this time we would offer State's
6 109, 110, 114, 115, 116, and then 120 through 124 into
7 evidence.

8 THE COURT: Any objections?

9 MR. HENDERSON: Your Honor, I think we need to take up
10 some stuff outside of the presence of the jury.

11 THE COURT: Ladies and gentlemen, adjourn to the back
12 for a moment. Let me discuss something with the attorneys.
13 I'll have you back in here as soon as possible. Thank you.

14 (WHEREUPON, jury exited 9:42 a.m.)

15 THE COURT: The jury is out. What's the concern, Mr.
16 Henderson?

17 MR. HENDERSON: Your Honor, these are the photos that
18 Lieutenant Blackwell was talking about pre-trial on Monday.
19 And these photos, I mean, just looking at these photos, they
20 look like gang members. I mean that's -- you've got guns in
21 these pictures. You got alleged gang signs in these
22 pictures, and you've got all sorts of stuff that's
23 definitely more prejudicial than probative. If they want to
24 demonstrate that somebody knows somebody, the detective has
25 already testified that, based upon his knowledge of various

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1 accounts, that he knows that various people know one
2 another.

3 Just for example, in 109 here, you see a handgun being
4 held up. You see what he's previously identified as gang
5 signals on Monday, Your Honor. I mean, they're trying to
6 get in through the back door what you wouldn't let them put
7 in through the front door.

8 MR. STUMBO: Judge, and if I can respond to that. 109
9 and 110, this is what we're going to go through with the
10 detective. We can proffer it, but 109 and 110 are Parks and
11 Goode in there with those guys. And there is a gun that
12 some other guys holding. But it's a group of them together
13 that they associated with. So, it's just basically okay,
14 these are these group of friends, even though Ji'Tavius
15 Adams is not in that particular picture.

16 MR. HENDERSON: Your Honor, there's already ample
17 testimony that Parks and Goode know one another.

18 MR. STUMBO: But, Judge, I don't believe -- one of the
19 things -- we have plenty of pictures of these guys holding
20 guns that I'm not offering. I've done that for the very
21 purpose of not being -- trying to inflame the jury with
22 these guys holding guns in pictures, so...

23 THE COURT: Okay, and ---

24 MR. STUMBO: Quite frankly, Judge, one other point of
25 this. Mr. Henderson's cross on Monday when we were debating

1 the gang issue, essentially was arguing that these shirts
2 and these signs and all of this weren't gangs. They were
3 just a music group. So, I don't know how now he can say
4 that. You know, look, I mean the bottom line is my nephew,
5 who's a long-haired soccer player, white kid, back when we
6 were at the beach a few weeks ago he's flashing gang signs
7 in every picture, because he thinks it looks cool. So, I
8 don't know how that automatically associates these guys with
9 any particular gang if we don't elicit that.

10 MR. HENDERSON: Your Honor, it's just people's -- I mean
11 it's your gut reaction looking at these photos. And
12 Detective Blackwell testified for hours on Monday about how
13 this is -- signifies gang activity. I mean, he talked about
14 how the gangs use guns. How they flash these signs. How
15 they wear various colors. I mean this is everything that he
16 testified to and you prohibited the State from offering any
17 testimony than any of these people are involved with gangs.

18 THE COURT: I understand that the State's theory --
19 just for the record, I'm assuming that Mr. Tinsley and Mr.
20 Grose join in Mr. Henderson's argument, so that goes without
21 saying.

22 MR. TINSLEY: Yes, sir.

23 MR. GROSE: We do.

24 THE COURT: I excluded any reference to gangs on Monday
25 for the simple reason that, under the law, the Court found

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1 that there was not clear and convincing evidence based upon
2 the methodology of that witness testifying, the methodology
3 that he used to include people and gangs. I concluded that
4 there was insufficient clear and convincing evidence to
5 warrant that being raised, or that issue being raised or
6 alluded to during the course of the State's case in chief.
7 I made it clear that the State would be allowed to introduce
8 evidence of the affiliation of Alston with the three
9 defendants and Mr. Parker, as well as Parks and Goode being
10 associated, were friends with Adams.

11 MR. HENDERSON: And that's already into evidence, Your
12 Honor.

13 THE COURT: I understand, but as it was pointed out the
14 other day, a picture is worth a thousand words. I'm looking
15 at the various exhibits. 109, which apparently shows Parks
16 and Goode, the person who's holding a gun by a clip inverted
17 is not involved with this case. Exhibit ---

18 MR. GROSE: Judge, I think we probably need to go
19 through these one by one and let them explain what it is
20 that -- why they think it needs to come in.

21 THE COURT: Fair enough.

22 MR. GROSE: Because, you know, I'm not really -- just
23 with what the Solicitor said a minute ago about 109 and 110.
24 I'm not sure what that really proves that's not already in
25 evidence. It doesn't prove the association of anybody

1 involved in this other case. At least the way that's what I
2 understood what he said. I don't know why those are
3 relevant.

4 THE COURT: I appreciate your position. The photo, 114,
5 it looks like it's kind of a collage. What's that relevant
6 or how is that relevant, Solicitor?

7 MR. STUMBO: It is just -- that is a tribute taken off
8 the page that Detective Blackwell has associated with
9 Defendant Xayvion Hill and in that picture is Jakevius
10 Parker, and it was taken March 20. No, excuse me. I think
11 that was taken March 10, just, you know, a week after he was
12 murdered. So, it's essentially a tribute to Jakevius Parker
13 and his memory, is what it appears to be, and it's posted on
14 a Facebook page associate with Mr. Hill.

15 THE COURT: Then, the sketch 115, Long live Man-Man
16 Alston. That was taken off of what?

17 MR. STUMBO: That was taken off of Xayvion Hill's page,
18 the same page that posted the tribute to Parker about a
19 month before. That was taken on April 14, I believe and
20 that's what Detective Blackwell will testify to, April 14,
21 2020. Which was several days after the Man-Man Alston was
22 killed in this incident.

23 MR. TINSLEY: My question is, what page is all this?

24 MR. STUMBO: It's walk em down. Walk em down is the
25 name of the profile.

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1 MR. HENDERSON: Your Honor, my concern on that is how do
2 they know whose page this is coming from?

3 THE COURT: I'm assuming that they'll lay that
4 foundation momentarily.

5 MR. HENDERSON: Well, Detective Blackwell testified the
6 other day they did -- they issued no subpoenas to any social
7 media company to determine ownership. Just because you see
8 somebody's picture on a Facebook page does not mean it's
9 their page.

10 THE COURT: One might argue that would go to weight as
11 opposed to admissibility. I'm trying to get through these
12 one by one as Mr. Grose requested and get an idea of why
13 they maintain that they're relevant, so let me let him do
14 that and then I'll turn back to you guys, okay. 116 shows
15 three individuals. They are the defendants in this case?

16 MR. STUMBO: Two of them are, Judge. Narkevious Reid
17 in the middle in the white shirt, and to his to his left, or
18 to the right of him if you're looking at the picture, but to
19 his left arm is Xayvion Hill, the defendant, one of the
20 defendants. So, it's two of the three defendants in this
21 case.

22 THE COURT: Okay. And so, then the third person is
23 unrelated to any of this?

24 MR. STUMBO: Correct.

25 THE COURT: 120 shows three individuals in a pool hall.

1 Two of them are standing on a pool table. How is that
2 relevant, Solicitor?

3 MR. STUMBO: Judge, that is, crouched on the pool
4 table, is Mr. Reid, Narkevious Reid, and in the middle
5 standing leaned up against the table as Jakevius Parker.
6 And that was taken in 2018. It was posted on 2018 before,
7 obviously before Mr. Parker was murdered, but it shows the
8 association again between Reid and Jakevius Parker that
9 these guys were close.

10 THE COURT: And 121 shows three individuals it looks
11 like outside of the gas station over on 72 next to the New
12 Walmart. What's that about?

13 MR. STUMBO: That's Reid in the middle, Jakevius Parker
14 to his right. He has a shirt on that says "Thrasher".
15 Judge, and if you notice what he's wearing in that shirt,
16 says "Thrasher" and some flames on it, the black shirt. If
17 you look at the Facebook tribute that was in State's 114.

18 THE COURT: 115, you mean?

19 MR. STUMBO: No, that was 114. The tribute to -- the
20 collage. Mr. Parker is wearing the same shirt in that
21 picture, so it, there again, it corroborates. That picture
22 of 120 would associate directly association with Reid and
23 then by virtue of that shirt, it shows that it's the same
24 guy that Hill posted the tribute of, the same T-shirt.

25 THE COURT: And the other two individuals again? It's

1 Reid and ---

2 MR. STUMBO: There's a third guy in that picture at the
3 Sphinx, and then the only reason I put 122 in was just to
4 demonstrate -- because I think in 121 Reid is kind of
5 covering his face a little bit, but obviously they're taken
6 at the same time, wearing the same clothes, same gas
7 station. Just to show an uncovered face, that it is Reid.
8 That's just to, kind of, 22 goes with 21.

9 THE COURT: And then 123 is a group of eleven people, it
10 looks like, maybe at the same gas station. Well, no, that's
11 a different one.

12 MR. STUMBO: I think that one's at the 7-11, maybe down
13 off of South Main, going out of -- down on 25 South. That's
14 where it looks like, if you see in the background. It looks
15 like a 7-11 sign. I may be wrong on that. That one.
16 That's correct.

17 THE COURT: How's is that one relevant?

18 MR. STUMBO: Judge, in that picture you have a number
19 of individuals, but three of the individuals in that
20 picture, and it's taken from 2018, are Xayvion Hill, and
21 Narkevious Reid, and Jakevius Parker. So it shows two,
22 again, two of the individuals who were good friends with Mr.
23 Parker. They hung out, not just once or twice, but a lot,
24 Judge. And that's why we're taking a few different
25 instances. But, you know, there's other pictures that we're

1 not putting in that involve these guys where they're
2 flashing guns or some where it looks like they're smoking
3 weed. We're not putting those in, Judge, for obvious
4 reasons. So, this shows the associations without the other
5 highly inflammatory stuff.

6 THE COURT: Okay. And finally, 124 shows three --
7 well, three individuals are posing for the camera and then
8 you've got two in the background.

9 MR. STUMBO: Again, it's Jakevius Parker in a picture
10 with Narkevious Reid, and that was taken in 2016, Judge.
11 So, March 7, 2016.

12 THE COURT: In an effort to demonstrate that this is a
13 long lasting friendship of long term association, as opposed
14 to just these individuals being contemporaries and casual
15 friends or something to that effect?

16 MR. STUMBO: Correct, Judge. Yes, sir.

17 THE COURT: The exhibits that you're not seeking
18 introduction of, perhaps it would be wise to mark those as
19 an exhibit. State's exhibit for identification only.

20 MR. STUMBO: Judge, one of them is actually State's 119.
21 I intended to put this in, but it's a picture just of Reid
22 on 1/19. I'm not going to put it in because honestly, it's
23 not -- I'm not sure why we marked this the first time and he
24 does have a sweatshirt in this one that says "Contraband
25 Gang". To me, it's -- there again, the probative value of

1 this is probably much less in our view.

2 THE COURT: Just because he's by himself as opposed to
3 with Parker.

4 MR. STUMBO: That's correct. That would be 119. I'm
5 going to keep it over here for now.

6 COURT REPORTER: Is that also Court's 14?

7 MR. STUMBO: It's Court's 14 too? Okay.

8 THE COURT: All right. Let the record reflect that
9 same photo, State's 119, is also already Court's 14.

10 MR. STUMBO: And Judge, we can mark a series of these
11 that we're not intending to put in for that very reason.
12 Flashing money. These were all made available to the
13 defense. We can just clip them together and make them the
14 court's exhibit for purposes of this hearing. Let me go
15 through and make sure they're not duplicates. Judge, I can
16 pass these up and we can make them.

17 THE COURT: We're going to make the photographs the
18 Solicitor referenced a moment ago, which he is not seeking
19 introduction of, Court's Exhibit Number 23. That will be a
20 collective Exhibit comprised of seven photographs, and then
21 looks like one screen shot of a Facebook page. So, that
22 will be Court's Exhibit 23.

23 MR. STUMBO: And I've just one more just brief comment
24 after Tara gets that logged. Judge, just for the record
25 too, there are a lot of others that we have in possession

1 that have been made available to the defense that aren't in
2 this Court's exhibit. This is just a sampling of a lot of
3 photographs that we felt like were probably more, you know,
4 of less probative value and maybe more highly prejudicial.
5 So, we're trying to be judicious in our selection of these
6 photographs for the probative purpose of these guys being
7 associated with each other. Judge, one other one that I
8 haven't shown him yet is this and, because it's a little bit
9 separate after we go through these, will be 117. And I may
10 want to go ahead and bring that up while we're -- while the
11 jury is out of the room. It's the Facebook post from 93
12 Dripp page. And that's another that Detective Blackwell
13 will testify it's another one of Xayvion Hill's Facebook
14 profiles with a lot of pictures of him. And it was taken
15 around March 19, 2020. And, Judge, this is one of the links
16 and we think the linchpin on motive here. And it's some
17 evidence of that, but it's a -- basically, a post that's
18 words, not pictures, posts of words and just emojis that
19 says, reads, "Fuck twelve. We gone broad day some OPS.
20 Don't come outside after dark." That's the post.

21 THE COURT: And that State's what?

22 MR. STUMBO: 117. And that's one I have not handed -- I
23 was going to that after we went through the actual
24 photographs.

25 THE COURT: All right. Mr. Henderson?

1 MR. HENDERSON: Your Honor, before we start addressing
2 these items one by one, I think now might be a good time for
3 me to do my discovery motion, because it all deals with
4 these particular documents.

5 THE COURT: You've got the floor.

6 MR. HENDERSON: I previously gave the Solicitor copies
7 of this the other day, and I've already marked these as
8 Defendant Reid's Exhibits 1 through 14, and I think the
9 Court Reporter may have already marked something else as
10 one, but if that's the case, we may need to do some
11 adjusting of numbers. Your Honor, if I may walk through
12 these documents one by one. What I have marked as Reid
13 Number 1 are my discovery request that were served on August
14 14, 2020.

15 THE COURT: Can we do it this way? Start with the
16 conclusion and work your way backwards. What is it that you
17 are seeking that you're saying has not been provided and how
18 are these documents relevant to that?

19 MR. HENDERSON? Your Honor, it boils down to that I've
20 served general discovery requests. I served gang specific
21 discovery requests 15 months ago. The first time we get
22 anything related to gangs is on Thursday, August 4, 11 days
23 prior to trial. Everything that the Solicitor is trying to
24 get into now, we got 11 days prior to trial. Your Honor,
25 you're hearing that they're talking about stuff that's been

1 out here since 2016, that they keep talking about this
2 murder on Pearl Street in March of 2020. Your Honor,
3 they've had some suspicions -- they've had to have suspicion
4 or some idea that all this stuff was connected, that they're
5 alleging, Mr. Reid, Mr. Hill, and Mr. Hurley are in gangs.
6 They've known this before eleven days ago. I mean, they're
7 trying to do trial by ambush, Your Honor. That's exactly
8 what it is. And I don't think they should be rewarded for
9 that. I've gone through and laid it out in chronological,
10 Your honor. I've included copies in these exhibits of every
11 item of discovery produced by the Solicitor regarding gangs
12 since August 4. Now, in fact, they've given us a couple
13 documents here just this week in court. Now, again, those
14 aren't included in my packet because my packet was done
15 prior to us getting those documents.

16 THE COURT: The bond order does reference the -- I
17 mean, I'm looking at Defendant's exhibit Number 2. It's an
18 order, my order, dated June 18, 2021 denying bond for Mr.
19 Reid and it references that the State had a theory that this
20 is a gang-involved shooting.

21 MR. HENDERSON: Absolutely. They're representing that.
22 They're representing this to the Court over a year ago and
23 zilch discovery, Your Honor, until August 4, eleven days
24 prior to trial. That's why I'm putting these bond orders
25 in. you wanted

1 THE COURT: Solicitor, you wanted to respond to that?

2 MS. TAYLOR: I'll take this one, Your Honor.

3 Obviously, it's even in the incident report that law
4 enforcement believed this to be gang related. The
5 Solicitor's office, we did not decide to attempt to use the
6 gang stuff until -- first of all, the case, the Johnson
7 case, didn't come out until 2021. We did not decide to
8 attempt to use that until in the very recent past, two to
9 three weeks ago. I think August 4th is when I sent the
10 first batch of gang related discovery to the defense. It
11 was at that time very contemporaneous with that August the
12 4th e-mail that the State, the Solicitors Office, was made
13 aware of the Facebook page, the Facebook post, that we're
14 talking about that cleared up what the motive was for us.
15 Prior to that, we believed the motive was simply Southside
16 doesn't like Eastside and vice versa. But, once we got into
17 the gang files, which prior to that date, since we were not
18 going to attempt to use them in trial, would have been law
19 enforcement sensitive, they're not exculpatory. They're
20 inculpatory if anything, and we didn't want to provide these
21 documents without some indication that we were actually
22 intending to use them at trial. Once it became clear that
23 we were intending to use it at trial, we made it available
24 as soon as we possibly could.

25 MR. HENDERSON: Your Honor, that's not the standard,

1 when we decide that we're going to use it. They've known
2 about this stuff for years, and all this stuff is material
3 to guilt or innocence, Your Honor. And it very much is
4 material to guilt or innocence. Again, off the get go,
5 they've said in that incident report that they think it's
6 gang related. Fine, but why did you wait two, two and a
7 half years, or two years and four months, to start producing
8 any discovery that backs it up? They've known about this.

9 MR. STUMBO: Judge, in the discovery, the initial reports
10 and supplementals where Investigator Womack talks to the
11 mothers of Mr. Alston and Mr. Hill at the hospital, as Mr.
12 Alston has just died, and Mr. Hill is sitting in the
13 hospital. Both of the mothers tell Womack -- of course,
14 it's hearsay. We didn't elicit that through him, but it's
15 in the incident reports that the defendants have, said that
16 they thought this might be Eastside Southside bull. One of
17 them said. And, quite honestly, that's a good point. You
18 know, Judge these are the social media pages that anybody
19 can access, but are of these defendants, and quite honestly,
20 I would think that us telling them we intend to use them is
21 one thing. Which, we gave them plenty of notice of that.
22 And we found even some stuff over the weekend and into
23 Monday morning that was new and we handed it over right
24 away. But, those are things that they can access too,
25 Judge. So, the Rule 5 part of it is giving notice. Here's

1 copies of what we intend to use. They have access to it
2 because it's their social media pages. So, I don't know how
3 it's something we tried to obscure.

4 THE COURT: Mr. Grose, you wanted to chime in on this?

5 MR. GROSE: Well, I don't want to -- if Mr. Henderson
6 still has something to say, I don't want to cut him off.

7 THE COURT: It was his discovery motion but ---

8 MR. GROSE: Well, we also had discovery motions in the
9 case too.

10 THE COURT: I'm assuming, for purposes of this
11 argument, that all three defendants are joining in Mr.
12 Henderson's argument with a big ditto.

13 MR. HENDERSON: And I think I was the only one that
14 that served gang specific discovery request, Your Honor.

15 MR. GROSE: But, regardless -- and what one of the
16 reasons that I stand up is I think that they're overlooking,
17 and I don't want the Court to overlook in the heat of this
18 argument, all aspects of Rule 5. Rule 5 is really a rule
19 that explains how the Courts in South Carolina guarantee due
20 process, and as the Court is aware, sometimes we talk about
21 Brady, but Brady is a due process motion. There's other
22 cases of constitutional dimension from the United State's
23 Supreme Court that go back before Brady that talk about the
24 government having to turn over the evidence that they intend
25 to use or evidence that's necessary for presenting a

1 defense. And Rule 5 is how our state has chosen to comply
2 with those due process requirements. Rule 5, in addition to
3 talking about things that the State intends to use, it also
4 talks about materials which are materials to the preparation
5 or defense, regardless of whether they intend to use them or
6 not. And what the photographs they turned over on Monday
7 that had Mr. Hurley in them, I mean, we were here to pick a
8 jury then. Maybe it was Monday. Maybe was Tuesday. I don't
9 remember when it was, but it was after the trial was
10 supposed to have started. The fact that they had this and
11 didn't decide how to use it doesn't get them off the hook.
12 It doesn't matter whether they held this stuff until the
13 end. In good faith or bad faith, it doesn't matter. We've
14 known -- I could go back and find the e-mail. Maybe I need
15 to find the e-mail and put it in the Record. We have known
16 for months that Judge Hocker set the trial for this week.
17 Looks like Mr. Henderson has it. It's probably already in
18 the record.

19 MR. HENDERSON: Your Honor, my Exhibit Number 4, it
20 would be on one, two -- it would be on the 7th page of my
21 e-mail, about halfway down, dated Friday, April 15 from
22 Judge Hocker. "Let's go ahead and set it August 15, 22."
23 So, we've had a date certain four months. Exactly four
24 months from the start of this trial.

25 MR. GROSE: And I also want to put into context.

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1 August 4th, I mean, we've known this for a while. I was on
2 vacation. I was at the beach on August 4 when they started
3 sending this stuff, and I also had protection for last week
4 that I ended up not using because this trial was coming up
5 and I was trying to plan around this trial date.

