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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KEYON PROPHET,

APPELLANT

APPELLATE CASE NO. 2023-000752

RECORD ON APPEAL

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

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

MARK FARTHING
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803) 734-4117

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	Case No.: 2019-GS-40-3845
	)	
State of South Carolina,	)	
	)	
vs.	)	
	)	
Keyon Edsel Devonta Prophet,	)	
	)	
Defendant.	)	April 24, 2023
_____	)	

TRANSCRIPT OF EX PARTE IN CAMERA HEARING
HELD DURING TRIAL - DAY 1 OF 3

BEFORE THE HONORABLE JOCELYN NEWMAN
Circuit Court Judge, presiding

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

For State: C. Dale Scott, Esquire
 R. Keith Taylor Jr., Esquire
 Fifth Judicial Circuit
 Solicitor's Office
 P.O. Box 192
 Columbia, SC 29201

For Defendant: Connie D. Breeden, Esquire
 The Law Office of Connie D. Breeden
 P.O. Box 4475
 Columbia, SC 29240-4475

Recorded by:	Elizabeth Harris
Transcribed by:	Teresa B. Johnson
	CVR-M-CM, RVR, RVR-M
	P.O. Box 2812
	Greenville, SC 29602

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P R O C E E D I N G S

(The courtroom is cleared and closed to the public. The following ex parte in-camera hearing is held.)

THE COURT: All right, Ms. Breeden.

MS. BREEDEN: May it please the Court, Your Honor. The relationship with Mr. Prophet has deteriorated to the point that we cannot communicate with one another. He's very hostile. And rest of his family members who was here with him this morning, Mr. Prophet and her, were using profane language, calling me profane names, yelling in front of the clerk's office. I told his relative that I wasn't --

THE COURT: Hold on.

Stop talking, Mr. Prophet.

THE DEFENDANT: Yes, ma'am.

THE COURT: I'll hear from you in a moment.

MS. BREEDEN: I told his relative that I was not going to continue to talk because she was cutting me off and yelling. I got on the elevator to get away from the situation. They stood in the elevator door. Luckily, there was another -- a community member on the elevator and was like, Are y'all getting on or off?

1 They started videotaping me. "You're gonna
2 say anything? You're gonna say" -- I didn't say
3 anything. When I got off on the third floor, I
4 was headed to the solicitor's office, they were
5 following behind me, again, with the cussing and
6 the threatening.

7 So I went over to Officer Rains -- or
8 Investigator Rains, who's here with the
9 prosecution, and asked her to come with me so I
10 could get away from them, which she did. And when
11 I came out, I didn't -- I didn't see them anymore.
12 But when I left the courthouse at about 12:30,
13 they walked by and called me a profane name.

14 So I cannot represent Mr. Prophet. I have --
15 Mr. Prophet has, back on March 23, said that he
16 did not want me as his attorney. I was not
17 relieved at that time. He had indicated, though,
18 that he was going to hire somebody. He was going
19 to hire somebody that Friday. He didn't do it.

20 The next Friday rolls around, you know, he
21 apparently had not hired anyone, but told me twice
22 that he had hired someone. I asked for his
23 attorney's name. He told me that he could -- that
24 he couldn't give it to me. He didn't know it.
25 The card -- the card was in his car. I was like,

Motion to Be Relieved as Counsel

1 Can you go get the card, because your attorney
2 hasn't filed any motion or letter of
3 representation? He refused and hung up the phone.

4 So I -- I've called and left messages for him
5 to come meet with me to discuss this case. He has
6 not done that. Whenever I call him, he hangs up
7 the phone. I'm not -- and you see how he's
8 dressed today in court. I -- I just cannot
9 represent him.

10 If I -- if I am fearful of this person and
11 not wanting to be alone with them, which I'm --
12 I'm not going to do, I don't -- I don't see how I
13 can represent him. He's threatened me.

14 **THE COURT:** How did he threaten you?

15 **MS. BREEDEN:** Again, it's -- it's the
16 cursing? It's: What are you going to do? Bah,
17 bah, bah, bah, bah. You know, that's -- that's
18 the thing that's threatening to me. He's yelling.
19 He's aggressive. Over here at the table, cussing
20 up under his breath. Not going to play with my
21 life like that. Bah, bah, bah. I just -- I
22 cannot work with Mr. Prophet.

23 **THE COURT:** Well, using profanity and making
24 threats are two totally different things. That's
25 why I asked what threats. How has he threatened

1 you? People use that language, profane language,
2 all the time. It's not threatening necessarily.

3 **MS. BREEDEN:** Yeah, but it's directed at me.
4 Like his profane language has been directed at me.

5 **THE COURT:** Right.