6 THE COURT: And I understand. I get your point, Mr.
7 Grose, and I -- we don't need to rehash everyone's vacation
8 schedules and stuff like that. I do understand your point.
9 Essentially, you are saying to me that Rule 5 contemplates
10 timely disclosure in a meaningful way, and essentially that
11 by providing on August 11, in your opinion, or August 4,
12 whenever I wrote it down ---

13 MR. GROSE: Or certainly August 15 or 16, whenever they
14 were providing other photographs this week, I mean.

15 THE COURT: Right. I understand your position.

16 MS. TAYLOR: And, Your Honor, for the record, I was in
17 California all summer with my dying son.

18 THE COURT: I understand.

19 MR. HENDERSON: With all sympathy, I see two other
20 prosecutors sitting next to Ms. Taylor.

21 THE COURT: I understand, but I do think that perhaps
22 Ms. Taylor was taking the lead on this to a certain extent.
23 And Elizabeth, I have been keeping up with that on Facebook
24 and I am very sorry, and I haven't told you that yet. But I
25 just wanted to let you know that now. But, I'm sorry. I

1 appreciate you gentlemen's position on this. As far as the
2 Brady issue, the Court finds that there is not -- the Brady
3 and Rule 5, the Court finds that there has not been a
4 violation of Brady or Rule 5, in terms of the timing of the
5 introduction of the photographs that we're discussing. I
6 certainly appreciate your position and your objection.

7 MR. GROSE: It's never going to stop. If a judge
8 doesn't stand up and say we've got to draw a line that
9 people on trial facing potentially life in prison, it's
10 never going to stop. And that's an argument that the
11 Justices of the Supreme Court have said that we need to be
12 making in these trials. It's just never going to stop. I
13 mean, it's been this way for 20 some years that I've been
14 here. It doesn't change with whoever's in the office. It
15 just goes on and on and on.

16 THE COURT: I appreciate your position, Mr. Grose, and
17 that's certainly an argument if, in the event that your
18 client is convicted, that's certainly an argument that I'm
19 sure is preserved and to be made to the Supreme Court. And
20 in the for-what-it's-worth category, I tried a homicide in
21 Lexington County two years ago. It was a double -- well, it
22 was more recent than that. It's about a year ago where GPS
23 tracking information was not provided until -- they didn't
24 get the final report showing -- connecting the dots. They'd
25 given the defense attorney, it's Dane Phillips. They'd

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1 given him the raw data, but they had not provided the
2 graphic showing how the Defendant's cell phone had been
3 moving down the Interstate and that sort of a thing. The
4 Court, I, AKA the Court, concluded that was a tardy
5 disclosure under Rule 5 and I said that they could not use
6 that information showing where the defendant was moving. So,
7 I have made that conclusion previously. I would like to
8 believe that other judges have. Based on the unique facts
9 of this case, and the fact that it was apparent from the get
10 go that the State's theory was that this was gang related.
11 It should not come as a surprise that any gang postings on
12 the Defendant's Facebook pages -- which of course, they
13 could have taken down if they wanted to, that those might be
14 used in the case in chief of the State. But, I certainly
15 appreciate your position and that's my position. Off the
16 record.

17 THE COURT: My Court Reporter has brought something to
18 my attention. The exhibits that I am holding are already
19 marked as Defendant Reid's Exhibits Numbers 1 through 14.
20 The Bollinger statement had initially been marked Defendant
21 Reid's one. We are going to change the Bollinger statement,
22 which was previously marked Defendant Reid's 1 and probably
23 referenced in the record as Defendant Reid's 1, that now
24 going to become Defendant Reid's Exhibit Number 15. So,
25 that's how we're going to correct that so that we don't have

1 duplicate exhibits on the defense side of things. And you
2 had another comment, you needed to make, Mr. Grose -- or Mr.
3 Henderson?

4 MR. HENDERSON: Absolutely. I think we all wanted to
5 address these photos that the State wants to get into
6 evidence starting with number 109, Your Honor. And again,
7 this is this is all the stuff that Detective Blackwell
8 testified to on Monday as being indicia of gangs. I mean,
9 you've got this gentleman waving the gun. They're flashing
10 what Detective Blackwell says are gang signs. I mean, just
11 highly, highly prejudicial.

12 THE COURT: The testimony -- there will be no testimony
13 about these people flashing gang signs.

14 MR. HENDERSON: Your Honor, there doesn't have to be. I
15 mean, I don't think -- I don't consider these 15 people
16 sitting in the jury box a bunch of cabbages. I mean, if
17 they look at these photographs and see people flashing what
18 Detective Blackwell has already called gang signs, he
19 doesn't have to say a word about it.

20 THE COURT: I mean, it looks like 3 of the people on.
21 109, three of the individuals, their hand gesture is a -- is
22 basically flipping a bird, one person's holding up three
23 fingers, one person's holding up -- and then another person
24 is holding up apparently their pinky finger and their --
25 whatever's next to the pinky figure, of their left hand. So,

1 it's not like some uniform gang sign on that one. There
2 doesn't appear to be any gang signs or anything that could
3 be interpreted as such on 110.

4 MR. HENDERSON: And my concern is the gun too, Your
5 Honor, on 109 and 110.

6 THE COURT: I understand.

7 MR. HENDERSON: And again, I'd like to go through
8 these. On number 114, which is this collage that they're
9 alleging that Mr. Hill made, again, looks like a gun there
10 in the middle. And again, it's just more prejudicial than
11 probative. We know that Mr. Alston is deceased. There's
12 been testimony that all these young men know one another.
13 This photo -- none of these photos are making any fact in
14 evidence more likely or less likely, Your Honor. It's just,
15 I'm not sure it's relevant. Then, this long live Mr.
16 Alston, Man-Man, that they're saying coming from Hill's
17 page. I'm not sure what that's designed to show. We all
18 know he's deceased.

19 MR. GROSE: And I thought that the day they said they
20 took that down was when Mr. Hill was in the hospital or in
21 jail.

22 MR. TINSLEY: That's right.

23 THE COURT: You wanted to go through each of these
24 individually, Mr. Henderson?

25 MR. HENDERSON: Absolutely. Absolutely.

1 THE COURT: Go ahead. Keep going.

2 MR. HENDERSON: The 116, the one with my client in the
3 middle, with the white T-shirt saying, "Contraband Gang".

4 THE COURT: That's your client's rap group.

5 MR. HENDERSON: It is, but, again you're putting him in
6 a position where he may have to testify to explain what it
7 says. The jury sees the word gang. I know. Detective
8 Blackwell is not going to mentioned the word gang, but when
9 the juror -- And, again, I'm assuming I know these 15 people
10 over there in the panel box or not cabbages. They see the
11 word gang, the first thing they're going to think about is
12 street gang. They're going think about violence at
13 Greenwood High School last Friday night. And again, I think
14 the word gang needs to be taken out of this, Your Honor.

15 THE COURT: Since that's the second time you referenced that,
16 I may need to make the Index Journal story from Tuesday or
17 whenever part of the record. Maybe it was yesterday, but
18 the story that was in the paper -- and that's all that I
19 know about the incident Friday night, but apparently none of
20 it was gang related. It was all juveniles and there's no
21 indication that any of that was gang related. There were no
22 shots fired, and that seems to be the current position of
23 the police.

24 MR. GROSE: Well, we need to --

25 THE COURT: But, I don't want there being some belief

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1 that that was somehow -- and I don't even know who was
2 charged, but apparently it was all just a bunch of kids, all
3 juveniles the way the story read, but I don't know anything
4 more than what I've read about in the paper.

5 MR. HENDERSON: But -- but -- but--

6 THE COURT: Let's let's talk about the exhibits, Mr.
7 Henderson.

8 MR. HENDERSON: But again, the jury sees those 4 letters
9 gang. They're going to, Your Honor, you know that when you
10 see the word gang, the first thing that will pop into their
11 brain when they've already heard about gunshots and somebody
12 dead is going to be street gang, criminal gang, violent
13 gang. That's going to be the first thing that pops into
14 their mind. And then, again, you made the comment that my
15 client could always testify about what the word means. But
16 again, you're forcing him to testify.

17 THE COURT: Well, Solicitor, as it relates to -- all
18 right, well, hold on. Before I turn back to him, any other
19 comments about the other exhibits, other than just the
20 general same objection?

21 MR. HENDERSON: And then on 120, this is what I call
22 the pool hall. I think Your Honor called it the pool hall
23 video. The pool hall photo. And, again, it is what
24 Detective Blackwell has said are gang signs. You know,
25 that's my concern. I don't think there are any guns in this

1 photograph. If there are, I don't see any. I don't see
2 anything else that looks out of place, other than -- and
3 we've already got testimony that Mr. Parker, in the middle,
4 and Mr. Reid on the far right, know one another. So, this
5 is not showing anything, Your Honor. 121, this is the one
6 with my client in the middle. It's got a handgun, Your
7 Honor. Highly prejudicial. Look at his right pocket.
8 That's not a cell phone. That's a handgun, Your Honor.

9 THE COURT: It looks more like a cell phone to me.

10 MR. HENDERSON: Your Honor, I think that's a handgun.
11 Same thing -- look at 120, the next one. Look at 122.
12 That's a handgun.

13 THE COURT: That too large to be the handle to a gun.

14 MR. HENDERSON: Your Honor, some jurors will be looking
15 at that and say, hey, Mr. Reid is being accused of shooting
16 somebody, killing somebody, and there he is walking around
17 with a gun. Highly prejudicial, Your Honor. Highly
18 prejudicial. At least those two photographs are.

19 THE COURT: And there doesn't seem to be a bulge in his
20 pocket as if that were a gun. I can't make out. Moving on.
21 123 and 124?

22 MR. HENDERSON: 123, and again, this is the, you know,
23 again, what Detective Blackwell has said are gang signs.
24 And this is the photo, Your Honor, that contains members of
25 what Detective Blackwell calls the Eastside and the

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1 Southside. Now, obviously we're not going to get into that,
2 but this is the photograph that -- the combination photo.
3 Again, I don't think there are any guns in this photograph.
4 Not that I've been able to ascertain. And you'll see, Your
5 Honor, that different folks in the photographs are wearing
6 different colored bandanas. Again, I know that's not --
7 you've excluded all that, but I'm just letting you know.
8 Well, we think all this...

9 THE COURT: You're seeing something that I'm not seeing
10 I see one person with a bandana around their neck, as well
11 as -- one, two wearing red bandanas and two wearing black
12 bandanas out of a group of 11 people on 123. But, I mean,
13 I'm not really seeing a lot of bandanas in the other photos.

14 MR. HENDERSON: According to Detective Blackwell, I do
15 believe that bandanas are supposedly signs of local gangs.
16 Different colored bandanas would be supposedly signs of
17 different gangs, and they're all in the same photograph,
18 Your Honor. And looking at this last photo 124, again,
19 showing what Detective Blackwell has indicated are gang
20 signs. It looks like -- I'm trying to see what this
21 gentleman has got -- it looks like the contraband T-shirt.
22 But it looks like it's got some semi-automatic weapon, or
23 perhaps an automatic weapon on the logo, Your Honor. And,
24 again, you know ---

25 THE COURT: Maybe they should have put up cat pictures

1 on their Facebook page instead of these photos. I mean, if
2 they didn't want the world to see it...

3 MR. HENDERSON: Well, they can put up whatever they
4 want to. The issue is whether or not it's admissible, Your
5 Honor.

6 THE COURT: I understand. Here's my concern, Solicitor.
7 I've already made my ruling as far as the gang issue. On
8 116, the gentleman in the center is who?

9 MR. STUMBO: That's Narkevious Reid. And Judge, just
10 if I could comment to that.

11 THE COURT: Sure.

12 MR. STUMBO: You know, maybe I'm dating myself here,
13 Judge. You know, back into the 80's, I think the first rap
14 song I ever heard, and this was old school, was Rapper's
15 Delight by the Sugar Hill gang. But that was long before
16 the era of gangster rap. They weren't doing anything that
17 would be associated with gang. They were just a music group
18 like Mr. Henderson pointed out Monday during pretrial
19 motions. Kool and The Gang. Very popular band. They still
20 are today. But ultimately, Judge, they're using the word
21 gang. We probably could go through numerous examples of
22 that. I don't think "gang" in and of itself, and certainly
23 Mr. Henderson could ask that on cross. And say, you know
24 are you aware my client had a rap group called the
25 Contraband Gang? And he's aware of that. The answer to

1 that, I'm sure, would be yes. So, I'm not sure how that
2 that is overly prejudicial. The main thing with that
3 picture, and I think the probative value is very high
4 because of who is in that picture, Judge. And again -

5 MR. HENDERSON: Your Honor ---

6 MR. STUMBO: -- Mr. Reid and Mr. Hill. It's Mr. Reid
7 and Mr. Hill. Okay, I'm done.

8 MR. HENDERSON: If it's the head shots they're
9 concerned with, then how about do a diagonal cut and just
10 leave the heads in.

11 MR. STUMBO: Well, then the jury holds that against me,
12 Judge. And I just don't see any need for that.

13 MR. HENDERSON: The Solicitor's musical education, you
14 know, 35 years ago and today, I mean, the times they are a
15 changing, you know. I mean, different people now, the word
16 gang now has got a whole different connotation than with the
17 Sugar Hill Gang or Kool and the Gang. A whole different
18 connotation.

19 THE COURT: In the 80's, the Bloods and Crips were, and
20 even before then, I mean, you know, you had motorcycle gangs
21 that -- what's Charles Manson's gang out in the West Coast.
22 I mean, I guess what I'm saying is this is pretty vanilla
23 compared to those organizations.

24 MR. HENDERSON: But just the state of our local union.

25 THE COURT: I understand your position. I understand

1 your point, and that was taken into account on Monday with
2 my ruling. Let me ask this witness this.

3 EXAMINATION

4 BY THE COURT:

5 Q If Mr. Henderson were to ask you whether Mr. Reid has a
6 musical group known as the Contraband Gang, what would your
7 answer be? Are you aware of that?

8 A Yes, sir.

9 Q And it is a rap music group?

10 A Yes, sir.

11 Q So, you would be able to testify that that is a group
12 that, I guess, has produced music that's out there?

13 A Yes, sir. On YouTube and on social media pages.

14 THE COURT: And, of course, it goes without saying that
15 Mr. Tinsley and Mr. Grose join in Mr. Henderson's argument.
16 Mr. Tinsley, you have something to contribute?

17 MR. TINSLEY: Yes, your Honor. I'm going to not run
18 over much of what we've already been over. 109 and 110, my
19 biggest problem there is to Ji'Tavius Adams is nowhere in
20 those pictures, so I don't see the relevance. 115, as Mr.
21 Grose pointed out, the Man-Man tribute. When it was posted
22 my client was, I believe was incarcerated, and if not he was
23 in the hospital. But then 117, which we haven't talked
24 about, first issues is with this authentication. It's from
25 an account called 93 Dripp, whereas the Solicitor just said

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1 that my client, Mr. Hill, had to Walk em Down account that
2 they were basing his social media presence off. That's the
3 first issue with it. The second issue with it is it is the
4 unfair prejudice is so much higher than its low probative
5 value. If you just look at the terms, you need a
6 translator. It starts out, Fuck 12. I don't know what that
7 means. Then it says we're going broad day some ops. I also
8 don't know what that means. It doesn't sound good, but it's
9 very vague. It's just kind of trying to paint these guys as
10 bad people and then it says don't come outside after dark.
11 Well, this happened at 2:00 o'clock in the afternoon, so
12 it's not at all consistent with whatever this post is
13 saying. So, I would certainly ask that you exclude 117.

14 THE COURT: Thankfully, we are talking about 117 now.
15 Solicitor, how do you intend to lay a foundation to admit
16 117?

17 MR. STUMBO: I can ask -- just proffer Detective
18 Blackwell's testimony, but essentially it's going to be
19 this.

20 BY MR. STUMBO:

21 Q The screen shot this from 93 Dripp, which he had
22 previously associated with Xayvion Hill's -- that he was,
23 Xayvion Hill was that account, that profile. He changed his
24 account several times. He had several names.

25 A He changed his name to Walk Emm Down now. If you put

1 in the search bar 93 Dripp, it'll come up Walk Emm Down now
2 to his page.

3 Q Okay, because it was a previous profile?

4 A Just a different name.

5 Q How did you go about associating 117 with Mr. Hill?

6 A That is -- it's just photos that were taken on it,
7 posts from his family that are on there, videos of him on
8 there. It's obviously him in the pictures and videos that
9 are being added on there. So, it's his social media page.

10 MR. STUMBO: Judge, the follow up to this is going to be
11 he ultimately, as a result of finding this, put a BOLO out.
12 And we're not going to talk about the details of the BOLO,
13 because it references gang, but his BOLO that went out was
14 there may be a retaliatory shooting involving -- that linked
15 back to the Pearl Street shooting involving Mr. Hill. Not
16 the other two defendants, but, you know, because obviously
17 this is Mr. Hill's page.

18 THE COURT: Go into greater detail about what is on that
19 page and how what's on the page you're able to determine ---

20 THE WITNESS: On the page, there's photos of him and
21 his family, there's photos of him, there's videos, there's
22 comments from his family on there to him. His comments to
23 him, to his family, and you just go to Facebook and just put
24 in Walk Em Down and it has his information on it, his
25 videos. It's just obviously his page.

1 BY MR. STUMBO:

2 Q And you can identify Mr. Hill just from your work in
3 the community, right?

4 A Yes.

5 Q And he's in the courtroom today?

6 A Yes, sir.

7 Q The same guy on this Facebook page prolifically with
8 family and videos?

9 A Yes, sir. I believe that on that profile picture there
10 is Mr. Parker, that he put up, but he's got other pictures
11 of his own photo in the profile picture, in his profile
12 picture.

13 THE COURT: Mr. Tinsley, did you want to ask this
14 witness any questions about -- because this relates
15 specifically to Hill, but any questions about the
16 authentication or how he went about doing that?

17 BY MR. TINSLEY: Yeah. I mean, Detective Blackwell, I
18 could snap a few pictures of you and create a profile,
19 correct?

20 A Yes, Sir.

21 Q And if I did enough snooping around on the Internet and
22 found stuff that you had put I could pirate that and add it
23 to this page, correct?

24 A Yes, sir, but there's videos of him and pictures of his
25 person on there. I mean, it's obviously him. It's his

1 pictures on there, so he had to pose for the pictures. He
2 had to give the videos and make the stuff. Even if somebody
3 else put it on the page, it's obviously still him in the
4 photos and posts.

5 Q I understand that, but if I control this account, I
6 could post anything I wanted as far as text from it,
7 correct?

8 A Yes, sir.

9 MR. TINSLEY: Judge, I just don't think they've met the
10 bar. Not to mention the 403 argument.

11 MR. STUMBO: If I could follow up on that as to
12 authentication. The other thing he, and I didn't ask him
13 this before, but interaction with those pages to demonstrate
14 it's not a fake fraudulent page.

15 BY MR. STUMBO:

16 Q You get likes on comments and pictures, right?

17 A Yes, sir.

18 Q And like the profiles and the people that were liking
19 him and his pictures in his posts were people that he knows
20 and are friends and family, right?

21 A Yes, Sir. And people that are in posting photos with
22 him on that page.

23 Q And your experience with fraudulent Facebook pages
24 would be.

25 A It's not going to have a lot of interaction.

1 Q Interaction with actual people?

2 A With people, other people on the Facebook site.

3 MR. HENDERSON: And, Your Honor, my next concern.
4 Suppose you find it's authenticated. Who is going to
5 translate?

6 THE COURT: I appreciate your position.

7 MR. HENDERSON: Mr. Grose probably knows the case name
8 better than I do. I think Rauch had a case, a drug case,
9 where they were using lingo and having somebody come in here
10 trying to interpret, testify, interpret what somebody else
11 means. And again, is Detective Blackwell -- I don't think
12 he's an expert in what somebody else means in lingo and bad
13 spelling and broken English.

14 THE COURT: How do you plan on translating "F" 12, we
15 gonna broad day some OPS. Don't come outside after dark,
16 and then a wavy hand sign, and a tornado and a heart.

17 MR. STUMBO: Judge, the 12 is one that's probably
18 difficult to ascertain, or if we did it may have some
19 reference to gang stuff, but the OPs in broad daylight part,
20 I think is pretty clear, Judge. I think anybody would
21 interpret OPS as being, you know, Black Ops, you know.
22 Going on the aggressive attack and that's the whole point
23 here, Judge. I think we -- the jury needs to know that
24 there was some intent beforehand. There again, it goes to,
25 you know, goes to motive, goes to intent.

1 THE COURT: And again, when was 117 posted?

2 MR. STUMBO: It was posted on March 19, Judge. On March
3 20 is when Detective Blackwell sends, based on that post and
4 its juxtaposition, I think I said that right, with the March
5 10 tribute with Jakevius Parker. That between those things,
6 you know, he ascertained at the time before this even
7 happened that there -- let's be on the lookout for
8 retaliation and maybe be on the lookout for Xayvion Hill.

9 MR. HENDERSON: Your Honor, I just don't want Detective
10 Blackwell up there saying, "I think this means." Because
11 obviously he's not an expert in linguism or linguistics, or,
12 you know, what...

13 THE COURT: All right. Here's how we're going to
14 handle this. As it relates to the photographs that the
15 State seeks to introduce, the Court finds that the probative
16 value of these photographs far outweigh any unfair prejudice
17 to the defense, because basically the photos form the basis
18 for how this witness and the other investigators came to
19 believe these people knew each other, were close friends
20 with one another, and were such close friends that if one of
21 their group was killed they would want to exact revenge.
22 That's the State's theory and the photographs form the basis
23 of how law enforcement came to conclude that these people
24 frequently associated with each other, so much so that the
25 defendants would be inclined to seek revenge for the

1 homicide that occurred, I guess, in March.

2 As it relates to State's 117, Solicitor I have some a
3 little bit concerns about admitting that, because first of
4 all, the case that they referenced, and I can't remember
5 which one it is, but it is one of Rauch's.

6 MR. GROSE: Judge, I think I'm looking at it quickly. I
7 think it's US v Johnson 617 F 3rd 286. I believe it's 2010.

8 MR. HENDERSON: Out of the Fourth Circuit.

9 MR. GROSE: 2010. It's a Fourth Circuit case.

10 THE COURT: My concern with admitting this is the
11 translation, and there is somewhat of an authentication
12 issue, maybe in terms of the Defendant, Mr. Tinsley's
13 client, perhaps being the author. What I will allow you to
14 do though, is in lieu of introducing 117, if you wish to
15 elicit from this witness testimony that he saw a posting on
16 Mr. Reid's website or on Mr. Reid's Facebook page on ---

17 MR. HENDERSON: I think you mean Mr. Hill.

18 THE COURT: I'm sorry, Mr. Hill's. You're right. Thank
19 you for correcting me. On Mr. Hill's Facebook page on March
20 19. Perhaps he can describe it as cryptic, but, you know
21 the -- I don't want to speculate what all this language
22 means without some expert in gang terminology testifying,
23 but if the purpose of introducing this is to get the
24 information to the jury about the BOLO, then you can do that
25 without necessarily introducing 117. Because 117 would

1 simply be the impetus for this witness putting the BOLO out
2 there.

3 MR. STUMBO: Yes, Sir, and I do understand the Court's
4 ruling. The only concern I have is we have indicted these
5 guys for conspiracy. I do know that as far as Highkclass YG
6 is one of the likes on that, on that post, Judge. I think
7 it, as close as it is to the Jakevius Parker tribute that
8 Hill puts up on his page, I think it goes right to, all
9 right, there's been some knowledge. There's been some
10 discussion. And, of course, the difficulty from our end to
11 prove a conspiracy in these cases, these guys never talk.

12 THE COURT: Who is my HighKlass YG?

13 MR. HENDERSON: They're alleging it's my client, Your
14 Honor.

15 MR. STUMBO: Well, and Judge, some of the pictures,
16 obviously that we're putting in here and he's going to lay a
17 foundation for this are off HighKlass YG's Facebook page and
18 they're of him, so it's not a secret.

19 THE COURT: If you wish to elicit that HighKlass YG.
20 Spelled H-i-g-h-k-l-a-s-s, all as one word, and then capital
21 "Y", capital "G", no space between the two. If you want to
22 elicit that he liked the post that caused this officer
23 concern, then that's fair game.

24 MR. HENDERSON: Your Honor, I will object if the
25 Detective tries to say that HighKlass YG is my client, Mr.

1 Reid. He's got no independent basis of that. Pure
2 speculation.

3 THE COURT: I'm assuming that a proper foundation will
4 be laid for that, and certainly that will be subject to your
5 cross examination, which I'm sure will be rigorous.

6 MR. HENDERSON: And, Your Honor, I have one more
7 discovery issue. Mr. Tinsley, or just to flesh out the
8 record. Mr. Tinsley said Ji'Tavius Adams isn't in any of
9 these photographs and that just triggered something that
10 happened Monday, and Mr. Tinsley's right about that. On
11 Monday, when Detective Blackwell is going down the list of
12 who he says are members of the various gangs on the
13 Southside, Ji'Tavius Adams was not listed. The first time
14 that we get any evidence at all that Ji'Tavius Adams is
15 allegedly tied in with this Southside group, Parks and
16 Goode, is yesterday when Parks and Goode testified. And
17 again, if the State has -- the State has to have known for
18 ages, or at least their theory is that these people are tied
19 together. Literally, the first time we learned about the
20 tying together of Adams, Parks, and Goode was yesterday when
21 Goode and Parks testified, because it wasn't in Detective
22 Blackwell's materials that he testified from Monday and that
23 I've actually made exhibits in my discovery exhibits, Your
24 Honor.

25 THE COURT: I understand your position. Thank you. I

1 beg to differ.

2 MR. GROSE: I just want to make sure the record reflects
3 that I join in all of Mr. Henderson's and also Mr. Tinsley's
4 arguments.

5 MR. HENDERSON: Same here, Your Honor. I join
6 everybody else's.

7 THE COURT: Well, to the extent that Mr. Grose has a
8 basis to join in on the authentication argument, it is
9 noted, but I don't know that your client liked it.

10 MR. GROSE: Well, you know.

11 THE COURT: You're covered.

12 MR. GROSE: I'm covered, but you know, one of the
13 things -- had stuff gone a little differently on Monday, I
14 was contemplating a severance motion, because we're getting
15 lumped in with all of these other people, and depending upon
16 how this plays out, your rulings on them maybe cause the
17 prejudice to us and so, that's just kind of hanging out
18 there.

19 THE COURT: No, I understand that. I understand that
20 and that's why I think that you probably do have a basis to
21 join Mr. Tinsley's motion on that and it occurred to me that
22 based on my prior contact with this case, that that motion
23 may have been forthcoming. I was actually thinking that it
24 may have been one of the ones that Judge Hocker was
25 contemplating dealing with last week, but that's neither

1 here nor there. It's water under the bridge. And speaking
2 of water, we're going to take about ten minutes and perhaps
3 use some of it and we'll be back on the record. Try and be
4 back here about 10 minutes from now, okay, guys. Thank you.
5 No further argument on this. I've made my ruling. I
6 appreciate your positions.
7 Thank you.

8 (WHEREUPON, recess 10:46 a.m. - 11:02 a.m.)

9 THE COURT: We're going back in the record. Just for
10 the benefit of everyone, I've made yesterday's Section A,
11 the first part of the Index journal, Court's Exhibit Number
12 24 and that references the reporting concerning the disorder
13 that happened at the football game, the Jamboree, this past
14 Friday. Just so that there's some record of what we've been
15 referring to and give it some context.

16 Mr. Grose, you have a matter?

17 MR. GROSE: Well, I don't know if they plan on going
18 into the BOLO, which is in the record as Court's Exhibit
19 Number 6, through this witness, but if they are, we should
20 probably take that up now. If they're not through this
21 witness, then we can we can do it later.

22 MR. STUMBO: We were just going to sanitize what's in
23 the BOLO, Judge. We're not going to put the document in.
24 We're not going to ask about the references to gangs they're
25 in. But we were going to ask Detective Blackwell, based on

1 a activity on social media, on the Walk em Down account,
2 which he associated with Mr. Hill, was there a level of
3 concern that there may be a retaliatory shooting for the
4 Pearl Street murder of Parks. That was essentially, Judge
5 and it is in the Court's exhibits that we -- we discussed
6 this on Monday, but, again, I was going to ask him about it
7 by reference, without any reference to gangs. Again, I do
8 think it, I'm sorry, Mr. Grose.

9 MR. GROSE: No, I didn't mean to cut you off.

10 MR. STUMBO: I'm sorry. I think it does go again to
11 corroborate the fact that there was some motive and intent,
12 at least as to Defendant Hill.

13 THE COURT: Mr. Grose?

14 MR. GROSE: Your Honor, obviously I believe the
15 Facebook post that we're talking about is 117, and obviously
16 we're objecting to that. And that objection would
17 necessarily require an objection to what's currently marked
18 as Court's Exhibit Number 6. I do appreciate their efforts
19 to clean it up by not actually introducing it, but I do have
20 concerns about retaliation. I think that gets into what
21 Your Honor ruled before the break, in that that gets into
22 the interpretation of the Facebook post and -- is it 117?
23 Yeah. I don't want to get into waiving my objection,
24 because I don't think that either one of them should come
25 in, but if you're going to limit it to they saw something

1 about a concern on Mr. Hill's page, then that maybe --

2 And Bolo, be on the lookout is, you know, kind of like
3 a suspect thing, but if they want to say that based on that
4 they pass that information on to, you know, other law
5 enforcement, I mean that might san --

6 THE COURT: That's probably -- BOLO is a little bit up
7 there. That's kind of like the child alert thing that you
8 see flashing on the Interstate, you know, people keep an eye
9 out for a Black 2002 Lexus, license plate number Circuit
10 Judge 8 that's involved with the child abduction. Go with
11 something other than BOLO.

12 MR. STUMBO: We can use law enforcement advisory.

13 THE COURT: Law enforcement advisory. Law enforcement,
14 yeah, law enforcement advisory. That's probably better than
15 BOLO. What I'm trying to -- what I'm doing my level best to
16 prevent is A) obviously any kind of undue prejudice and B)
17 any sort of speculation.

18 MR. GROSE: So, that will go to the word, use of the
19 word "retaliation" too, I assume?

20 THE COURT: Well...

21 MR. GROSE: That gets into translating.

22 THE COURT: I'm not trying to Casper Milktoast this
23 proceeding.

24 MR. GROSE: Oh, you're definitely not doing that.

25 THE COURT: Thank you.

1 MR. STUMBO: Judge, I think that -- I don't have a
2 problem changing BOLO to law enforcement advisory, but I
3 think for us to be able to adequately present this case to
4 the jury and give them some indication of motive as to an
5 intent, and that there was something possibly coming later
6 in the aftermath of Jakevius Parker being murdered. That's
7 critical here. I think the jury, if they don't hear that,
8 Judge, it goes to the res gestae of the case, and it is not
9 overly prejudicial. It is extraordinarily probative.

10 THE COURT: One issue is that this incident took place
11 on April 8, and I'm hearing that the alert, or the bulletin
12 was March 19, so eleven, nineteen days prior to this
13 incident. How long does the BOLO stay out there? I mean...

14 MR. STUMBO: That's a good question.

15 THE WITNESS: It's just as long as -- I mean, it's
16 fresh in law enforcement's mind. Eighteen days, twenty
17 days. There was another ongoing shooting at that time too
18 that people are looking for, so it's just an awareness for
19 law enforcement to have a head's up about something that can
20 happen. And that e-mail, I mean, if they don't erase it
21 it's there as long as they need to look at it.

22 MR. GROSE: My concern is the way that the Solicitor
23 just, you know, approached that is, is that they need to be
24 able to connect this Facebook post and this BOLO to
25 retaliation for a specific thing. And now I'm hearing that

1 there's there was other shootings going on. It gets into I
2 think what you talked about before, concerns about
3 translating what that Facebook post means. It also gets
4 into, you know, sort of opinion testimony about what that
5 Facebook post means and what that BOLO means and it
6 basically would be them offering an opinion that the
7 shooting in this case was retaliation for this other murder.
8 And I think that would, in addition to everything that we've
9 already talked about it, that's the way they're intending to
10 present it. That would be improper opinion testimony. It
11 would be improper bolstering of their own case.

12 MR. STUMBO: Well, and quite honestly, Judge that's one
13 of the reasons why I kind of prefer the post itself to go in
14 and those words can be interpreted by the jury. They can be
15 finders of fact as to what that meant.

16 THE COURT: You may as well hand them something in
17 Sanskrit, as far as I'm concerned. I mean, I don't know
18 what that means.

19 MR. STUMBO: I know what broad daylight means, Judge.
20 I know in the context of everything else, that's -- I get
21 it. And honestly, from Jakevius Parker being killed in the
22 daylight, that's not something that happened under the cover
23 of night, nor did this. I do think there's some common
24 ground here.

25 MR. TINSLEY: And the only thing about any timing in

1 there says don't come after dark. It's not consistent with
2 this.

3 THE COURT: Well, I mean, you raise the valid point that
4 perhaps it cuts both ways, Mr. Tinsley. But, y'all are the
5 ones objecting to it. Let me just think this through for a
6 second. Solicitor, explain to me how is it relevant,
7 assuming that factually you are correct that the post
8 referenced in State's 117, that that is a statement about
9 possible retaliation. How is the fact that law enforcement
10 saw that and then issued a BOLO probative of any issue in
11 this case? Because the BOLO was not relied upon by anyone
12 so far as I'm aware, on August -- or sorry, on April 8 when
13 this case was being investigated after the fact.

14 MR. STUMBO: It was -- the BOLO, specifically in the --
15 the lynchpin here, Judge, is Xayvion Hill, because the BOLO
16 itself, and it's in the record as a Court's exhibit,
17 mentions that Xayvion Hill's page is the one that produced
18 this post. So, an advisory to the other agencies to be on
19 the lookout for Mr. Hill specifically.

20 THE COURT: Right, but how is that relevant to whether
21 this shooting that took place -- the fact that BOLO was
22 issued, how is that relevant to whether this was a
23 retaliation. A BOLO being issued is simply what he did
24 based on what he saw and how he interpreted it.

25 MR. STUMBO: I think he anticipated, Judge, that

1 Xayvion Hill would be involved in some kind of retaliatory
2 shooting, which indeed a few weeks later he was. And that's
3 part of the proof in our case, Judge. You know, there again,
4 Mr. Hill posted this on his page and law enforcement just
5 took that and was using it as a proactive investigative
6 tool, which I think ultimately, Judge, this Court and our
7 public policy wants to encourage them to be proactive, to
8 try to prevent incidents when they can. Obviously, they're
9 not mind readers. They're not perfect. They're not
10 omniscient. They can't be in all places at all times. But
11 I think we want our law enforcement officers to be proactive
12 as a matter of public policy.

13 THE COURT: And I don't disagree with that. I certainly
14 don't disagree with that, but again, we're talking about a
15 post being made and then 19 days later the incident
16 occurring. And what I'm focused on is the BOLO. How's the
17 BOLO probative of anything, whether he anticipated trouble
18 or not. I mean, if he anticipated trouble from Mr. Reid, I
19 don't know.

20 MR. HENDERSON: Mr. Hill, Your Honor.

21 THE COURT: I'm sorry, Mr. Hill. Maybe he should have
22 gone out and shaken Mr. Hill down or something. And I don't
23 know.

24 MR. STUMBO: Well, at that point, obviously Judge they
25 didn't have any evidence of a crime to investigate at that

1 point, but at that point also they wanted -- of course they
2 could have gone and knocked on his door and hey, what does
3 this post mean, and what are you up to. I highly doubt Mr.
4 Hill would have disclosed that even if they had attempted to
5 approach him. But be that as it may, certainly they could
6 have taken that additional step, but, Judge --

7 THE COURT: What does the BOLO prove? That's what I'm
8 asking. As far as the culpability.

9 MR. STUMBO: The Bolo I think, Judge, just corroborates
10 the fact that there was some motive and intent to do a
11 retaliatory shooting for what had happened to Mr. Parker.
12 And I think you have to look at the post in the context of
13 the tribute to Parker that had just been posted on his page
14 several days before. I think outside of the post, the
15 tribute post to Parker after he had just been killed, you
16 know, maybe it doesn't make sense. But I think there's
17 clearly a chain of connection from Parker's murder to the
18 tribute post, to the March 19 posting that says, you know,
19 what it says.

20 THE COURT: Right, I get that. My point is more
21 specific. If the purpose of -- if you needed this witness
22 to testify that there was a BOLO put out to keep an eye out
23 for Mr. Hill, as a result of that BOLO, let's change the
24 facts slightly. Because of that BOLO, they stopped Mr. Hill
25 two hours for a traffic violation two hours before the

1 shooting on April 8 and they found in his possession, in a
2 glove box, not being carried illegally, but they searched
3 the car and they found a legally carried firearm that had a
4 tan color to it, and then two hours later they recovered
5 that same gun. The Sheriff recovers it in the woods.
6 That's why you would need that information about the BOLO
7 out there, is to explain why they stopped him two hours
8 before this incident, okay? The BOLO contributes nothing as
9 I see it.

10 MR. STUMBO: I do think it -- Judge, let me bring this
11 point. It occurred to me that the fact that Mr. Hill comes
12 into the ER, there's a shooting at these apartments. He
13 comes into the ER, carried by Mr. Hawthorne, several minutes
14 later. And he has a gunshot wound. Indicative, again, of
15 him being involved in this shooting. So, Judge, immediately
16 because of Detective Blackwell's BOLO, they are starting to
17 formulate why he may have done this, or why he may have been
18 involved. I think it's part of their overall investigation
19 into, of course, we're not going to mention the gang part.
20 That was part of it too. But the other part was why would
21 Xayvion Hill be at Parkway Apartments involved in an ambush
22 shooting. That post and BOLO gives them a, I guess, a head
23 start on those issues to some extent. So, it's part and
24 parcel part of their investigation and the information
25 they're getting as, on April 8, as he's at the hospital, as

1 they're interviewing him. That's something that's clearly.
2 Part of the investigation on the 8th, so it ties to it and I
3 think it's very relevant, especially as to motive and
4 identity.

5 THE COURT: Which witness is going to testify to that,
6 because I don't think I've heard anyone testify thus far who
7 interviewed the people of the hospital that the BOLO played
8 into their suspicions or investigation?

9 MR. STUMBO: Well, there again, I know Detective
10 Blackwell was there with Detective Womack, because he took
11 the GSR kits. They were working the hospital together. I
12 haven't even asked him that to this day what their
13 conversation was, because I didn't believe it -- I didn't
14 believe it at the time to be relevant, but obviously, in
15 light of this, I don't know what discussions they had at the
16 hospital that day or mention of oh, this is Xayvion Hill.
17 He posted something a few weeks ago about the Parker murder.

18 MR. GROSE: Judge, you're doing a pretty good job making
19 our point with your questions, but --

20 THE COURT: I'm trying to cut through this.

21 MR. GROSE: -- but this seems revisionist to me because
22 there's not an incident report that references this Facebook
23 post or the BOLO by their own admissions. This is something
24 that they figured out in the last couple of weeks. None of
25 this was produced, and it gets back to Mr. Henderson's

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1 discovery motion. And I don't know -- I don't understand
2 how the BOLO goes to motive.

3 THE COURT: I agree with you. This isn't -- I mean,
4 this isn't the minority report and I don't see where the
5 BOLO is probative of any issue in this case. I'm going to
6 let him testify that he saw something of concern on Mr.
7 Hill's site that he interpreted as concern. But, I'm not
8 going to let him testify that he then put out a BOLO, or an
9 alert, or whatever for the simple reason that any alert that
10 was put out doesn't link up to any other evidence that was
11 recovered in this case. The deed was done 19 days later, so
12 I don't see where that is germane. I really don't. If it
13 was used to stop a car or something like that, like the
14 example I gave, yeah. But under these facts, the fact that
15 that he felt the need to issue an alert, is it a good law
16 enforcement practice? Heck yeah. Am I behind him one
17 hundred percent doing so? Yes. Does the jury need to know
18 about it? No. There's nothing probative to be gathered
19 from it. That's where I am. Let's have the jury back out,
20 please.

21 (WHEREUPON, jury entered 11:02 a.m.)

22 THE COURT: Ladies and gentlemen, welcome back. That
23 took a lot, a lot longer than I was expecting and I'm sorry.
24 Solicitor, you may continue with your examination, sir.

25 MR. STUMBO: Thank you, Judge. And, Judge, we had

1 offered 109, 110, 114, 115, and 116 and then 120 through 124
2 into evidence. We would ask to have them admitted with
3 proper foundation having been laid and publish to the jury.

4 THE COURT: Subject to the prior hearing and the
5 objections 109, 110, 114, 115, 116, 120, and 121 through 124
6 are in evidence. 117 is not.

7 MR. STUMBO: Thank you, Judge.

8 DIRECT EXAMINATION

9 BY MR. STUMBO:

10 Q And just since it's been a while since the jury's been
11 out here, Detective Blackwell, you talked about doing social
12 media research to try to figure out who's friends, who's
13 associated with one another?

14 A Yes, sir.

15 Q And these photographs I'm going to show, you we're
16 going to go through them one at a time in light of that
17 testimony.

18 A Yes, sir.

19 Q State's 109. Who was involved in this case, is in this
20 photograph?

21 A In this photograph is Gabriel Goode.

22 Q Where is he located?

23 A He's on the left side there with the black shirt and an
24 orange bandana around his head.

25 Q Okay, and who else?

1 A Justin Parks is in the white shirt with the red hat,
2 behind the guy wearing the Blue Jay's jersey.

3 Q Okay. 110? What is this a depiction of?

4 A This is a screen shot of a YouTube rap video that came
5 off of public social media, off of YouTube. The actual name
6 of the song that it came off of is Slick Came From Nothing.
7 In this photo, Justin Parks is in the red shirt that has
8 "Life" on it, and Mr. Goode is also in a -- it's a red or
9 orange shirt there on the right with a orange bandana,
10 beside the guy that's shirtless with the dreads.

11 Q Okay, and Slick, is that not one of these guys, one of
12 their buddies?

13 A Yeah, the guy that actually sang is Terrence Sanders.
14 He's in the middle there with the hat on.

15 Q And he goes by Slick?

16 A Yes, sir.

17 Q This is 114, State's 114.

18 A Yeah, this is, like, a collage to Mr. Parker, the
19 individual that was murdered on Pearl Street on March 3.
20 This was taken off of Xayvion Hill's public social media,
21 Walk Emm Down.

22 MR. TINSLEY: Objection.

23 MR. HENDERSON: Speculation, Your Honor.

24 THE COURT: Overruled. You're protected as far as your
25 objection, which you made previously. They are noted,

- 1 however, overruled. Go ahead.
- 2 A And this was posted on March 10, 2020.
- 3 Q And when was when was he shot and killed?
- 4 A March 3.
- 5 Q This was from what, at the time, was called Walk Emm
- 6 Down?
- 7 A Yes, sir. It was Walk Emm Down's social media.
- 8 Q Okay. Got you. All right. All three of -- this is
- 9 Jakevius Parker and all three of these image in this
- 10 collage, correct?
- 11 A Yes, sir.
- 12 Q And you know that from knowing Mr. Parker from the
- 13 community?
- 14 A Yes, sir.
- 15 Q And again, 8:00 March 3, 2020, he was shot and killed
- 16 walking home from the store?
- 17 A Yes, sir.
- 18 Q State's Exhibit Number 115. I'm going to turn it this
- 19 way for everybody and pan it out a little bit.
- 20 A This was a photo of Mr. Alston, the victim in this
- 21 case. This was taken off the Xayvion Hill's public social
- 22 media, Walk Emm Down. It was posted on April 14, 2020.
- 23 Q And that would have been six days after this incident
- 24 where Mr. ---
- 25 A Yes, sir. This happened on April 8.