6 **MS. BREEDEN:** And that's --

7 **THE COURT:** He's threatened you? So
8 threatened to do what to you?

9 **MS. BREEDEN:** Well, no. He hasn't -- if
10 you're asking had he threatened to hit me, kick
11 me, you know, meet me outside. No. He hasn't --
12 he hasn't done that.

13 **THE COURT:** Okay.

14 **MS. BREEDEN:** He hasn't done -- He hasn't
15 done that. He hasn't -- he hasn't done that. But
16 his mannerisms and the way that he communicates
17 with me is threatening.

18 **THE COURT:** And when did this begin?

19 **MS. BREEDEN:** I would say March. In March.
20 March after he learned that his case was going to
21 go to trial.

22 **THE COURT:** Okay.

23 Anything else at this point, Ms. Breedon?

24 **MS. BREEDEN:** No.

25 **THE COURT:** Raise your right hand. You swear

1 or affirm the testimony you give the Court will be
2 the truth, the whole truth, and nothing but the
3 truth so help you God?

4 **THE DEFENDANT:** Yes, ma'am.

5 **THE COURT:** Okay.

6 Tell me what you want me to know.

7 **THE DEFENDANT:** Okay.

8 My mama tried to call her law firm --

9 **THE COURT:** You know what? If you will
10 come -- if y'all don't mind, if you can come to
11 the microphone here in the center of the floor so
12 we can hear a little bit better.

13 **THE DEFENDANT:** Yes, ma'am. My mother tried
14 to call her law firm. When I tried to call her
15 law firm -- because I've been locked up two years.
16 She hasn't came to see me -- she only came to see
17 me nothing but like four or five within two years
18 when I been locked up.

19 Like ever since I've been out -- ever since I
20 been out like on my ankle monitor for three years,
21 you ain't give me no phone call. The only phone
22 call you call me and tell me the court.

23 My family calling you about my case. You're
24 not trying to do anything. So why would I have
25 you to represent me if you ain't going to

1 represent me to the fullest?

2 When you first came to me in jail, you told
3 me that my fingerprints was on everything. When I
4 looked in my motion, it wasn't. The only thing
5 that I -- had my fingerprints off of was off the
6 BB gun the dude tried to sell me in the house when
7 I went to the house to get my hair done. I even
8 told the police I ain't did it; who did it. But
9 I'm still going to get convicted for this?

10 I just got married. I have child on the way.
11 My wife been up here the last time with Judge --
12 Judge Hood when he had told me about the lawyer
13 thing when I fired her. I went upstairs. They
14 put in my paperwork. They was waiting on her.
15 They said for her to come up there to relieve
16 herself for them to give me another lawyer.

17 **THE COURT:** Who said that?

18 **THE DEFENDANT:** Fourth floor. Public
19 Defender's Office --

20 **THE COURT:** Okay.

21 **THE DEFENDANT:** -- when I went up there.
22 Because I went up there that -- because I had to
23 leave. Because I had to be to work. I came back.
24 I talked to dude on the phone. He gave me a
25 screen. He told for me to come back up and come

1 sign my papers. I came back up and signed my
2 papers.

3 You called me. You asked me did I have a
4 lawyer? I told you yes. They told me in two
5 weeks, they would give me a lawyer. Judge Hood
6 told me 30 days. So me doing my screening and
7 stuff, I do have an attorney. You see what I'm
8 saying?

9 **THE COURT:** Judge Hood told you 30 days for
10 what?

11 **THE DEFENDANT:** For my trial date, that he
12 wasn't pushing nothing back to get a lawyer. So
13 you know, I went on ahead on up there. Called.
14 Screened in on the phone. Came back up. Because
15 I stay all the way in Beaufort. I don't stay in
16 Columbia.

17 But she just called me Tuesday and told me
18 you have to come to court Wednesday for some
19 something, like for a hearing or something.

20 **THE COURT:** You said last week?

21 **THE DEFENDANT:** No. This week. That I
22 needed to be up here Wednesday for a screening
23 when I'm all the way in Beaufort.

24 **THE COURT:** Wait. Who said that?

25 **THE DEFENDANT:** Ms. Connie. She called my

1 phone and told me that I needed to be here
2 Wednesday. I'm going to get a bench warrant
3 issued out for my arrest. My wife called up there
4 and called the solicitor's office and asked them
5 if I showed up or not will I have a warrant. They
6 told her no. I couldn't come because I didn't
7 have a ride because I stay in Beaufort. My cousin
8 drove all the way up from Columbia last night for
9 them to bring me here for my trial.

10 **THE COURT:** Okay.