1 Q State's 116?

2 A This is a photo that was taken off of Xayvion Hill's
3 public social media page, Walk Emm Down. I took that off on
4 8/10/22. That's Mr. Reid in the middle in the white shirt
5 and Mr. Hill in the grey hoodie on the right.

6 Q And you said you took the screen shot of it 8/10, which
7 was last week, right?

8 A Yes, sir.

9 Q But this picture was an older picture on Facebook?

10 A It's an older picture posted. I didn't have the exact
11 date that it was posted.

12 Q All right, State's Exhibit 120?

13 A This is the photo that came off of Narkevious Reid's
14 public social media page, HighKlass YG.

15 MR. HENDERSON: Objection. Speculation, Your Honor.

16 THE COURT: You can handle it on cross. Your objection
17 from earlier is protected. Go ahead.

18 A This was taken off of his social media page on
19 September 26, 2018. This is Mr. Parker, who was murdered on
20 Pearl Street, in the middle, right there and Mr. Reid on the
21 right side of the photo.

22 Q Mr. Reid, kind of, up on the table on the right, as
23 we're looking at it here?

24 A Yes, sir.

25 Q These two, Jakevius Parker is left?

1 A Yes, sir.

2 Q State's 121?

3 A This is another photo off of Mr. Reid's public social
4 media page, HighKlass YG. I got this photo off of the page
5 on 9/26/2018. It's Mr. Parker on the left and Mr. Reid in
6 the middle.

7 Q The individual on the right is not related to this
8 case?

9 A No, sir.

10 Q And 122? That's taken, it looks like, the same time,
11 same place?

12 A Yes, sir. That's also a photo that was taken from Mr.
13 Reid's public social media page, HighKlass YG, on 9/26/2020
14 and that's Mr. Reid.

15 Q Okay. His face is uncovered by his hand in this one,
16 as it was -- his hand was in front of his face in the last
17 one?

18 A Yes, sir.

19 Q This is State's 123.

20 A This is a photo that was taken from Narkevious Reid's
21 public social media page, HighKlass YG. This was on
22 9/26/2018. Mr. Hill is on the left side in the striped
23 shirt. Mr. Reid is in the white shirt there in the middle
24 with the red hat. Mr. Parker is in the white collared shirt
25 with the white hat on.

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1 Q Okay, the guy in the white tennis shirt with the white
2 Nike hat is Parker?

3 A Yes, sir.

4 Q The other individuals in this picture aren't associated
5 with this case?

6 A No, sir.

7 Q And State's 124?

8 A Yes, sir. This is another photo that was taken from
9 Narkevious Reid's public social media page, HighKlass YG.
10 This was actually taking on March 7, 2016. That's Jakevius
11 Parker on the left side and Mr. Reid in the middle.

12 Q Okay. All right. Now, Detective Blackwell, we saw
13 State's 114, which was this kind of collage of Jakevius
14 Parker, and this was about a week after he was killed,
15 correct?

16 A Yes, sir.

17 Q Were there any posts from that same Facebook page that
18 gave you pause for concern as an investigator on that page?

19 A Yes, sir.

20 Q Okay. And those were of the nature of you believed
21 that there would be maybe some retaliation for Mr. Parker's
22 ---

23 MR. HENDERSON: Objection, Your Honor.

24 THE COURT: Sustained. Sustained.

25 MR. GROSE: I have a motion.

1 THE COURT: The jury is ---

2 MR. HENDERSON: Yeah, we have some motions, Your Honor.

3 THE COURT: Ladies and gentlemen of the jury, I'm
4 instructing you to disregard that question. It calls for
5 speculation. It was an improper question and it should not
6 have been asked. I know what y'all are thinking. We'll
7 take it up at the next break.

8 MR. GROSE: Yes, sir.

9 MR. HENDERSON: Thank you.

10 THE COURT: Please continue.

11 MR. GROSE: I object to the curative instruction.

12 MR. HENDERSON: Same objection, Your Honor.

13 THE COURT: Understood, gentlemen, understood. I know
14 what you are thinking. I am clairvoyant in this instance,
15 and we will handle it at the next break. Please continue.

16 Q Detective Parker (SIC), you went to the hospital on
17 April 8 to help investigate this case?

18 A I did. After I left the incident location, we heard
19 there was other people that were coming to the hospital with
20 gunshot wounds. So, I went over there where I met with
21 Detective Womack and some other deputies and asked how I
22 could assist them. Detective Womack asked me to take GSR
23 from some of the shooting -- people that had gunshot wounds
24 when they arrived at the hospital.

25 Q And which individuals did you take kits of?

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1 A I took GSR kits off of Xayvion Hill, Justin Parks, and
2 Gabriel Goode.

3 Q I'm going to hand you first State's 100. What is that
4 identified as?

5 A This is a gunshot residue kit from Case Number 9698
6 from the Sheriff's Office described as taken off of, the GSR
7 kit from Xayvion Hill.

8 Q Okay. Yesterday we heard from Detective Womack about
9 how you take a GSR kit?

10 A Yes, sir.

11 Q And that's what you did on Mr. Hill?

12 A Yes, sir. Basically the same way. It comes in a sealed
13 package. You open the package up. It's pretty basic
14 instructions on the sheet that you fill out. It has gloves
15 that you put on and you just take a -- swab each of the
16 subject's hands.

17 Q And you did that on Mr. Hill, who is in the courtroom?

18 A Yes, sir.

19 Q All right. What did you do? Did you seal it up after
20 you took it?

21 A It would have been sealed up and I gave it back to
22 Detective Womack, who was there at the time, meeting with
23 other people and talking with witnesses and GSR.

24 Q And he's from the County, correct?

25 A Yes, sir.

1 Q And this is a County case?

2 A This is a county case, so I didn't take possession of
3 the evidence. I gave it to him.

4 Q I'll get the other one back and I'll give you State's
5 101. What is that?

6 A This is another GSR kit for Case Number 29698. This is
7 a GSR kit from Justin Parks, so the same thing would have
8 been true with Justin Parks. He was there being treated for
9 a wound. I opened up a sealed package, swabbed his hands,
10 filled out the form, and provided that back to Mr. Womack,
11 or Detective Womack.

12 Q State's 102?

13 A It says it's another GSR kit for Greenwood County case
14 29698, and this is a GSR kit from Gabriel Goode. The same
15 thing. I would have took an unopened package, opened it up
16 and swabbed Mr. Goode's hands, filled out the paperwork, and
17 I provided that back to Detective Womack.

18 Q You were in the courtroom at times in the courthouse
19 this week when Gabriel Goode and Justin Parks were here
20 testifying?

21 A Yes, sir.

22 Q And those are the individuals you took that GSR kits
23 from?

24 A Yes, sir.

25 Q And that would be in 101 and 102?

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- 1 A Yes, sir.
- 2 Q You handed those off to Detective Womack?
- 3 A Yes, sir. I gave three gunshot residue kits to
- 4 Detective Womack.
- 5 Q Did you alter or mess with them in any way?
- 6 A No, sir.
- 7 Q Did you add anything to the kits?
- 8 A No, Sir.
- 9 Q Did you take anyway anything away from them?
- 10 A No, sir.
- 11 Q And in 100, that would have been Mr. Hill. Is he in
- 12 the courtroom today?
- 13 A Yes, sir. He's right there.
- 14 Q Okay. Sitting by his attorney, Mr. Tinsley.
- 15 A Yes, sir.
- 16 Q And that's who you took this GSR kit, State's 100, off
- 17 of?
- 18 A Yes, sir.
- 19 Q When you take a GSR kit, do you do that bare handed or
- 20 do you put gloves on?
- 21 A No, sir. In the kit that's provided to you, it has
- 22 gloves that you put on to keep any contamination or
- 23 anything. I used the gloves that were in the kit that came
- 24 with it.
- 25 Q So, in other words, if you had handled your gun as a

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1 law enforcement officer and it had been recently fired, you
2 could have it on your bare hands, correct?

3 A Yes, sir. You could.

4 Q That's why you used the gloves out of the kit.

5 A That's why you use the gloves that are not
6 contaminated.

7 MR. STUMBO: No further questions of this witness, Your
8 Honor. Please answer any questions that the defense
9 attorneys may have.

10 THE COURT: MR. Tinsley?

11 CROSS EXAMINATION

12 BY MR. TINSLEY:

13 Q Detective Blackwell, Ji'Tavius Adams was not in any of
14 the photographs that we looked at?

15 A No, sir.

16 Q And did you testify that Number 115, which was a
17 tribute to Mr. Alston, was from April 14, 2020?

18 A It was posted on April 14, 2020. Yes, sir. That's
19 what it said on the social media page.

20 Q And Mr. Hill was still in the hospital at that point,
21 correct?

22 A I'm not sure.

23 Q Okay. Well, when he went into the hospital on the 8th,
24 law enforcement took possession of his cell phone, correct?

25 A I'm not sure.

1 Q And when you took the gunshot residue sample from Mr.

2 Hill, he was about to go into surgery, correct?

3 A I can't remember. I believe so.

4 Q And he was in pretty bad pain at that point?

5 A Yes, sir.

6 MR. TINSLEY: No further questions. Please answer any
7 questions Mr. Henderson has.

8 CROSS EXAMINATION

9 BY MR. HENDERSON:

10 Q Hey, Detective. How are you, sir?

11 A Good, sir. How are you?

12 Q Good. Always good to see you. Now, you know my
13 client, Mr. Reid is a rapper?

14 A Yes, sir.

15 Q That he produces rap music?

16 A Yes, sir.

17 Q He makes rap videos?

18 A Yes, sir.

19 Q And you know that his rap band or rap group is called
20 the Contraband Gang, don't you?

21 A Yes, sir.

22 MR. HENDERSON: I don't have anything further, Your
23 Honor.

24 THE COURT: Mr. Grose?

25 MR. GROSE: No questions for this witness, Your Honor.

1 THE COURT: Sir, thank you. You may step down.

2 Solicitor, call your next witness, please.

3 MS. TAYLOR: Thank you, Your Honor. The State calls
4 Detective Wes McClinton.

5 WHEREUPON, Wes McClinton, having first been
6 duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. TAYLOR:

9 Q Good morning. How are you employed?

10 A Ma'am?

11 Q How are you employed?

12 A I work for the City of Greenwood Police Department.

13 Q Are you a detective?

14 A Yes, ma'am.

15 Q How long have you been with the City?

16 A Going on 12 years, a little over 12 years, maybe.

17 Q So, were you with the City back on April 8, 2020?

18 A Yes, ma'am.

19 Q Do you remember whether you responded to the scene out
20 at Hillcrest and Gardens at Parkway?

21 A I did.

22 Q You did? Once it was determined that this incident was
23 actually going to be a county investigation, did you remain
24 at the scene or did you leave?

25 A No, ma'am. I left.

1 Q Did you receive an e-mail from Detective Murdoch at
2 some point regarding a photo that he needed some help with
3 identification?

4 A Yes, ma'am.

5 Q How did you receive that?

6 A Through our e-mail.

7 MR. GROSE: What number is that?

8 THE COURT: That's already in evidence.

9 MS. TAYLOR: I thought it was.

10 Q I'm going to show you what's already in evidence as
11 State's 79. Can you see that from where you're sitting?

12 A Yes, ma'am.

13 Q Is this the video, the still shot, you received from
14 Investigator Murdoch?

15 A Yes, ma'am. It is.

16 Q And, I'm sorry just to -- because I keep using the
17 words interchangeably. For the County, they're
18 investigators. For the City, you're detectives, right?

19 A That's correct. Yes, ma'am.

20 Q But basically the same job?

21 A Yes, ma'am.

22 Q Can you identify the individual right here who's at
23 this back passenger door?

24 A That's Mr. Reid.

25 Q And did you know Mr. Reid before this time?

- 1 A Yes, ma'am.
- 2 Q Is Mr. Reid in the courtroom today?
- 3 A Yes, ma'am. He is.
- 4 Q Where is he sitting?
- 5 A Beside Mr. Henderson.
- 6 Q And he has on a red jacket?
- 7 A Red jacket. Yes, ma'am.
- 8 Q Do you know who this individual is?
- 9 A I need to step down to see that. Which one are you
- 10 pointing to?
- 11 Q The one in the wheelchair.
- 12 A Mr. Alston.
- 13 Q That's Trivoriaye Alston?
- 14 A Yes, ma'am.
- 15 Q And what about this gentleman in the red shorts?
- 16 A Mr. Hurley.
- 17 Q And when you say Mr. Hurley, do you know his full name?
- 18 A Dashawn Chazz Hurley.
- 19 Q And were you familiar with Mr. Hurley before ---
- 20 A Yes, ma'am.
- 21 Q --- April 8th.
- 22 A I was. Yes, ma'am.
- 23 Q Let's talk about this car a little bit, this black
- 24 Toyota. Did you know Mr. Hurley to drive that vehicle on
- 25 occasion?

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- 1 A Yes, ma'am.
- 2 Q So, were you able to provide that information to
- 3 Investigator Murdoch as well?
- 4 A Yes, ma'am. I was.
- 5 Q I'm showing you what's been marked as State's 137. Is
- 6 that Mr. Hurley?
- 7 A Yes, ma'am. It is.
- 8 Q And is that essentially what he looked like around the
- 9 time of this incident?
- 10 A Yes, ma'am.
- 11 MS. TAYLOR: The State offers 137 into evidence, Your
- 12 Honor.
- 13 THE COURT: No objections. 137 is in evidence.
- 14 (WHEREUPON, State's exhibit 137 in evidence.)
- 15 MS. TAYLOR: Just to show the jury.
- 16 Q That's what he looked like around that time frame?
- 17 A Yes, ma'am.
- 18 Q So, his hair has changed a little bit today?
- 19 A It has.
- 20 Q Now, after you identified Mr. Hurley and the vehicle
- 21 that was in that still shot, did -- was it stopped shortly
- 22 thereafter? A traffic stop?
- 23 A Yes, ma'am. It was.
- 24 Q And were you the officer who stopped it?
- 25 A No, ma'am.

1 Q Did you back up that officer fairly quickly?

2 A I did. Yes, ma'am.

3 Q Who was driving that car when it was stopped?

4 A I believe it was Ms. Hurly. Yes, ma'am. I don't
5 remember her first name.

6 Q Do you have the report?

7 A Yes, ma'am. It was a Ms. Ty'Quisha Amayah Hurley.

8 Q And is it your understanding that she's related to
9 Dashawn Hurley?

10 A Yes, ma'am.

11 Q Do you know the relation?

12 A I believe it's his sister. Yes, ma'am.

13 Q Now, because this was a county investigation, what was
14 your role regarding the car once it was stopped?

15 A The officer that stopped the car alerted everybody he
16 had found the car. The traffic stop. Everyone arrived. I
17 arrived to help him secure the scene. Once the scene was
18 secure, the investigation and the vehicle were turned over
19 to the county deputies that arrived, investigators.

20 Q So, from that point it was the county's job to actually
21 process the car?

22 A Yes, ma'am.

23 MR. HENDERSON: Your Honor, I think we're going to need
24 to have a discussion about this photograph.

25 (WHEREUPON, sidebar held.)

1 THE COURT: If you intend to publish it, you can take a
2 piece of paper and do what I suggested. Subject to my
3 instructions -- that was 130, I think?

4 MS. TAYLOR: Yes, sir.

5 THE COURT: Subject to my instructions, State's Exhibit
6 Number 130 is in evidence.

7 MS. TAYLOR: Your Honor, for the record I am folding it
8 as much as I can to try to -- I'll show them where I folded
9 it.

10 MR. HENDERSON: Just subject to our prior objections,
11 Your Honor, about when we got it.

12 THE COURT: Oh, okay. Yes. Subject to the issue about
13 tardy provision by the State. Noted.

14 Q Showing you what's in evidence as State's Exhibit 130.
15 Can you see that from where you're sitting?

16 A Yes, ma'am.

17 Q First of all, can you tell me what this is?

18 A It's a photograph of two gentlemen, Facebook screen
19 shot.

20 Q Who's Facebook page was this taken from?

21 A Mr. Alston's public Facebook profile, Asskutta Flex.

22 Q Can you tell what date that picture was posted?

23 A April 7, 2020.

24 Q So, that would be the day before the shooting?

25 A Yes, ma'am.

- 1 Q Who is Walk Emm Down?
- 2 A Mr. Xayvion Hill's public Facebook page.
- 3 Q Have you -- you've been able to associate that page
- 4 with Mr. Hill?
- 5 A Yes, ma'am.
- 6 Q Going back to the picture itself, who is this taller
- 7 gentleman?
- 8 A Mr. Alston. Trivoriaye Alston.
- 9 Q And who is this?
- 10 A That's Xayvion Hill.
- 11 Q Again, this was the day before the shooting?
- 12 A Yes, ma'am.
- 13 Q I'm going to show you this after I show them what we're
- 14 talking about.
- 15 MR. GROSE: Your Honor, may we approach?
- 16 (WHEREUPON, sidebar held.)
- 17 THE COURT: State's 111, 126, 127, and 113 are in
- 18 evidence. 125 is not, but it can remain marked for
- 19 identification. Subject to the objections. Subject to all
- 20 objections from all defendants. You may publish.
- 21 MS. TAYLOR: Thank you, Your Honor.
- 22 Q I'm showing you State's 111. Can you tell me what this
- 23 is?
- 24 A It's a screen shot from a YouTube video published by
- 25 Double N of Spring Valley.

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1 Q Who in this picture, if anyone, is related to the case
2 today?

3 A Second from the left is Mr. Hill. It looks like he has
4 a jean jacket on with his hand in front of his face. In the
5 very back is Mr. Reid with what looks like a white hoodie on
6 with the hood partially over his head. The one to the right
7 from Mr. Reid it looks like Hawk is on the hoodie, is Mr.
8 Alston with the hoodie all the way over his head.

9 Q Do you know when this video was posted to YouTube?

10 A I do. That was January 2020, I believe it was.

11 Q Next is State's 113. Can you tell me what that is?

12 A This is another screen shot from a YouTube video titled
13 Contraband Gang, How Could I. Music video.

14 Q Who's this way over here?

15 A That's Jakevius Parker.

16 Q Did he also go by J.P.?

17 A Yes, ma'am. He did.

18 Q Who else in this video or in a screen shot of a video
19 is related to this case?

20 A Sitting down with the pink shoes is Narkevious Reid.
21 In the back with the blue hoodie on there is Mr. Xayvion
22 Hill.

23 Q Do you know when this video was posted to -- was it
24 posted to YouTube?

25 A Yes, ma'am.

1 Q Do you know when it was posted?

2 A I'm not sure. It was more than two years ago. I can't
3 recall the exact date right this second.

4 Q If I told you it was in twenty sixteen would you
5 disagree with that?

6 A No, ma'am.

7 Q State's Exhibit 127. Can you tell me what that is?

8 A That is a screen shot from Dashawn Chazz Hurley's
9 public Facebook page titled Money Makin Mitch.

10 Q Who is in this picture?

11 A On the left is Dashawn Chazz Hurley. Squatted down
12 with the red shirt on is Narkevious Reid.

13 Q Can you tell when that was posted?

14 A June 16, 2018.

15 Q We've heard some about Xayvion Hill's Facebook page.

16 How did you associate Money Makin Mitch with Mr. Hurley?

17 A All of the pictures are of him. The comments on there
18 from his family to him. Videos of him. Predominantly just
19 Mr. Hurley who is photographed on the Facebook with his
20 associates.

21 Q And the last one, State's 126. Can you tell me what
22 this is?

23 A Yes, ma'am. It's also a screen shot from Mr. Hurley's
24 public Facebook page, Money Makin Mitch. It was taken on
25 8/12/2022 is when I took the picture. From left to right.

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1 Mr. Hurley is in the white shirt with the black hat on. To
2 the right of him, our right, would be Mr. Jakevius Parker.

3 Q So, do you know when this photo was taken?

4 A I'm not sure.

5 Q But, obviously it would've been before Mr. Parker's
6 murder?

7 A Yes, ma'am.

8 Q So, before March 2020?

9 A Yes, ma'am.

10 Q And you downloaded it?

11 A Yes, ma'am.

12 MS. TAYLOR: Please answer any questions the defense
13 has.

14 THE COURT: Mr. Tinsley?

15 CROSS EXAMINATION

16 BY MR. TINSLEY:

17 Q Detective McClinton, you testified about a picture with
18 Mr. Hill and Mr. Alston on April 7, 2020. Were you aware
19 that was Mr. Hill's eighteenth birthday?

20 A I'm not sure of his birthday, sir.

21 Q But you're not disputing that?

22 A I don't know when his birthday is.

23 MR. TINSLEY: No further questions. Please answer any
24 questions Mr. Henderson has.

25 CROSS EXAMINATION

- 1 BY MR. HENDERSON:
- 2 Q Good afternoon, Detective. How are you, sir?
- 3 A Good, sir. Thank you.
- 4 Q You saw -- I don't recall the number, but you saw the
5 still photograph from the Self Regional video?
- 6 A Yes, sir.
- 7 Q You may have even been in here in the courtroom earlier
8 this week when that video was played. But you definitely
9 saw the photograph?
- 10 A Yes, sir.
- 11 Q And you said in that photograph you saw Mr. Reid?
- 12 A Yes, sir.
- 13 Q You just know Mr. Reid and his family; correct?
- 14 A I know Mr. Reid. Yes, sir.
- 15 Q Is it fair enough, looking at that photograph, that the
16 sides of his head weren't shaved were they?
- 17 A I don't recall what his haircut was.
- 18 Q Do we need to put up the picture again?
- 19 A If you want to.
- 20 Q Let's -- what I'm looking at is State's 79.
- 21 A Can you zoom in a little bit, please?
- 22 Q To be honest, I have no idea how to do that. Perhaps
23 one of the Solicitors can do that.
- 24 A Your question was about his haircut?
- 25 Q His haircut. Is his haircut in this picture similar to

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1 what his haircut is today?

2 A It looks like it's a little longer in the picture.

3 Q But it's similar? The sides of the head.

4 A I can't tell you how long it is. I'm sorry.

5 Q Okay. Is it -- you just can't tell?

6 A I can't tell how many inches it is in that picture and
7 how many it is right now.

8 Q I got you. You just can't tell?

9 A I'm not a hairstylist.

10 Q I got you.

11 MR. HENDERSON: I don't have anything further.

12 THE COURT: Mr. Grose?

13 CROSS EXAMINATION

14 BY MR. GROSE:

15 Q I think when you were talking about State's 126 you
16 said that you downloaded that on August 12?

17 A I would have taken a screen shot. Yes, sir.

18 Q August 12, last Friday?

19 A Yes, sir.

20 Q I don't think you said on 127, but maybe you did. That
21 was also last Friday; wasn't it?

22 A Yes, sir. It was.

23 MR. HENDERSON: Thank you. That's all I have.

24 THE COURT: No redirect?

25 MS. TAYLOR: Very briefly, Your Honor.

1 REDIRECT EXAMINATION

2 BY MS. TAYLOR:

3 Q You've known Mr. Reid a long time, haven't you?

4 A Yes, ma'am.

5 Q Has his hairstyle changed a bit over the years?

6 A It has. Yes, ma'am.

7 Q Has he ever had the sides of his head shaved with
8 little twists?

9 A At times. Yes, ma'am.

10 Q And that still shot was pretty grainy, wasn't it?

11 A It was.

12 MS. TAYLOR: Thank you.

13 THE COURT: Sir, you can step down. Call your next
14 witness, please.

15 MS. TAYLOR: The State calls Greg Allison.

16 THE COURT: I'm sorry. I need a brief break. We're
17 going to take a brief break. Mr. Allison, just have a seat
18 out there. We're going to take your testimony in about five
19 minutes. Adjourn to the back, refresh yourselves, and we'll
20 be right back on the record in about five or ten minutes.
21 Thank you.

22 (WHEREUPON, jury exited 12:08 p.m. Recess 12:08-12:21 p.m.)

23 THE COURT: All right, let's go ahead and have the jury
24 out, please.

25 (WHEREUPON, jury enters 12:21 pm.)

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1 THE COURT: Sorry about that. Solicitor, if you'll
2 call your next witness now, please.

3 MS. TAYLOR: Thank you, Your Honor. The State calls
4 Greg Allison.

5 WHEREUPON, Greg Allison, having first
6 been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. TAYLOR:

9 Q Good afternoon.

10 A Good afternoon.

11 Q Where do you work?

12 A Greenwood County Sheriff's Office.

13 Q What's your job there?

14 A I'm the evidence technician.

15 Q Were you the evidence technician back on April 8, 2020?

16 A Yes, ma'am.

17 Q As the evidence technician, is one of your duties to
18 process a crime scene?

19 A Yes, ma'am. I do assist processing crime scenes.

20 Q And did you go to the crime scene at this location on
21 April 8, 2020?

22 A Yes, ma'am.

23 Q Also, is part of your job maintaining the integrity of
24 any evidence collected in your evidence room?

25 A Yes, ma'am, and the chain of custody.

1 Q And can you briefly describe for me, when a piece of
2 evidence comes into the evidence room, how is that secured?

3 A It's secured through the evidence lockers where it has
4 a knob on the locker where you turn it, and then you push a
5 lock button, and it secures that piece of evidence for the
6 remainder of the time it's in that locker until I get to the
7 following day to process it.

8 Q And who has access to the evidence room itself?

9 A Matthew Womack and myself.

10 Q And Investigator Womack is the backup evidence
11 custodian?

12 A Yes, ma'am.

13 Q So, once an item is actually secured in the evidence
14 room, no one else can get in there to mess with it; is that
15 right?

16 A Yes, ma'am. What usually happens is if somebody if
17 someone needs that piece of evidence, for whatever reason,
18 they have to contact me or Matthew Womack to release it and
19 they'll sign a release form or a transfer form to get that
20 piece of evidence.

21 Q And even if I want to come look at it, I have to do it
22 with you standing there, right?

23 A Yes, ma'am. You've got a sheet over there where you
24 have done that prior.

25 Q So, you said you went to the scene back on April 8,

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1 2020. What did you do when you arrived?

2 A Well, what I do is I go with the lead investigator or
3 investigators and we'll do a walk through and they'll show
4 me what is -- what has been located, what has been found,
5 and what needs to be photographed, collected, and processed.

6 Q And are you the one who actually physically collects
7 everything?

8 A Yes, ma'am, to a certain extent. Sometimes you have an
9 investigator or an officer may collect something, but the
10 majority of the time I collect the majority of it. Yes,
11 ma'am.

12 Q Were you present -- did you take pictures of everything
13 that day?

14 A I took pictures of everything that deemed as evidence,
15 so anything that was deemed as evidence was photo --
16 numbered, photographed, and collected.

17 Q If there had been nothing of evidentiary value
18 somewhere, you wouldn't have taken a picture of it?

19 A Exactly. Yes, ma'am.

20 Q And did you take pictures of the inside of the
21 apartment?

22 A Yes ma'am. We take the inside of the apartment and
23 certain parts of the outside of the apartment. Basically
24 where the incident occurred.

25 Q I'm showing you State's 138. Is that one of the

- 1 pictures you took?
- 2 A Yes, ma'am. It is.
- 3 Q And does that appear to be in the bathroom?
- 4 A Yes, ma'am. It is.
- 5 Q The State offers 138 into evidence, Your Honor.
- 6 THE COURT: No objections?
- 7 MR. TINSLEY: No objection.
- 8 MR. HENDERSON: None, Your Honor.
- 9 THE COURT: All right, State's 138 is an evidence
- 10 then.
- 11 (WHEREUPON, State's Exhibit 138 in evidence.)
- 12 Q And showing you 138. Does there appear to be a hole in
- 13 that board?
- 14 A Yes, ma'am. It does.
- 15 Q Was there anything of evidentiary value found anywhere
- 16 in that apartment, other than the front room?
- 17 A No, ma'am. If it was, it would have been numbered,
- 18 photographed, and collected.
- 19 Q Now, we've seen a lot of pictures of some shell casings
- 20 and guns, various things that were on that scene. Did you
- 21 actually collect all of that?
- 22 A Yes, ma'am.
- 23 Q I'm going to hand you what's been marked for ID as
- 24 State's 89?
- 25 A Yes, ma'am.

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1 Q Can you identify that for me?

2 A It's eleven 9 millimeter shell casings.

3 Q And were those collected on the scene that day?

4 A Yes, ma'am. They were.

5 Q And I'm going to hand you State's 90. Can you tell me
6 what that is?

7 A Yes, ma'am. There's two shell casings, number 12 and
8 number 13.

9 Q All right, so why are there two shell casings that are
10 in a different package from the first eleven?

11 A Sometimes, when you process the crime scene, you'll do
12 an initial walkthrough and processing and then before you
13 leave you'll do a secondary and I'm not the only one that's
14 looking. You have other investigators and other officers
15 looking as well to make sure we don't leave any equipment
16 behind, and possibly other evidence. And sometimes it's
17 found and what it is numbered, photographed, and collected.

18 Q So, these State's 90, were those two additional casings
19 found on that second walk through?

20 A Yes, ma'am. It's -- they were collected during the
21 second walk through. Yes, ma'am.

22 Q All right, and both of these exhibits, all 13 casings,
23 what happened after they were collected at the scene?

24 A Once they were collected at the scene and I'm deemed to
25 be released to go back to the Sheriff's Office, I'll go

1 back, along with my assistant, Womack. We'll start
2 processing, getting things ready, prepared to either go to
3 SLED or stay in house.

4 Q And with regard to the casings, did those eventually go
5 to SLED?

6 A Yes, ma'am, they did.

7 Q Do you know what date you took them to SLED on?

8 A I don't know right off, but I have a report that would
9 tell me exactly when.

10 Q Can you just -- well, I'll save that for -- did you
11 take most of this evidence on the same day?

12 A I think I did. Yes, ma'am. I'm not sure, but I think
13 we got everything ready to go at one time.

14 Q I'm going to show you State's 94. Can you tell me what
15 that is?

16 A This was collected from upstairs and it is a projectile
17 from the top front porch.

18 Q All right, and State's 95?

19 A It's a projectile from the bottom part of the front
20 porch.

21 Q And did you collect those at the same time you
22 collected the casings?

23 A Yes, ma'am.

24 Q And that would have been on April 8, 2020?

25 A Yes, ma'am.

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1 Q And, did you take those back to be processed?

2 A Yes, ma'am.

3 Q Where they locked in the evidence room before they went
4 to SLED?

5 A Yes, ma'am.

6 Q Did you -- was there a search warrant obtained for a
7 black Camry in this case?

8 A To my understanding it was. Yes, ma'am.

9 Q Once the search warrant was obtained, would you have
10 been the one who searched that car and collected evidence?

11 A I was, on this particular case. Yes, ma'am.

12 Q I'm going to show you what's already in evidence as
13 State's 71. Is that the car we're talking about?

14 A Yes, ma'am.

15 Q Now, that's not where you actually searched it, is it?
16 That looks like where it was stopped.

17 A No, ma'am. We processed it at our impound lot here at
18 the Greenwood County Sheriff's Office.

19 Q I'm going to show you State's 74. Can you tell me, is
20 that you in the picture?

21 A Yes, ma'am. It is.

22 Q Can you tell me what you're doing there?

23 A We are collecting the -- what could possibly be DNA,
24 which could possibly be blood. So, we're doing a collection
25 of that.

1 Q So, were you -- how would you collect that?

2 A Well, first of all we would number and photograph what
3 items that we were going to collect as DNA evidence, and
4 then once we located what potentially could be possibly
5 blood for DNA, we'll photograph it. And then we'll start
6 collecting it by opening up a sterilized swab with a plastic
7 container and using sterilized water by not touching the tip
8 and moistening it, and then swab that area and then put it
9 back in the cylinder and number it.

10 Q And obviously you have on gloves while you're doing
11 that?

12 A Yes ma'am. Always use gloves.

13 Q State's 78. Were there some various items collected in
14 the car for different individuals?

15 A I can't remember as much as that, but I'm sure there
16 was. If we have photographs, we did.

17 Q Do you remember collecting this envelope addressed to
18 Ty'Quisha Hurley?

19 A Yes, ma'am.

20 Q And then there was a -- also a citation, or a traffic
21 ticket. It looks like a warning that had been written to
22 Ms. Hurley?

23 A Yes, ma'am.

24 Q And you don't know the relationships of anybody
25 involved in this case? That's not your role, is it?

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- 1 A No. That's not my department, ma'am.
- 2 Q And then there were a few other items collected that
- 3 had other names, right?
- 4 A Yes, ma'am.
- 5 Q State's 77 and 76. Ms. Goodman and a Ms. Griffin?
- 6 A Yes, ma'am.
- 7 Q All right. You said you were swabbing that car for
- 8 possible DNA evidence?
- 9 A Yes, ma'am.
- 10 Q I'm going to show you what's been marked as State's
- 11 129. What is that?
- 12 A This is a DNA swab collected from the black four-door
- 13 Toyota Camry.
- 14 Q Do you know the date those were collected?
- 15 A It should be on that label. It's showing 4/8/2020.
- 16 Q Well, were they -- was that the incident date or the
- 17 date you collected the DNA swabs?
- 18 A It's showing recovery time.
- 19 Q Are you sure it wasn't 4/13/2020?
- 20 A Yeah, I apologize. Yes, ma'am. It was. It was.
- 21 Q You have a lot of evidence and a lot of dates in this
- 22 case?
- 23 A I process over 450 cases to go to SLED a year. Some
- 24 even more. Most of them are drugs, but a lot of it is what
- 25 we do here today. So, yes.

1 Q So, after you collected these swabs, did you take them
2 back and lock them in the evidence room?

3 A Yes, ma'am, for the processing, they'll be placed in
4 that envelope you see there and it will be sealed and will
5 not be opened again until they go to SLED.

6 Q And these other items, the casings, and the
7 projectiles, were those also sealed?

8 A Yes, ma'am.

9 Q Going back to the scene, I'm going to first hand you
10 State's Exhibit 91.

11 A Okay.

12 Q First of all, when you open that, can you tell me what
13 it is and then verify that it's safe for the jury?

14 A This is a Glock .40 caliber Gen. 4 and it is secure for
15 the jury.

16 Q All right, where was that collected in the apartment?

17 A It was collected on the sofa.

18 Q And did you -- was that weapon loaded when you
19 collected it?

20 A It was cleared when I collected it. Officers that
21 locate a firearm during a crime scene will -- they will
22 unload it.

23 Q I'm going to hand you State's 92. Can you identify
24 this for me?

25 A This is a Taurus .9 mm Gen. 2, and it is also secured

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1 for the jury.

2 Q All right, and can you tell me where you collected that
3 gun from?

4 A It was collected at a wood line adjacent to a parking
5 lot at the complex where we were collecting evidence.

6 Q Was there any ammunition, live ammunition, associated
7 with this weapon when it was collected?

8 A No, ma'am.

9 Q Finally, State's 93. If you can tell me what that is
10 and verify that it's safe for the jury.

11 A This is a Taurus Gen. Three .9 mm semi-automatic and it
12 is also secured for the jury.

13 Q And was that collected at the scene that day?

14 A Yes, ma'am. It was collected at a parking lot.

15 Q Now, all three of these weapons, would you have taken
16 them back to the evidence room?

17 A Yes, ma'am, they were all taken back to the evidence
18 room, placed in those gun boxes, and sealed to be sent to
19 SLED.

20 Q Did you do anything with those weapons prior to sealing
21 them?

22 A Two of them I sealed, and the other one I did DNA
23 testing on. Let me rephrase that. I swabbed it for DNA. I
24 didn't test it.

25 Q State's 107. Are these the swabs you took from the tan

1 handgun?

2 A Yes, ma'am. They are.

3 Q All right, and are you sure? Did you swab two handguns
4 for DNA?

5 A I may have. I'm not really sure.

6 Q Well, I want to hand you State's 108. Are those swabs
7 from the black and silver handgun?

8 A It is. Yes, ma'am. I apologize. It is. There are
9 two.

10 Q And State's 107 and 108. After you collected these
11 swabs, I'm assuming you took those the same way you
12 processed the car?

13 A Yes, ma'am. Once they're collected, they're placed in
14 a sealed envelope, signed, and dated, and then sent SLED at
15 the same time.

16 Q And before they go to SLED, you hold them secure in the
17 evidence room?

18 A Yes, ma'am.

19 Q And you have on gloves so there's no cross-
20 contamination?

21 A Yes, ma'am. Actually you change gloves and you clean
22 the area if you're changing -- if you're swabbing for two
23 separate two separate items. You want to do that.

24 Q So, you wouldn't have both of them sitting out at the
25 same time?

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1 A No, ma'am. No, ma'am. No, and you wouldn't process
2 them at the same time either.

3 Q Do you clean the area between?

4 A Yes, ma'am. What you do is you change -- Once you've
5 processed the first item, you go ahead and you change
6 gloves, and you clean the area, and then you bring out the
7 second item and process it the same way. You don't use the
8 same gloves, or do not clean the area.

9 Q We've heard testimony yesterday about buccal swabs.

10 A Yes, ma'am.

11 Q Did you collect any buccal swabs from anybody in this
12 case?

13 A Yes, ma'am. I was requested to do buccal swabs on
14 three of the guys that was possibly involved in the crime.

15 Q And going to hand you State's 104. Can you tell me
16 what that is?

17 A Yes, ma'am. This is a buccal swab from Xayvion Hill.

18 Q And did you collect that?

19 A Yes, ma'am. I did.

20 Q Does it say what date you collected that?

21 A I'm looking.

22 Q Well, it looks like the date on there may be the date
23 you first got back to the evidence room on the incident
24 date.

25 A Yes, ma'am. Yes, ma'am. 4/14?

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- 1 Q 4/14 is when you collected that?
- 2 A Yes, ma'am.
- 3 Q State's 105. Can you tell me what that is?
- 4 A It is the buccal swab collected from -- I don't see it.
- 5 I can't find the name on here. It's -- chopped it off.
- 6 Chopped the name off.
- 7 Q This is item 48 on your list, if that helps you.
- 8 A That's a buccal swab collected from Dashawn Hurley.
- 9 Q All right. And same thing? Once you took these, you
- 10 sealed them up, and put them in the evidence room?
- 11 A Yes, ma'am.
- 12 Q They were locked away?
- 13 A Yes, ma'am.
- 14 Q No one could mess with them until they went to SLED?
- 15 A That's right.
- 16 Q Investigator Murdoch, I believe, took a buccal swab
- 17 from Narkevious Reid. Did he then check that into evidence?
- 18 A Yes, ma'am. If it shows on there he did. Yes, ma'am.
- 19 It shows Murdoch did check it in.
- 20 Q And when he checked this in, it went into a locker.
- 21 Is that right?
- 22 A Yes, ma'am. Same procedure.
- 23 Q And the only one with access was you or Investigator
- 24 Womack?
- 25 A Yes, ma'am. Once he checks it in, and I check it in

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1 further from the locker, it will go from the locker to the
2 evidence box called the SLED box. That lets me know that it
3 will be going to SLED.

4 Q As each piece of evidence is coming in, are you
5 assigning it a number so you can track where it's going?

6 A Yeah, the computer will do that for me. It will give
7 the case number and it will give it an org number, which is
8 the original number for that piece of evidence that's in
9 that evidence room.

10 THE COURT: Which was the last exhibit?

11 MS. TAYLOR: It was 103.

12 Q And you're not running down to SLED every day, are you?

13 A I go -- it determines the demand. Sometimes -- usually
14 it's twice a month. Sometimes it's four times a month.
15 This time of year I usually go down more, because everything
16 and anything needs to go down between now and the first of
17 the year I try to get it down there.

18 Q Now, the deceased in this case, he went for an autopsy;
19 is that correct?

20 A Yes, ma'am.

21 Q Did you attend the autopsy.

22 A No.

23 Q Did you receive items from Investigator Murdoch after
24 that autopsy?

25 A Yes, ma'am. We got the biological fluids from the

1 autopsy.

2 Q I'm going to hand you State's 106. Can you tell me
3 what that is?

4 A This is the DNA collected from the victim from the
5 medical examiner's office.

6 Q And same thing. Once this came to you, it would have
7 been held in evidence?

8 A Yes, ma'am.

9 Q Secured until it went to SLED?

10 A That's correct.

11 Q Was there also a projectile recovered from Mr. Alston?

12 A From my understanding it was. Yes, ma'am.

13 Q And was that also checked into evidence?

14 A Yes, ma'am.

15 Q I'm handing you State's 98.

16 A Yes, ma'am. It is.

17 Q Can you tell me who you received that from.

18 A Mike Murdock, as well. The investigator.

19 Q Now, are these sealed when they come to you?

20 A Yes, ma'am. Yes, ma'am.

21 Q And do you do anything other than prepare them to go to
22 SLED?

23 A I just place them in the packaging container that you
24 see there, seal it, and date it. Put my signature on it and
25 get it ready to go to SLED.

- 1 Q And it's locked up ---
- 2 A It's locked up just like everything else, yes, ma'am,
- 3 sitting on the same shelf.
- 4 Q Investigator Womack, did he checked in a GSR kit for
- 5 Trivoriaye Alston.
- 6 A Yes, ma'am.
- 7 Q I'm handing you State's 99. Is that that GSR kit?
- 8 A Yes, ma'am. It is.
- 9 Q Once he checked it in, did that remain in your custody,
- 10 sealed secure?
- 11 A Yes, ma'am.
- 12 Q And eventually you took it to SLED?
- 13 A Yes, ma'am.
- 14 Q I'm going to hand you 100, 101, and 102, all as a pack.
- 15 Are these GSR kits for Mr. Hill, Mr. Parks, and Mr. Goode?
- 16 A Yes, ma'am. They are.
- 17 Q And did you also receive those from Investigator
- 18 Womack?
- 19 A Yes, ma'am.
- 20 Q And these were sealed and secured, just like everything
- 21 else?
- 22 A Yes, ma'am.
- 23 Q I keep asking that question just because we have to
- 24 prove that for every item.
- 25 A Yes, ma'am. That's not a problem. Not a problem.

1 Q I'm going to hand you what has been marked as State's
2 Exhibit 139. Can you tell me what that item is?

3 A It is fourteen unspent rounds of .40 caliber ammo.

4 Q And the only .40 caliber handgun in this case would
5 have been the one from inside the apartment?

6 A Yes, ma'am.

7 Q So, is that ammunition what you took out of that gun?

8 A Yes, ma'am. We have to take all of the ammo out of the
9 firearm box to send them to SLED. They will not take any
10 firearms with any ammo in them whatsoever. They have to be
11 empty.

12 Q So you take it out and package it up separately?

13 A That's correct.

14 Q And send it down there?

15 A Yes, ma'am.

16 Q Once you took it out of the gun, secure? Locked away?
17 Sealed?

18 A Yes, ma'am.

19 Q And you eventually -- did you take this one to SLED?

20 A No, there was no reason to send any unspent ammo down.
21 It's just put in the box with the rest of the ammo for long
22 term storage.

23 Q I'm going to hand you State's 140. Can you identify
24 that for me?

25 A Yes, ma'am. This is unspent ammo that was collected

1 from the Taurus G3 nine millimeter.

2 Q All right, and that Taurus G3 nine millimeter, is that
3 State's 93?

4 A Yes, ma'am.

5 Q So, this is the silver and black handgun?

6 A Yes, ma'am. We separate the ammo so we can send it to
7 SLED.

8 Q So, State's 139 and 140 were not submitted to SLED?

9 A That's correct.

10 MS. TAYLOR: Your Honor, the State --

11 Q And these were in your care, custody, and control ever
12 since April 8, 2020?

13 A Yes, ma'am. They were in my control.

14 MS. TAYLOR: The State offers Exhibits 139 and 140 into
15 evidence, Your Honor.

16 THE COURT: Any objection?

17 MR. TINSLEY: No, sir.

18 MR. GROSE: No, sir.

19 MR. HENDERSON: No, sir, Your Honor.

20 THE COURT: 139 and 140, that's the .40 caliber and the
21 ammo with the nine from the Taurus?

22 MS. TAYLOR: Yes.

23 THE COURT: All right, those are in evidence.

24 (WHEREUPON, State's exhibits 139 and 140 in evidence.)

25 MS. TAYLOR: From the black and silver Taurus.

1 Q Can you -- this is State's 139, the .40 caliber ammo,
2 unfired. Can you count how many are in there for us? And
3 if you need to open the bag that's fine.

4 A There are 14 rounds.

5 Q So, 14 rounds that you cleared out of the .40 caliber,
6 from the house?

7 A Yes, that's what was cleared. Yes, ma'am.

8 Q State's 140 from the black and silver gun from the
9 parking lot. Can you tell me how many were in there? Do
10 you need scissors?

11 A No. I've got it. Two, four, six, eight. It's eleven.

12 Q So, eleven rounds from the gun in the parking lot?

13 A Yes, ma'am.

14 Q Now, with regard to the weapons and all of the evidence
15 you've tested to, with the exception of the unspent rounds
16 we just talked about.

17 A Yes, ma'am.

18 Q You took all of this evidence to SLED?

19 A Yes ma'am, best of my knowledge we took it to SLED.

20 Q Would that have possibly been on different dates?

21 A It could have possibly been. Yes, ma'am. It's not
22 necessarily have to be sent at the same time, but it can be.

23 Q I'm not going to make you go through the exact date you
24 dropped everything off. Was everything sealed when you took
25 it to SLED?

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1 A Yes, ma'am.

2 Q Had you tampered with it in any way while it was in
3 your possession?

4 A No, ma'am.

5 Q Other than the processing, like we've already talked
6 about?

7 A Just for processing purposes only. Yes, ma'am.

8 Q And that, again, we were talking about the -- let me
9 make sure I'm right on what this is. I'm showing you
10 State's Exhibit 10. Is that the gun that you unloaded that
11 was on that couch?

12 A Yes, ma'am.

13 Q And then State's 32, 33, and 34. Are those just more
14 pictures -- Well, I take that back. So, State's 10 was the
15 gun on the couch. State's 33 and 32, are those that silver
16 and black handgun?

17 A Yes, ma'am.

18 Q I want to go back to how you process these, the weapons
19 in particular, for DNA. Do you, kind of, have to make a
20 choice between whether you're going to try to get
21 fingerprints or DNA?

22 A Yes, ma'am. If you're really searching for evidence to
23 link the suspect to the firearm, it's best to go with DNA.
24 I have done prints on smaller cases like automobile break-
25 ins where they recovered firearms and try to get prints from

1 the same type of firearms with no success. So, a case like
2 this, I would definitely go with DNA.

3 Q I think you said you swabbed the weapon with water.

4 A No, you take the swab, and you take the sterilized
5 water which is in a vial, and you squeeze a drop onto the
6 swab so it doesn't touch the swab. And then you swab the
7 item with the moistened swab.

8 Q Would you then be able to go back on the same item and
9 try to lift a fingerprint?

10 A You could, yes. It's possible, but you're going to
11 smear anything, any evidential value as far as the print
12 goes on wherever you swabbed.

13 Q Let's go the other way around the circle. If I try to
14 get the prints first, is that a sticky substance you're
15 lifting a print with?

16 A Yes.

17 Q Would that possibly destroy any DNA evidence that was
18 on the weapon?

19 A That's possible.

20 Q And going back out to the scene. If there was what
21 appeared to be a bullet hole in a ceiling, or a wall, would
22 you typically destroy that ceiling or wall to try to dig
23 that out?

24 A No, ma'am. Usually projectiles that are in a structure
25 they usually go into fragments and into pieces when they hit

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1 a board or something of that nature. So, and the integrity
2 of the building. We try not to go into tearing out ceilings
3 or wall to get a projectile, because most of the time SLED
4 wants shell casings for evidence to link up to the crime.
5 If they're available and fairly easy to get, yes, but we're
6 not going to tear a man's house or somebody's apartment up
7 to get a projectile.

8 MS. TAYLOR: I think that's all. Please answer any
9 questions the defense has for you.

10 THE COURT: I assume this may take you all a little
11 while.

12 MR. HENDERSON: A little while.

13 THE COURT: We'll do it after lunch then. Ladies and
14 gentlemen of the jury, we're going to go ahead and take a
15 break for lunch. I'm going to ask that you please be back
16 at 2:15 and we'll continue with the testimony of this
17 witness. Don't talk about the case. Leave your tablets
18 there. See you at 2:15. Thank you. You can step down.
19 Obviously, don't talk about your testimony.

20 THE WITNESS: Yes, sir.

21 (WHEREUPON, recess held 1:05 p.m.-2:15 p.m.)

22 THE COURT: If we could, we'll go back on the record.
23 Mr. Allison, do you want come on back up, please. Go ahead
24 and bring the jury out, please.

25 (WHEREUPON, the jury entered 2:19 p.m.)

1 THE COURT: The jury is back. We're still involved in
2 the examination of Mr. Allison. So, at this point in time,
3 Mr. Tinsley, your cross.

4 MR. TINSLEY: Thank you, Your Honor.

5 CROSS EXAMINATION

6 BY MR. TINSLEY:

7 Q Deputy Allison, when you were on scene that day
8 collecting evidence, were you going out searching for
9 evidence, or were you just going to where other officers
10 were telling you there was evidence?

11 A I was assisting. I do sometimes -- will be doing an
12 overview as well, seeing if I spot anything that they didn't
13 spot, but basically I was assisting that day.

14 Q Okay. So, you weren't doing your own independent?

15 A No, Sir.

16 Q And so you were just in this building G area for the
17 most part?

18 A Yes, sir. Where the perimeter had it marked off,
19 that's what I worked.

20 Q On the Glock that was found on the sofa, you didn't
21 take any samples for fingerprint testing?

22 A Not at the time. No, sir.

23 Q Did you at any time?

24 A No, sir.

25 Q How about DNA testing on that that gun?

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1 A No, sir.

2 Q And I believe, if I understood your testimony on the
3 two .9 millimeters correctly, you took samples to be tested
4 for DNA?

5 A Yes, sir. They were requested by the investigators.

6 Q Okay, and then after that you didn't try to see if you
7 could do anything as far as fingerprinting went?

8 A No, sir.

9 Q How about the shell casings? Did you test them for
10 fingerprints?

11 A No, sir.

12 Q You testified, I believe, that eleven rounds were taken
13 from the black 9 millimeter found in the parking lot. How
14 many rounds would that gun and magazine -- how many would it
15 hold?

16 A I'm not sure, but I think it would hold seventeen.

17 Q Okay, so you found -- so there were eleven in there, so
18 six short of full capacity?

19 A It's possible. Yes, sir.

20 Q To the best of your ---

21 A To the best of my knowledge. Yes, sir.

22 Q And you took photographs of blood in that apartment
23 area?

24 A Yes, sir.

25 Q Did you take any photographs of any blood anywhere

1 else?

2 A I think it took some also on the exterior of the house
3 where the porch leads up to the apartment. If there's no
4 photos of any blood further into the apartment, there was
5 none there.

6 Q Okay. Now, where exactly are you talking about on the
7 exterior.

8 A The porch leading up to the apartment. You'll see
9 spots of blood, possible blood. I'm not sure I didn't test
10 it.

11 Q Okay, on that porch and those steps?

12 A Yes, sir. Uh huh.

13 Q Anywhere else?

14 A No, sir. Not to my knowledge.

15 MR. TINSLEY: No further questions. Please answer any
16 questions Mr. Henderson has.

17 CROSS EXAMINATION

18 BY MR. HENDERSON:

19 Q Hey, Deputy. How are you, sir?

20 A Fine, Mr. Henson.

21 Q Good. Always good to see you.

22 A You too.

23 Q I'm going to put up just so the jury can get an idea
24 of this. I might have you come down here and join us, sir.

25 A Yes, Sir.

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1 Q You may want to come down here with me. She's going to
2 give you a mic. Let the record reflect I've put up State's,
3 Exhibits 86 and 88. And Deputy, I will represent to you
4 that these are overviews of the apartment complexes that are
5 in issue here. Are you familiar with these locations?

6 A Somewhat.

7 Q And I might have it upside down. Might be easier to
8 look at the upside down. And you're going to see, I'm
9 looking at Exhibit 88. And do you see the letter G marked
10 on a building there?

11 A Yes, sir.

12 Q Okay, and I will represent to you that that's been
13 identified as building G where these incidents happened.

14 A Okay.

15 Q Do you agree with that?

16 A Yes, sir.

17 Q Okay, and you see, I'm looking at -- there's 1, 2, 3,
18 4, 5, 6, 7. Seven other buildings in this apartment
19 complex. Now, did you walk around any of these other units
20 with any of the investigators on site?

21 A No, sir. I just processed the area that we roped off
22 in section G.

23 Q Okay, and I'm going to look -- I'm going to point your
24 attention to Exhibit 86. And you see a circle right there?

25 A Yes, sir.

1 Q And it looks like the word "casings" is written next to
2 that.

3 A Okay.

4 Q Do you agree with that?

5 A That's what it says. Yes, sir.

6 Q It's not great handwriting. That's what the word looks
7 like. Now, in that circled area on Exhibit 86, is that kind
8 of the area that was roped off?

9 A If this is facing -- I think this is the front of the
10 apartment complex where the stairwell is located.

11 Q And I will represent to you, that's correct.

12 A All right. This is the left side of the building.
13 That's where the shell casings were collected.

14 Q Okay. Is that circled area, is that basically the
15 areas that you looked for evidence?

16 A I collected evidence right here and there, around this
17 corner area right here. Where this line crosses off right
18 here. It was probably right in that area.

19 Q Okay, within the circle, more or less?

20 A Yes, within the circle. Give or take.

21 Q Did you look -- did you do any other walking around? I
22 heard you say that you did a second walk through.

23 A Most of the evidence was already collected by -- I mean
24 already located by the investigators or some deputies on
25 scene. When I came on scene, I was to photograph, document,

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1 and collect, which I did. So, what I did was is I started
2 off where the investigator started me off right here telling
3 me the description what was going, what happened, and what
4 they had found already. So, once he told me that, I started
5 I did a walk through with photographing everything before
6 marking numbers, then after I did my walk through with the
7 photographing everything without numbers, I placed numbers
8 down, photographed, and then came back to collect. Then,
9 after that, as I was processing and wrapping up, one of the
10 investigators made a statement that they had found two more
11 shell casings in this area.

12 Q Kind of in the same area?

13 A Kind of in the same area.

14 Q So, your walk through was basically in the same area?

15 A Yes, sir.

16 Q Did any of the investigators say, Greg, we walked on
17 these other seven buildings and we didn't see anything? Did
18 any of the investigators tell you that?

19 A What usually happens is after they've located basically
20 all the evidence they feel they have found, they'll start
21 canvassing the other areas. If anything located, I'll be
22 notified and then I'll follow up with the same procedure as
23 I did when I entered the crime scene. I'll go in. I'll
24 photograph. I'll put a number down. I'll photograph. And
25 then collect it.

1 Q Did I hear you right that once we look at our evidence
2 site that they will usually expand it and look farther out?

3 A They'll -- they can't expand the crime scene, but what
4 you can do is you can -- when you canvas out you can find
5 other items, and if it looks like it holds evidential value
6 for that particular case, we can collect for it. Once that
7 crime scene is set up with the yellow tape around, tracing
8 everything off, that's your crime scene.

9 Q So, it's fair to say that when that yellow tape was put
10 up, that law enforcement had decided there was no other
11 evidence that was going to be outside that tape?

12 A No, what it does is it just gives you an idea of
13 basically where the scene possibly happened with most of the
14 evidence there. Where people were shot and you see blood
15 there, we know that's the priority. That's priority. So,
16 we want to rope that area off as much as we can. So, once
17 we finish that, we'll canvass the area for more.

18 Q Okay, and did you canvass the area for more?

19 A No, I just processed the crime scene as I was
20 instructed to, to photograph, document and collect. That's
21 what I did. Sometimes, if I'm -- like, if I'm in an
22 apartment somewhere, I'll look around. If I see something
23 out of the ordinary that may hold evidentiary value I'll
24 comment on it. If they want to collect it, I'll collect it.

25 Q Okay. In this matter, did you comment on anything that

1 wasn't collected, that you recollect?

2 A No, sir.

3 Q And again, do you know if any of the other
4 investigators or deputies or -- there were even city
5 officers on hand. Do you know if any of those other law
6 enforcement personnel expanded the search?

7 A As far as expanding the search -- expanding the search,
8 I don't know about expanding the search, but we did -- one
9 of our -- I was notified as I was coming back through here
10 that they had located a firearm at a wood line adjacent to
11 the parking lot from Apartment G. And so I was notified. I
12 went, photographed, and collected.

13 Q As far as you know, that's the only item, or one of
14 the -- maybe the only item that was found outside your roped
15 off crime scene?

16 A To the best of my knowledge.

17 Q I don't have anything further as it relates to this
18 picture.

19 (WHEREUPON, the witness returned to the stand.)

20 Q And Deputy, did you -- I know you marked some stuff, I
21 guess, in the apartment, didn't you?

22 A I can't remember. I'd have to look at the photos to
23 say definitely for sure.

24 Q Did you go in the apartment?

25 A I photographed the apartment.

1 Q Okay, and I think you photographed that big hole in the
2 door?

3 A Yes, sir. I did.

4 Q Did you stick your hand down in that big hole in the
5 door?

6 A No, sir. I did not.

7 Q There might have been a rubber snake or something in
8 there?

9 A Possibly.

10 Q I mean, do you know if anybody stuck their hand down
11 that door in the hole?

12 A I do not, but if something -- if someone would have
13 looked through that door and looked in the door and found
14 anything, it would have been the same procedure. I'd have
15 been called in to photograph it, number it, photograph it,
16 and collect it.

17 Q But do you know if anybody actually looked in the door?

18 A I don't know if anybody.

19 Q Going back to this, you know, I'm looking. I'm not
20 exactly sure how the exhibits are laid out up here. It
21 might take me forever to find it, Deputy.

22 MS. TAYLOR: What are you looking for?

23 MR. HENDERSON: 36. I'm not exactly sure how y'all --
24 it is the soffit picture. I'm not exactly sure how they are
25 laid out. It might be in that stack.

1 MS. TAYLOR: There you go.

2 Q And Deputy, I'm going to put this -- and again, what
3 we're looking at is State's Exhibit 36.

4 A Yes, sir.

5 Q Did you take that photograph?

6 A Yes, sir. I did.

7 Q And there's been some testimony previously. I don't
8 know if you were in the courtroom.

9 A I was.

10 Q That somebody says it might have been a bullet hole.
11 They're not sure. It might have been. But you took the
12 photograph?

13 A It is possible, but it was documented just in case.

14 Q And that was up on the ceiling? I'd say on the
15 overhead, on kind of the walkway?

16 A Yes, sir.

17 Q Coming down the steps?

18 A Right.

19 Q And again, you didn't get up there to take a look at
20 it?

21 A No, floor level is as far as I went. I mean, sometimes
22 I can take my camera and focus in a whole lot more and tell
23 more about it than I can just without using.

24 Q And I asked yesterday and I'm going to ask you. So,
25 you didn't bring a ladder down there to get up there just to

- 1 kind of peek around?
- 2 A No, sir.
- 3 Q Okay. I'm not telling you to destroy stuff.
- 4 A Right.
- 5 Q But you didn't get up there with your flashlight and
- 6 take a peek at it?
- 7 A No, sir. I did not.
- 8 Q Now, there was testimony yesterday that the Sheriff's
- 9 Office does have a ladder.
- 10 A Yes, sir. We do have access to ladders, but we don't
- 11 have any on site.
- 12 Q Okay, so there's not ---
- 13 A I don't bring one along. I have a lot of equipment on
- 14 my truck, but I don't have capability of hauling the ladder
- 15 on my truck, because it's enclosed.
- 16 Q Okay, so it's your testimony that the Sheriff's Office
- 17 does not have a ladder on premises?
- 18 A No, they do. I just don't have one on the crime scene.
- 19 Q On the truck?
- 20 A Yeah, or on the truck.
- 21 Q But, the ladder on premises, you know where it's at?
- 22 A Oh, yes, sir.
- 23 Q And I'm sure that somebody at the Sheriff's Office has
- 24 a truck or a bigger vehicle that they could have hauled the
- 25 ladder down there?

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1 A Yes, sir. If it's deemed necessary for us to get up
2 there and really examine that hole we would have. Yes, sir.

3 Q Now, you understand this is -- these are serious
4 allegations?

5 A Yes, sir. You better believe they are.

6 Q At that point in time, you knew there was a shooting
7 case?

8 A Yes, sir.

9 Q You might not have known who was involved, who was
10 going to get arrested, or who was hurt, but you knew it was
11 a serious allegation?

12 A That's right. Yes, sir.

13 Q And you didn't think it wise enough or important enough
14 to have somebody from Sheriff's Office to bring down a
15 ladder so you can at least get up there with my flashlight
16 and look at it?

17 A If the investigators didn't seem it deemed necessary
18 for me to climb up there and get the projectile out, I
19 didn't take it out, sir.

20 Q Okay, are you telling this jury that you don't do
21 anything but what the investigators ask you to do?

22 A When I'm assisting -- when I am required to assist,
23 that's what I do. Yes, sir.

24 Q So you don't go above and beyond?

25 A If I'm asked to, yes, sir.

1 Q But if you're not -- but if you're not asked to, you
2 don't go above and beyond? Did I hear you right?

3 A Well, if I have that capability, but I am inside of a
4 rim where I have people that I have to answer to.

5 Q And I understand there was a search warrant that was
6 obtained to allow law enforcement to go all over this
7 apartment?

8 A I guess. I'm not sure. I wasn't there when the search
9 warrant was served.

10 Q Okay. I'll represent to you a search warrant was
11 issued.

12 A Okay.

13 Q So, you weren't there with it was served?

14 A No, sir.

15 Q Okay, so you'd already documented your stuff and left?

16 A Not to my knowledge.

17 Q I mean, you said you took photographs inside the
18 apartment. Did you photograph it prior to the search
19 warrant or after?

20 A Evidently there was a search warrant obtained, because
21 I was allowed to go in there. I would not been allowed to
22 go in there, but I didn't see the search warrant myself.

23 Q You didn't see it. Okay.

24 A That's right.

25 Q And listening to your testimony, it looks like you took

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- 1 swabs from the gun that was found on the wood line, the tan
2 gun?
- 3 A Yes, sir.
- 4 Q The one that Sheriff Kelly found?
- 5 A Yes, sir.
- 6 Q It looks like you took swabs from the gun found in the
7 parking lot, if I'm not mistaken?
- 8 A Yes, sir.
- 9 Q And you didn't take any swabs from the Glock that was
10 found in the apartment?
- 11 A Yes, sir.
- 12 Q So you didn't?
- 13 A That's right.
- 14 Q And I think you said there was a lot of unspent
15 ammunition from various firearms and you just didn't do
16 anything with.
- 17 A That's right.
- 18 Q You didn't fingerprint it?
- 19 A No, sir.
- 20 Q The individual cartridges, you just didn't?
- 21 A No, sir.
- 22 Q Okay, you didn't test any DNA on any of those?
- 23 A No, sir.
- 24 Q So again, these unspent ammos from firearms that you
25 thought might be involved in a crime, you just didn't send

1 it to SLED?

2 A No, sir. I wasn't instructed to send them to SLED, so
3 I didn't.

4 Q I mean, do you ever -- I keep hearing you're following
5 orders. I understand that, but do you ever chime in and say
6 hey fellas, you know, this stuff needs to be sent down to
7 SLED. This is important allegations against these people.

8 A The investigators pretty much know what leads they have
9 and what they're going to and what they need and what they
10 don't need, and I just I just abide by what they feel is
11 their strongest evidence they need to send down. We're only
12 allowed to send certain amount of swabs down to SLED. We're
13 not allowed to send down 150 swabs. We're only allowed send
14 down a certain amount.

15 Q So, even if evidence could be potentially helpful to
16 your case, it's like, we've reached our limit and SLED is
17 full, and we're not going to send anymore?

18 A They pick and choose what to send.

19 Q Okay, who picks and chooses?

20 A The investigators.

21 Q The investigators. And you don't have any say in that?

22 A If I'm asked.

23 Q Do you ever say, investigator, guy, we need to send
24 this down? This is important.

25 A I don't know the logistics of the investigation. My

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1 job is to process the evidence as it's requested. They know
2 the logistics of the case. I don't. They know how much
3 evidence they have and need. I don't.

4 Q Need for what?

5 A To prove their suspect is beyond a reasonable doubt
6 guilty of the crime that they've committed.

7 Q Okay, so it sounds like they're cherry picking. They
8 say we're going to use ---

9 A That's not for me to say, sir.

10 Q But that's exactly what it sounds like you're saying.

11 MS. TAYLOR: You're Honor, I'm going to start objecting
12 here.

13 THE COURT: Sustained. Asked and answered, and that
14 was somewhat of an argumentative question. Sustained.

15 MR. HENDERSON: I don't think I have anything further,
16 Your Honor.

17 THE COURT: Mr. Grose?

18 CROSS EXAMINATION

19 BY MR. GROSE:

20 Q You said you processed the Toyota Camry?

21 A Yes, sir.

22 Q And you had a picture that you were in and you were
23 doing something. Do you remember that picture?

24 A Yes, sir.

25 Q Did I understand that you were collecting for DNA

1 there?

2 A I was collecting for possible blood samples. Yes, sir.

3 MR. GROSE: Thank you. That's all I have.

4 THE COURT: Thanks. Hold on. She's got one or two for
5 you. Hold on.

6 REDIRECT EXAMINATION

7 BY MS. TAYLOR:

8 Q If someone had claimed ownership of a firearm, would
9 you DNA test that firearm?

10 A No, ma'am.

11 Q So, if Gabriel Goode said that's my gun, you had no
12 reason to test it?

13 A No, not unless that investigator said look, he might
14 claim it now, but later he's going to say it's not his, so
15 send it down and test it. Then I would. Yes, ma'am. That
16 would be the only time.

17 Q But if ownership is not a question, you're not going to
18 test it?

19 A No, ma'am.

20 Q And that goes for fingerprints too?

21 A Right.

22 Q And you testified, I think, that maybe the gun was the
23 only item not found inside the tree line was the gun. Or
24 the only item not found inside the crime scene was the gun
25 in the tree line. There's also the gun in the parking lot

- 1 and a lighter. Is that correct?
- 2 A Right.
- 3 Q And we're talking about this parking lot over here at
- 4 the Gardens at Parkway?
- 5 A Yes, ma'am, but I didn't collect those.
- 6 Q Investigator Murdoch collected those and gave them to
- 7 you?
- 8 A Either Murdoch or it was either Murdoch or Womack, but
- 9 it wasn't me.
- 10 Q This door that we've seen a picture of looks like a
- 11 pretty standard door, doesn't it?
- 12 A Yes, ma'am.
- 13 Q Would you be able to fit your hand and arm down inside
- 14 that door?
- 15 A You probably could to a certain extent, but I don't
- 16 think all the way down.
- 17 Q Well, assuming this door here on the jury room is the
- 18 same, roughly the same width, I mean -- I have small hands
- 19 and would I have a hard time?
- 20 MR. HENDERSON: Speculation there. He doesn't know her
- 21 hands, I hope.
- 22 MS. TAYLOR: He can see my hands, Your Honor.
- 23 THE COURT: Fair enough. Overruled.
- 24 Q Can you see my hand in this door?
- 25 A Yes, ma'am.

1 Q If you need to stand up and come look. Do you think
2 I'd be able to get my hand and arm very far inside this
3 door?

4 A No, ma'am.

5 Q So, if I was looking for something in that door, would
6 I have to take it apart?

7 A Yes, ma'am.

8 Q Same thing with this picture, That's a pretty small
9 hole, isn't it?

10 A Yes, ma'am.

11 Q So, if I'm really looking to dig around I'm going to
12 have to take that apart, aren't I?

13 A Yes, ma'am. You're going to have to jeopardize the
14 integrity of the building.

15 Q And I think you said this already on cross, but I just
16 want to clarify. All 13 casings that were ultimately found
17 we're all found in this general area, right?

18 A Yes, ma'am.

19 MS. TAYLOR: No further questions, Your Honor.

20 RECROSS EXAMINATION

21 BY MR. TINSLEY:

22 Q Someone other than the owner of the gun can handle or
23 use it, correct?

24 A At his request, it could be.

25 Q What now?

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1 A You an owner of a gun could let someone else use it. I
2 said, yeah, at his request.

3 Q I'm saying somebody could use it, whether they have the
4 permission or not.

5 A Oh, sure. It could be stolen.

6 MR. TINSLEY: Nothing further, Your Honor.

7 MR. HENDERSON: Nothing further.

8 RECROSS EXAMINATION

9 BY MR. GROSE:

10 Q You don't have those devices with cameras on them where
11 you can stick them up in holes or down in holes?

12 A No, sir. We don't.

13 Q You might want to talk to the Sheriff about getting
14 some. Thank you.

15 THE COURT: Thank you, sir. You can step down. Have a
16 good day. You're free to go. Call your next witness,
17 please.

18 MR. STUMBO: The State calls Michelle Eichenmiller.

19 WHEREUPON, Michelle Eichenmiller,
20 having first been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STUMBO:

23 Q Good afternoon, Ms. Eichenmiller. Where do you work?

24 A I work for the South Carolina Law Enforcement Division.
25 It's also known as SLED. I work in the forensic laboratory

1 in the firearms department.

2 Q Okay, so you're a firearms analyst?

3 A Yes.

4 Q How long have you been with SLED?

5 A Approximately 16 years.

6 Q Prior to the time you went to SLED, did you study in
7 school, study forensic analysis?

8 A I do. I have a bachelor's degree in biology and I also
9 have a Master of Science in forensic science.

10 Q So, in the 16 years that you've been at SLED, have you
11 done training to keep up your training in the area of
12 firearms analysis?

13 A In order to be a firearms examiner, there's no college
14 you can attend. Once you're hired in the agency, you learn
15 with the firearms examiners that are there. So, once I was
16 hired at SLED, we have a three to four year training program
17 where I trained underneath the examiners that were there. I
18 did a lot of independent work on my own, reading and
19 microscopic comparisons. At the end of the four years I
20 took a comprehensive final. I passed my final and they
21 deemed me competent to do case work on my own.

22 Q In your 16 years at SLED, how many cases have you done
23 analysis on, estimate?

24 A I have to estimate thousands.

25 Q Have you ever testified in the courts, state courts, or

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1 federal courts in South Carolina, as to as an expert in
2 firearms expertise?

3 A I have, the state courts of South Carolina.

4 Q How many times?

5 A Approximately 115 times.

6 Q Was that as an expert in firearms analysis and tool
7 markings?

8 A Firearms examination. Yes, identification.

9 Q Firearms identification and tool markings?

10 A Yes.

11 Q I'm sorry. Thank you for correcting me. Judge, based
12 on Ms. Eichenmiller's extensive experience and having
13 testified 115 times we would offer her as an expert in the
14 field of firearm identification and tool markings.

15 THE COURT: Any voir dire or objection from anybody?

16 MR. TINSLEY: None from me.

17 MR. HENDERSON: No, sir.

18 MR. GROSE: No, sir.

19 THE COURT: Ladies and gentlemen, in this case, the
20 parties essentially agree that Ms. Eichenmiller is an expert
21 in the field of firearms identification and tool mark
22 analysis, and normally when a witness testifies they cannot
23 give opinion testimony. They can only testify about
24 something they observed by their senses. Something they
25 saw, heard, smelled, touched, et cetera. An exception to

1 this rule, though exists for experts or people who are
2 experts in some particular field. An expert witness is
3 allowed to give opinion testimony and they can also state
4 the reasons for their opinion. Understand though, that
5 you're free to accept or reject their opinion to the extent
6 you find appropriate. So, she can give opinion testimony
7 that you may use as you deem appropriate. Solicitor, you
8 can continue.

9 MR. STUMBO: Thank you, Judge.

10 Q Ms. Eichenmiller, do you have your report with you?

11 A I do.

12 Q Did you have occasion to, as one of your cases in the
13 last couple of years, to analyze SLED number L20083416?
14 That was a case submitted by Greenwood Sheriff's Office,
15 Mike Murdock?

16 A Yes.

17 Q When did you complete your analysis and issue your
18 report?

19 A The report was issued February 26, 2021.

20 Q Now, if you could, tell the jury, Ms. Eichenmiller what
21 type of items do you analyze? I mean, obviously firearms,
22 correct?

23 A Correct.

24 Q What else, other than the guns themselves?

25 A Our branch of forensics deals with anything that comes

1 from a firearm. So, the firearm itself, fired bullets,
2 fired cartridge cases, and we do serial number restorations
3 if the serial number has been obliterated.

4 Q We didn't have any obliterated serial numbers in this
5 case, did we?

6 A No.

7 Q I'm going to hand you what's been marked for ID only at
8 this point as State's Number 91.

9 A This is one of the firearms I examined in this case.

10 Q What type of gun is in State's 91?

11 A It's a Glock Model 27. It's 40 S&W caliber and the
12 serial number is SRF069.

13 Q And what was your SLED item number on that?

14 A It's SLED item 8.

15 Q So, on your report it's noted as SLED 8, but the number
16 here is 91; is that correct?

17 A Correct.

18 Q And when you finished with your analysis of this, you
19 taped it back up and essentially put it back in the pipeline
20 to go back to the agency?

21 A Yes.

22 Q And that would be this yellow tape that you replace on
23 the box.

24 A Yes, with the date and my initials on it.

25 Q All right. Prior to the time it gets to you at SLED,

1 and this would apply to all these items, how does it get to
2 you? Does it come to you directly from the person at the
3 local agency, or are there other people that pass it on to
4 you at SLED?

5 A Whenever an agency would like to submit evidence to
6 SLED, they go into our Evidence Login Department and they
7 submit it to either the lockers, which are secured, and then
8 one of our technicians will take the evidence out and log it
9 into our system. So, every piece of evidence gets an item
10 number. It gets its own barcode. It could be put in a
11 container that has a barcode. That way it can be tracked
12 throughout the whole lab whenever it changes custody.

13 Q Okay. And in this case, the SLED chain of custody had
14 other people in it before it got to you after it was brought
15 by the Greenwood Sheriff's Office?

16 A Yes.

17 Q Anyone that was in that chain would be people that
18 wouldn't actually analyze or open the evidence they would
19 bring it to you; correct?

20 A There could be other analysts in a chain if it went to
21 a different department before it got to me. So, Firearms
22 always gets the evidence last. DNA and Latent Prints would
23 analyze the evidence first.

24 Q Okay. Is there a reason for that?

25 A Firearms, we would have to handle the firearm so we

1 wouldn't want to mess up any evidence that was on it. So,
2 any DNA or latent prints that would be on the evidence.

3 Q Do you have to test fire it?

4 A Yes.

5 Q What when you fire a gun, does it get hot?

6 A Yes.

7 Q What would that do potentially to DNA and fingerprints?

8 A It could harm the evidence that's on there.

9 Q It could compromise it?

10 A Yes.

11 Q So, that's why it comes to you last?

12 A Yes.

13 Q Now, the 40 caliber on State's 91 that you got that we
14 just discussed, did you have any casings submitted to
15 you or fired bullets that would be consistent with being
16 shot out of a 40 caliber gun?

17 A No, I only received nine millimeter Luger caliber
18 evidence.

19 Q Okay, so all the casings and fired bullets would be
20 consistent with a 9 millimeter round, not a 40 caliber?

21 A Correct.

22 Q So, as far as State's 91, there's no evidence that was
23 brought to you that that gun fired any of the evidence at
24 the scene?

25 A Correct.

1 Q State's Number 93. Take a look at that.

2 MR. STUMBO: While you're looking at that, Judge, we
3 would offer State's 91, the 40 caliber firearm into evidence
4 at this time.

5 THE COURT: That's the one that was found on the sofa?

6 MR. STUMBO: Correct. Yes, sir.

7 THE COURT: Any objection to 91? Anybody? 91 is in
8 evidence.

9 A State's 93 is my item eleven, SLED item eleven.

10 Q Okay. What kind of gun is that?

11 A This one is a Taurus Model G3. It's nine millimeter
12 Luger caliber, and the serial number is AAM103238.

13 Q What color is that particular gun?

14 A It has a silver slide and a black frame.

15 Q Okay. If you could just -- you don't have to come off
16 the stand, but if you could just turn that and show it to
17 the jury. Thank you. Is the clip that goes in the gun,
18 is it separated from the gun right now?

19 A Yes.

20 Q There weren't any live rounds of ammunition put in this
21 gun when you got it, were there?

22 A They were not in the firearm. But I did receive
23 unfired cartridges. Oh, no, this one did not. I'm sorry, I
24 misspoke.

25 Q Typically, when you get guns and ammo from agencies

1 they're separated, right?

2 A Yes.

3 Q Now, this particular firearm, did you do analysis of
4 it?

5 A Yes.

6 Q What type of gun -- you said it was a nine millimeter;
7 correct?

8 A Correct.

9 Q And when you finished your analysis of this gun and
10 submitted your report, you returned this to the agency
11 sealed up like you normally would?

12 A Yes.

13 Q Same as the other one? You got it. The ladies that
14 work in SLED, or the other analysts, maybe from the other
15 departments, brought it to you? It was as is for them;
16 correct?

17 A Yes.

18 MR. STUMBO: Judge, we'd offer State's 93 into evidence
19 at this time.

20 THE COURT: No objection? 93 is in evidence.

21 Q Lastly, we have State's 92. Let's take a quick look at
22 that.

23 A This is my SLED item 10 that I examined in this case.

24 Q What kind of gun is that?

25 A It's a Taurus Model G2S in nine millimeter Luger

1 caliber, and its serial number is AAL044024.

2 Q Same as the other? You received this item from normal
3 chain at SLED and you packaged it up and sent it back to the
4 Sheriff's Office afterwards?

5 A Yes.

6 Q Were there any problems analyzing this gun? Did it
7 test fire properly?

8 A If I could refer to my notes to make sure?

9 Q Yes.

10 A Yes, it was in working order.

11 MR. STUMBO: Judge, we'd offer State's 92 into evidence.

12 THE COURT: Without any objection? No objection.

13 MR. STUMBO: If we could just publish to the jury,
14 Judge?

15 THE COURT: Please.

16 Q Ms. Eichenmiller, did you receive any fired projectiles
17 in this case?

18 A I did.

19 Q I'm going to hand you State's 94 and State's 95. Are
20 your markings on those packages?

21 A Yes. The evidence tape is still intact with the date
22 and my initials.

23 Q And you analyzed those projectiles?

24 A Yes.

25 MR. STUMBO: Judge, we'd offer those into evidence, 94

1 and 95.

2 THE COURT: Without objection? 94, 95, and just for
3 clarification, 92, they're all in evidence.

4 Q Ms. Eichenmiller, could you tell what, if any, type of
5 caliber projectile come out of? What caliber gun?

6 A They were consistent with being bullets loaded into
7 some nine millimeter Luger caliber cartridges.

8 Q Okay. And now, when you get a cartridge, are you able
9 to try to analyze it to figure out which gun it came out of
10 specifically?

11 A A bullet or a cartridge case?

12 Q Yes. A projectile.

13 A In the absence of a firearm, or even with a firearm,
14 I'll document the class characteristics of the bullet, the
15 rifling type, the direction of twist, and the number, and
16 then, of course, the caliber.

17 Q Okay. And if you could just explain for the jury how --
18 when bullets fired out of a gun, what happens to it when
19 it's going through the barrel?

20 A A bullet will go through the barrel, and there's
21 usually, in semiautomatic pistols, rifling that's in the
22 barrel. The bullet engages the rifling, which marks the
23 bullet, and then as it exits, it's marked by the barrel.

24 Q When we say tool markings, that's what we're talking
25 about?

1 A Yes.

2 Q So, when you're analyzing a projectile that's gone
3 through a barrel of a gun, do you compare the lands and
4 grooves inside the barrel to the grooves on the projectile
5 itself? Is that correct?

6 A I compare bullets to each other, so I make my test
7 fires if I have a firearm, so I know they came from that
8 firearm. And then I'll compare those to any evidence we
9 received.

10 Q Okay, so you fire that gun, and you take that
11 projectile -- and at SLED do you have the equipment to fire
12 it into this tank? Is that what y'all do?

13 A Yes, we have a vertical water tank. It's basically two
14 stories deep. We close the lid. We point the firearm
15 in there. We test fire it. The tank collects the bullets,
16 and then the cartridge cases usually eject outside the tank
17 where I'm standing. We have a chain with a little cup on
18 the end, and that's how I pull the bullets up from the
19 bottom of the tank.

20 Q 94 and 95, were those bullets suitable for you to do
21 that kind of comparison?

22 A Yes.

23 Q What were your findings as to those two projectiles?

24 A Sometimes when bullets are fired, they don't mark as
25 well, or they become damaged after firing. These two

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1 bullets were damaged and they didn't have sufficient marks
2 on them, so I couldn't tell if they were fired by one
3 firearm, two firearms, or if they were fired by either SLED
4 Item 10 or 11, which is the two nine millimeter firearms
5 that I received.

6 Q So, if a bullet hits something, it can be damaged to
7 the point where you could not make a suitable comparison?

8 A Correct?

9 Q And that's the case with these two 9 millimeter
10 bullets?

11 A Yes.

12 Q I'm going to give you State's 98. Do you recognize
13 that package?

14 A Yes. This is SLED Item 9 that I examined in this case.

15 Q What was the item inside of this packet?

16 A It's a fired bullet.

17 Q Where did it purportedly come from when it came to you?

18 A It was listed as recovered from victim Alston, Mandell.

19 Q Okay, so it came from an autopsy. There's a sticker on
20 the front of it. What does that say, that orange sticker?

21 A Bio-hazardous material.

22 Q Is that pretty common when you get bullets that have
23 come from an autopsy?

24 A Yes.

25 Q Now, this particular -- remind me the number on that.

- 1 A 98.
- 2 Q On State's 98, you did analyze this item?
- 3 A Yes.
- 4 MR. STUMBO: Judge, we'd offer State's 98 into evidence.
- 5 THE COURT: Without objection? No objection. State's
- 6 98 is in evidence.
- 7 Q And Ms. Eichenmiller, what were your findings as to the
- 8 nine millimeter bullet that is State's 98?
- 9 A The item nine bullet was also consistent with being
- 10 nine millimeter Luger. It had the same general
- 11 characteristics as my item 10 and 11, which were the Taurus
- 12 firearms, but it was also damaged, and I couldn't tell if
- 13 they were fired, if it was fired by item 10, item 11, or a
- 14 different firearm.
- 15 Q So again, it had enough damage to it that you could not
- 16 make a suitable comparison to a specific gun?
- 17 A Correct.
- 18 Q But it's consistent with the two nine millimeters that
- 19 we have here? It could have been fired by either one of
- 20 those?
- 21 A Yes.
- 22 Q Did you analyze any casings?
- 23 A I did.
- 24 Q I'm going to hand you what's been marked as State's 89
- 25 and State's 90.

- 1 A Yes. These are the items I examined in this case.
- 2 Q If we could maybe make this easier, Ms. Eichenmiller.
- 3 Those have not been cut open; right?
- 4 A Uh-huh.
- 5 Q They're still sealed up. Did you seal them at SLED?
- 6 A Yes.
- 7 Q Okay. If you could cut both of those open for us.
- 8 Starting with State's 89, what was in that package?
- 9 A There are 11 fired cartridge cases in State's 89.
- 10 Q And State's 90? What was in that package?
- 11 A State's 90 has two fired cartridge cases in it.
- 12 Q Okay. Are all of the eleven and the two in 89 and 90
- 13 the same caliber?
- 14 A Yes, they're all .9 mm Luger caliber.
- 15 Q And those are the only casings that the Sheriff's
- 16 Department sent to you in relation to this case?
- 17 A Yes.
- 18 Q Okay. What were your findings as to the 13 cases
- 19 collectively that you found in your report?
- 20 A SLED items 7, 23, 24, 25, 29, 31, and 34, I found
- 21 enough matching individual identifying characteristics on
- 22 them and concluded that they were fired by the Item 11
- 23 pistol.
- 24 Q Okay. And were any of them fired by Item 10 pistol?
- 25 A Yes. Items 26, 27, 28, 30, 32 and 33 were fired by the

1 Item 10 pistol.

2 Q Now, just for clarification and for clarity to the
3 jury, I'm going to ask you, because you could -- is that a
4 Ziploc bag that these two are in?

5 A It's heat sealed, though, so I'd have to cut this.

6 Q Okay. What I'd like for us to do is, because it says
7 eleven and two, these are mixed in terms of which gun you
8 matched them to; correct?

9 A Correct.

10 Q All right. If you could, Ms. Eichenmiller, I'm going
11 to hand you a Sharpie where you can write on these Ziploc
12 bags. How are these marked, these casings? Do you mark
13 each one with the SLED item number?

14 A Yes. Whenever I receive evidence in a case, I'll
15 engrave it with the SLED item number, the case number, and
16 my initials.

17 MR. STUMBO: Judge, if we could, I don't think I've
18 officially put 89 and 90 into evidence as of yet. If we
19 could put those into evidence at this time.

20 THE COURT: No objection? Hearing none, 89 and 90 are
21 in.

22 Q We'll start with State's Exhibit 92, which was SLED
23 Item -- this is the tan G2.

24 A Item 10. It should be on the end there.

25 Q Okay. There it is. Yeah. The tan Taurus G2, 9 mm

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1 pistol. So, this is Item 10. Which casings, again, which
2 numbers are consistent by your analysis fired by this tan
3 colored gun?

4 A We have 26, 27, 28, 30, 32, and 33.

5 Q If my math is correct, that's 6?

6 A Yes.

7 Q If you could place those six in one of the Ziplock bags
8 that I've provided. And that's six of the casings; correct?

9 A Correct.

10 Q On the white part of that bag, if you could, write tan
11 9 mm Taurus. Thank you. And this would be the Item number
12 11, which is the black and silver 9 mm Taurus. If you
13 could, place the casings that you just listed off on the
14 record into that bag. These are the packaging -- original
15 package?

16 A Yes.

17 Q Okay, thank you. Ms. Eichenmiller, I think you said
18 this, but just in case you haven't, there were no other
19 casings submitted to you in this case other than the six
20 that you matched to the tan colored Taurus and the seven
21 that you matched to the black and silver?

22 A That's correct.

23 Q Okay. Now, were there any casings or projectiles in
24 this case at all that you analyzed that were consistent with
25 a .40 caliber gun?

1 A No.

2 Q Ms. Eichenmiller, being a firearms expert, can you tell
3 us, looking at the clips of these guns, what their capacity
4 is for the number of bullets they would hold?

5 A I would have documented in my worksheets. I can refer
6 to them. So, SLED item 10 has a seven capacity magazine,
7 and with one in the chamber, the total capacity of the
8 firearm would be eight.

9 Q That would be the tan colored gun?

10 A Yes.

11 Q Seven in the magazine, plus one in the chamber?

12 A Correct.

13 Q So, eight total. How about SLED Item 11?

14 A SLED Item 11, the black and silver pistol, had a 17 mag
15 capacity, and plus one would make it 18 total for the
16 firearm.

17 Q So, 17 plus one; right?

18 A Correct.

19 Q Correct me if I'm wrong on the math here, but this
20 black and silver gun could hold 18 bullets at one time;
21 correct? Fully loaded.

22 A Yes.

23 Q So, if there are seven casings that you matched to that
24 gun, it would have taken essentially 11 more full cartridges
25 to fully load that gun if it were fully loaded at the time

1 it was fired? Without reloading; correct?

2 A Yes.

3 Q And you can get seven in a magazine, one in the chamber
4 in the tan colored gun; right?

5 A Correct.

6 Q You matched six casings to this gun?

7 A Correct.

8 Q Just one more thing. The .40 caliber is empty here,
9 too, when you get it. No live ammunition in this .40
10 caliber gun when you receive it; correct?

11 A Correct.

12 Q What's the capacity of that gun?

13 A I actually didn't document that since we didn't have
14 any .40 caliber fired evidence to compare it to. I did a
15 shorter form of our worksheets. So, that doesn't have
16 magazine capacity on it.

17 Q Okay, so you didn't do that analysis?

18 A Correct.

19 Q Okay. Fair enough.

20 MR. STUMBO: Beg the Court's indulgence, Your Honor. No
21 further questions at this time, Ms. Eichenmiller. Please
22 answer any questions the defense attorneys may have.

23 CROSS EXAMINATION

24 BY MR. TINSLEY:

25 Q Agent Eichenmiller, you can't tell us what gun the

1 three bullets you tested came from?

2 A That's correct.

3 MR. TINSLEY: I don't have any further questions.

4 Please answer any questions Mr. Henderson has.

5 CROSS EXAMINATION

6 BY MR. HENDERSON:

7 Q Hey, ma'am. How are you today?

8 A I'm fine.

9 Q I've just got kind of a hypothetical. Say Greenwood
10 County contacted you and sais we've had a shooting site and
11 we recovered 25 handguns. Would it be acceptable for them
12 to send down 25 handguns to be analyzed by SLED?

13 A Yes.

14 Q What's the cut off? Meaning, say they called and said
15 we've got 50 guns. Will SLED say, no, we don't have room
16 down here for 50. You can send us 30.

17 A No, there's no cut off for the Firearms Department.

18 Q Okay. Is there any cut offs at SLED at all, to your
19 knowledge?

20 A I believe other departments have a limit on the number
21 of items at first.

22 Q Okay, say at first, but then say a department has a ten
23 limit. But Greenwood County calls back and says, hey, we
24 need to send another 10. I mean, would SLED say, Oh, no,
25 we're too busy. We're too full. We don't have enough

1 storage. I mean, will SLED ever tell a department that?

2 A I believe the departments deal with that on a case by
3 case basis, but the Firearms Department does not have a
4 limit.

5 Q So, the Firearms Department will take whatever an
6 agency wants to send to you?

7 A Correct.

8 Q Okay. I'm specifically interested in Items five, six
9 and nine.

10 A The fired bullets?

11 Q The fired bullets, absolutely. And I will represent to
12 you, and this will probably help the jury, too, that Item
13 five was a fire bullet that was found upstairs. I don't
14 know if your notes indicate that or not, but I will
15 represent to you it was found upstairs at an apartment.
16 Item six, I will represent to you, that was found downstairs
17 at the apartment. Again, I don't know if your notes show
18 that, but I'm representing that to you.

19 A It was in the notes.

20 Q Okay. And then I will represent to you that item nine
21 was recovered from Mr. Alston's body.

22 A That's correct.

23 Q Okay. Those are the three fired bullets we're dealing
24 with?

25 A Yes.

1 Q Correct? And you would agree with me, too, that out
2 here at the universe, there are a lot of firearms that will
3 fire 9 mm Luger cartridges?

4 A Yes.

5 Q Okay. These aren't the only two firearms in the
6 universe that fire those cartridges?

7 A Correct.

8 Q Okay. And again, is it your testimony that looking at
9 items five, the one found upstairs, item six, the one found
10 downstairs, item nine, the one found in Mr. Alston's body,
11 you can't tell this jury, more likely than not, that they
12 were fired from the same firearm?

13 A Correct. They were too damaged and not sufficiently
14 marked to make a determination as to what firearm.

15 Q Right. You can't tell that all three were fired from
16 the same firearm.

17 A Correct.

18 Q And you can't tell that any two of the three were fired
19 from the same firearm.

20 A That's correct.

21 Q So your opinion, or I guess it's possible that all
22 three were fired from different farms.

23 A It's possible.

24 Q Okay. You shouldn't say your opinion is not that one
25 firearm fired this.

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1 A Correct. It was inconclusive.

2 Q And your opinion is not that two firearms fired these.

3 A Correct.

4 Q And your opinion is not that three firearms fired
5 these.

6 A Right. Correct.

7 Q You just don't know.

8 A Right. There's not enough markings.

9 MR. HENDERSON: I don't have anything further.

10 CROSS EXAMINATION

11 BY MR. GROSE:

12 Q Just to follow up on what Mr. Henderson just asked,
13 with regard to the fired bullets, items five, six and nine.
14 In your report, you say these may or may not be suitable for
15 identification with other firearms related evidence. Is
16 that right?

17 A Yes.

18 MR. GROSE: That's all.

19 MR. STUMBO: Just briefly, Judge.

20 REDIRECT EXAMINATION

21 BY MR. STUMBO:

22 Q Ms. Eichenmiller, you're a scientist, right?

23 A Correct.

24 Q So, you don't want to make a comparison if you don't
25 have sufficient information to make it; correct?

1 A That's right.

2 Q But, one thing you can say with certainty, that items
3 five, six and nine, the fired projectile sent to you in this
4 case, that you analyzed, were not fired by this .40 caliber
5 gun; correct?

6 A That's correct. The bullets were 9 mm Luger, and that
7 firearm is a .40 caliber.

8 Q So, as a scientist, you could say that for that with
9 absolute certainty, that those bullets, the one that came
10 out of Mr. Alston's body, and the two others at the scene
11 weren't fired by that .40?

12 A Correct.

13 Q They could have been fired by the black and silver
14 Taurus that you examined?

15 A Yes.

16 Q Just not suitable for comparison.

17 A Correct.

18 Q Could have been fired by the tan Taurus that you
19 examined?

20 A That's correct.

21 Q But you couldn't make a sufficient comparison because
22 of the damage to the bullet?

23 A Right.

24 Q Is that uncommon for you to have damaged projectiles
25 sent to you?

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1 A No, it's pretty common that we get projectiles that
2 either aren't marked or damaged.

3 Q Would it be fair to say that probably more of the
4 projectiles you get are damaged than suitable for
5 comparison?

6 A A lot of them are damaged, but some are suitable and
7 some are not, so it just depends on how much damage.

8 MR. STUMBO: Nothing further, Your Honor.

9 RE CROSS EXAMINATION

10 BY MR. HENDERSON:

11 Q Again, they could not have been fired by the Taurus G2
12 or the Taurus G3?

13 A That's correct.

14 MR. HENDERSON: Nothing further.

15 RE CROSS EXAMINATION

16 BY MR. GROSE:

17 Q And those three projectiles, they could have been fired
18 by a gun that's never been recovered and submitted to you?

19 A That's possible.

20 THE COURT: You can step down. Thank you very much for
21 coming. I'm assuming you road with the other agents. Okay.
22 You're free to go as soon as they're ready to go.

23 All right, let's take a brief five minute break, and if
24 you all need to pop downstairs, let the Bailiff know. We'll
25 be back on the record at 3:30.

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1 (WHEREUPON, recess held 3:22 p.m.-3:40 p.m.)

2 THE COURT: All right, let's have the jury, please.

3 The jury is back and seated. Solicitor, if you'll call your
4 next witness, please.

5 MS. TAYLOR: The State calls Agent Donna Money.

6 WHEREUPON, Donna Money, having first
7 been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. TAYLOR:

10 Q Good afternoon.

11 A Good afternoon.

12 Q Where do you work?

13 A I am employed at the South Carolina Law Enforcement
14 Division, also known as SLED, in the forensic services
15 laboratory, specifically in the DNA casework department.

16 Q And how long have you been in the DNA case work
17 department at SLED?

18 A Approximately nine and a half years.

19 Q Did you work in DNA casework anywhere else before that?

20 A I was in college prior to my employment.

21 Q Can you tell us a little bit about your training?

22 A When I started my employment at SLED back in 2012, I
23 participated in a year and a half long training program
24 under a qualified analyst in the department. The training
25 program included, but was not limited to, performing

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1 practice samples, training samples, observing the analyst as
2 she performed her own case work. I underwent a competency
3 round, which included a written exam, oral exam, a
4 competency practical exam, and a mock court.

5 Q And you mentioned college. Where did you go to college
6 and what was your degree in?

7 A I received a bachelor's degree in forensic science from
8 the Pennsylvania State University.

9 Q Have you ever testified as an expert in court before?

10 A Yes.

11 Q Approximately how many times?

12 A 45.

13 Q And is that typically is an expert in DNA analysis or
14 what do they usually qualify you as?

15 A It's been forensic DNA analysis.

16 MS. TAYLOR: Your Honor, the State offers Ms. Money as
17 an expert in forensic DNA analysis.

18 THE COURT: Any objection or voir dire from the
19 defense? Anyone?

20 MR. GROSE: No, sir.

21 MR. TINSLEY: None.

22 MR. HENDERSON: No, sir.

23 THE COURT: Ladies and gentlemen of the jury, as I
24 explained previously with the prior witness who testified,
25 Ms. Eichenmiller, in this case the parties agree that Agent

1 Money is an expert in the field of forensic DNA analysis.

2 So, she can give opinion testimony that you can use in that
3 area that you see fit. She's not limited to simply what she
4 observed or sensed or anything like that. She can give
5 opinion or expert testimony. Please continue.

6 MS. TAYLOR: Thank you, Your Honor.

7 Q In the DNA Casework Department, do you -- when an item
8 is analyzed and a report is issued, does the report just go
9 out automatically or is there a peer review process.

10 A There is a peer review process before any report is
11 issued for a case, and it is reviewed two times.

12 Q And as a peer reviewer, what are you looking at in the
13 file?

14 A For a peer review -- and the two reviews are referred
15 to as the technical review, which is the first, and then
16 administrative review is the second. For a technical
17 review, the individual who is also a qualified analyst in
18 the department will review all of the worksheets that were
19 generated by the assigned analyst, the data generated, the
20 statistics calculated, and the chain of custody.

21 Q And the case we're on -- when a case comes in to SLED,
22 is it assigned a lab number?

23 A Yes.

24 Q And as items come in, are they assigned individual item
25 numbers?

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1 A Yes.

2 Q So, if I hand you items, can you tell me if these have
3 the item number and the case number at SLED that you
4 reviewed?

5 A Yes.

6 Q And did you review case L203416, the DNA work in that
7 case?

8 A Yes, I performed the technical review.

9 Q I'm going to hand you what's been marked as State's
10 Exhibit 129. Does that have a SLED lab number on it?

11 A Yes, in the upper left corner. This yellow barcode is
12 the barcode affixed when a case is assigned at SLED and when
13 items are being given their assigned item number or in this
14 case, a container, because multiple items are contained
15 within this envelope.

16 Q What is the description of that particular item?

17 A Which label? There's multiple labels.

18 Q The big label that's in the middle. Does that have a
19 description?

20 A This label states, "DNA swabs collected from a 2015
21 black four door Toyota Camry, VIN 4T1BFK6FU006551."

22 Q So, DNA swabs from a Camry?

23 A Yes.

24 Q And that particular item, you did not perform the
25 actual physical analysis, did you?

1 A Correct. That was a different analyst. I only
2 performed the technical review.

3 Q And that technical review included reviewing the chain
4 of custody?

5 A Yes.

6 Q And, just generally speaking, in the DNA department, if
7 an item comes in and it is unsealed or appears to have been
8 tampered with in any way, will that analysis go forward?

9 A No. Notes will be made by the analyst assigned to the
10 case if anything does not seem correct, such as seals are
11 open or descriptions are incorrect, and follow up will be
12 made with the agency.

13 Q And those are records that are kept as a normal part
14 of the protocol and a normal part of the case file?

15 A Yes.

16 Q And any annotations about chain of custody problems
17 would be noted in the case file?

18 A Yes.

19 Q Now, that item that -- I'm sorry, I forgot what number
20 it is.

21 THE COURT: State's 129.

22 Q State's 129. Who actually performed the physical work
23 with that item?

24 A The DNA analyst assigned to this case was Sarah
25 Goodman.

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1 Q And before it got to her, did it pass through some
2 technician's hands before it would have gotten to Ms.
3 Goodman?

4 A It would have been brought to the Evidence Control
5 Department at SLED, where it would have been logged in, and
6 that is the department she would have gone to to retrieve
7 the evidence in this case.

8 Q And would any of the people prior to her have unsealed
9 it or tampered with it in any way?

10 A The individuals in Evidence Control do not do that.

11 Q And you all maintain, in this case, a 47 page document
12 that shows everyone who's touched this evidence, correct?

13 A Yes, we maintain electronic chain of custody for every
14 item that is brought to SLED.

15 Q And State's 129, does that have Ms. Goodman's initials
16 on it indicating that she touched it?

17 A Yes. They are at the bottom of this envelope and
18 include the date.

19 Q And what is the date?

20 A It is January 5, 2022.

21 MS. TAYLOR: Your Honor, the State offers 129 into
22 evidence at this time.

23 THE COURT: Without objection?

24 MR. HENDERSON: None, Your Honor.

25 MR. TINSLEY: No objection.

1 THE COURT: Without objection, 129 is an evidence.

2 Q Now, with regard to State's 129, the swabs from the
3 car, do you have the report on that with you?

4 A Yes.

5 Q And did you review all of the data and do you agree
6 with conclusions in the report?

7 A Yes.

8 Q And what, if anything, was found regarding the swabs
9 from the Camry?

10 A May I refer to the report issued from 2022?

11 Q Sure.

12 A There were six total sets of swabs collected and
13 submitted, and the result for all six of these swabs was
14 that presumptive testing for blood was negative.

15 Q So the analysis stopped there. There was no blood,
16 nothing to analyze, is that correct?

17 A That's correct. Nothing was forwarded for DNA.

18 Q Now, if an item has been cleaned, say with Clorox wipes
19 or wiped down with a rag, could that possibly remove any
20 blood or any DNA that would be present?

21 A It's possible, yes.

22 Q I'm going to hand you the next four exhibits as a
23 group, State's 105, 104, 103 and 106. Can you tell me what
24 each of those items are?

25 A I'll start with State Exhibit 103, which is SLED item

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1 number 39. Those are buccal swabs from Narkevious Reid.

2 State's Exhibit 104 is SLED item number 22, which are buccal
3 swab kit from Xayvion Hill. State's Exhibit 105 is SLED
4 item number 38, which is a buccal swab kit from Dashawn
5 Hurley. And State's Exhibit 106 is SLED item number 36,
6 which was the DNA evidence collected from Trivoriaye Alston,

7 Q And kind of the same series of questions as before.

8 Do you see on those items where Ms. Goodman opened those and
9 performed testing and sealed them back?

10 A Yes. Her initials and the date when she sealed her
11 opening are present on the two sides of this heat sealed
12 pouch. This heat seal pouch -- at the top of this heat
13 sealed pouch, since she repackaged it into a SLED heat
14 sealed pouch, because it was submitted just as an envelope.
15 But her initials are present with the date on the envelope
16 on the inside. And same for this item as well.

17 Q Same question as before. If those items appeared to
18 have been tampered with in any way would she have proceeded
19 with an analysis?

20 A No.

21 Q And you reviewed that in her notes?

22 A Yes.

23 Q And these items would have also passed through an
24 internal chain at SLED where no one tampered with it or
25 opened it before it got to Ms. Goodman?

1 A That's correct.

2 Q Did you review Ms. -- why is it important to have a
3 buccal swab from a suspect?

4 A A Buccal swab is a known standard collected from an
5 individual, directly from an individual, which allows for
6 that profile developed to be directly linked to that person.

7 Q So, we know that, for example, item 22 is what Xayvion
8 Hill's DNA looks like. The profile that was developed from
9 that is his?

10 A Yes.

11 MS. TAYLOR: Your Honor, the State moves to enter
12 Exhibit's 103, 105, 106, and 104 into evidence at this time.

13 THE COURT: Without objections?

14 MR. GROSE: No objection.

15 MR. HENDERSON: None, Your Honor.

16 MR. TINSLEY: No objection.

17 THE COURT: Without objection. Those are in evidence
18 103 through 106.

19 Q I'm going to hand you what's been marked as State's 107
20 and State's 108. If you can identify those for me.

21 A State's Exhibit 107 is container C, SLED container C,
22 which contains specifically SLED items 18 and 19, and then
23 State's Exhibit 108 was SLED container D, which specifically
24 contained items 20 and 21.

25 Q All right. And what were SLED items 18 and 19?

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1 A SLED Item 18 was swab from trigger of Taurus, tan and
2 silver G2S, 9 mm, serial number AAL044024, and Item 19 was
3 swabbed from handle or grip of Taurus, tan and silver, G2S 9
4 mm, serial number AAL044024.

5 Q So, State's 107 is from a tan handgun and State's 108
6 is from a black and silver handgun. Is that correct?

7 A For State's Exhibit 108. The two items were 20 and 21.
8 One was a swab from trigger of Taurus, black silver, G3 9
9 mm, and 21 was swabbed from handle or grip of Taurus, black
10 silver, G3 9 mm.

11 Q And those items, do you also see Ms. Goodman's initials
12 on those?

13 A Yes. So, the envelopes are repackaged into SLED heat
14 sealed pouches, so her initial and date are on the top
15 there. But her initials and the date are also present on
16 the envelope on the inside. And the same goes for this as
17 well.

18 Q And same question, would she have proceeded with an
19 analysis that appeared to be tampered with?

20 A No.

21 Q And would she have notated in her records if there had
22 been any evidence of tampering?

23 A Yes.

24 Q And would that have been documented in the items you
25 reviewed as part of the peer review process?

1 A Yes.

2 Q And these same items would've passed through an
3 internal chain at SLED where no one was tampering with it or
4 opening it until it got to the analyst; is that correct?

5 A Yes.

6 MS. TAYLOR: The State moves Exhibits 107 and 108 into
7 evidence, Your Honor.

8 MR. TINSLEY: Your Honor, we may have a legal matter to
9 take up.

10 (WHEREUPON, sidebar held.)

11 THE COURT: I think we have an understanding.
12 Solicitor, go ahead and continue, please.

13 MS. TAYLOR: All right. Your Honor, I think I was
14 entering 107 and 108 into evidence.

15 THE COURT: Yes, without objection, based upon our
16 bench conference.

17 Q Did Ms. Goodman perform an analysis on items 107 and
18 108?

19 A Yes. She performed analysis on the items that were
20 contained within each of these containers.

21 Q Kind of, understanding that the rest of us don't do DNA
22 work every day, can you kind of very simply explain when you
23 analyze something, what are you trying to do?

24 A DNA analysis is a four step process, and the end result
25 of the process is the development of a DNA profile from an

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1 item of evidence or a known standard. The four step process
2 is just extracting DNA from the item, whether it's a cotton
3 swab or a cutting from a larger piece of clothing, for
4 instance, determining how much DNA is present. After that,
5 it's amplifying or making more copies of the DNA to have
6 more to work with. And then that sample is run through an
7 instrument where it is separated based on size, and that
8 information is translated into what is referred to as a DNA
9 profile.

10 Q If you're able to develop a profile from these swabs,
11 do you then compare it back to the known profiles?

12 A Yes.

13 Q With regards to items 18 and -- well, let's go with
14 items 20 and 21 first. In the work that you reviewed as
15 part of SLED's process, was a profile developed from those
16 swabs?

17 A Yes.

18 Q Was it profile for a single person or was it mixture?

19 A For both items the profiles developed were mixtures.

20 Q And a mixture -- what is that?

21 A A mixture means that there is DNA from more than one
22 person present.

23 Q So, possibly more than one person touched an item, or
24 somehow more than one person's DNA ended up somewhere?

25 A Yes.

1 Q Once you develop the profile from the item and you have
2 your known standards, perform your analysis, can you explain
3 how you then report out your results?

4 A The next step in the process is comparing profile from
5 a known standard to profile and drawing an interpretation.
6 So, for this instance with a mixture, the next step would be
7 to determine whether or not the individual's DNA may be
8 present in that mixture. What is used for statistical
9 calculation is called a likelihood ratio. And what that is
10 comparing two possible explanations for an event. In
11 general terms, one could say that they are going to win a
12 marathon and you have two possible explanations for that
13 event, for that outcome. One could be that the individual
14 trained for the marathon, or the individual stayed at home,
15 ate popcorn, ate cookies, and the likelihood ratio is the
16 value in favor of which of those two possible explanations
17 best explains the event.

18 So when it comes to DNA analysis, the DNA profile is
19 the event. And the two possible explanations are whether if
20 that individual's DNA is present explains the profile, or if
21 not having that person's DNA in the profile explains the
22 profile.

23 Q And with regard to item 20, what were the two
24 proposition sets that you were testing, or that were being
25 tested against each other?