11 **THE DEFENDANT:** I do like little tow trucking
12 work, road work, landscaping, whatever. You know
13 what I'm saying? I ain't that type of person that
14 go out there and hurt nobody or take nothing.
15 Because I been raised on a military family.

16 **THE COURT:** Right. But that's not my
17 decision to make right now.

18 **THE DEFENDANT:** I mean, but she ain't asked
19 me nothing about co-defendants; no nothing. I
20 mean, not co-defendants, but witnesses. My mom is
21 a witness -- my mom is my witness when I called
22 her that same day telling her where was I going to
23 go get my hair done. My cousin was my witness.

24 What about the phone that they took you
25 talking about that I called the pizza man off of?

1 (Inaudible) when I had had a food stamp phone.

2 You can't use to (inaudible). That's crazy.

3 But you're going to come tell me to do 10
4 years for something that I didn't do, of course
5 I'm going to take the trial. I feel like to the
6 fullest that she ain't even fighting for me. So
7 why would I -- my family calling out to you trying
8 to get you to talk to me.

9 My cousin even recorded her today and said
10 this in the elevator, "Can you take him in a small
11 little room and talk him about his case?" She had
12 attitude. Stood right there. Of course, she
13 recorded you. I ain't going to say that she
14 didn't because I had a recording right then when
15 she asked you the question. She cussed you out,
16 but I ain't cussed you out.

17 I ain't say nothing disrespectful you, but
18 except this, that you ain't my lawyer. That I
19 ain't want you to represent me. That's what I
20 told you outside. That's all I said. But I ain't
21 cuss you out. I can't call you no name. My
22 cousin did that. So you can't held -- hold me
23 accountable for what she does. That's all I'm
24 saying. You know what I'm saying? I ain't even
25 that type of person.

1 I work. I come home. I been on this three
2 years. I don't have another charge. If that was
3 me, when I bond out during Corona time when I
4 didn't have no job, I would have went out there
5 and did crazy -- something crazy to put myself
6 back in a situation.

7 But with you coming to me in jail and telling
8 me that my finger prints on everything and take a
9 10-year plea when I get my motion (inaudible) that
10 my fingerprints is just on the BB gun that
11 somebody tried to sell me at the house? That's
12 crazy. Who would take that? You wouldn't take
13 that.

14 **THE COURT:** And you don't have to take that.
15 That's why we're here for a trial. But she had
16 the responsibility to -- if the solicitor makes a
17 plea offer and whatever the solicitor tells her --
18 maybe the solicitor told her that your
19 fingerprints are on everything so I'm offering him
20 a plea deal for 10 years. She has an obligation
21 to tell you that.

22 **THE DEFENDANT:** Can I say something else?

23 **THE COURT:** Yes, sir.

24 **THE DEFENDANT:** The last time when I been
25 here when he offered me the 10-year plea, she

1 didn't even knew that I was on house arrest. I
2 had to go to the ankle monitor place and get the
3 paperwork. She told my wife that I was on GPS
4 monitoring when I knew that I signed papers for
5 house arrest that I have to be home every night at
6 eight o'clock. Don't go no where but church,
7 work, and home. That's it. Every time I leave, I
8 report, "This where I'm going. This where I'm
9 going."

10 So if you my lawyer, you would have known
11 that I was on house arrest. You wasn't doing your
12 job. So why would I put my --

13 **THE COURT:** How does it make a difference
14 whether she knew? She may have been wrong. If
15 you're on house arrest, you are. And if she
16 didn't know it, so be it. But how does that make
17 a difference in her representing you?

18 **THE DEFENDANT:** Okay.

19 **THE COURT:** Because if you're going to trial,
20 you're still going to trial, right?

21 **THE DEFENDANT:** Yes, ma'am. Yes, ma'am. I'm
22 still going to show up and come.

23 **THE COURT:** Yeah.

24 **THE DEFENDANT:** I ain't going to run or
25 nothing.

1 **THE COURT:** Okay.

2 **THE DEFENDANT:** I didn't do it.

3 **THE COURT:** Of course.

4 **THE DEFENDANT:** But yes. How -- okay. I
5 called the law firm. I never get a call back. I
6 stay all the way in Beaufort. You at least can
7 easily call me, "Hey -- well, hey, Mr. Prophet.
8 Well, this was going on." Talk to me about
9 something. The only time when you call me, You
10 have a court date. That's it?

11 I'm not in Columbia. I can't just come pull
12 up to your law firm and come sit in there and talk
13 to you. I stay all the way -- all the way close
14 to Hilton Head. That's crazy. So why would I
15 want to have somebody represent me if you can't
16 talk to me? Communication is the key.

17 I've been raised by a military family. I
18 really have -- I really have (inaudible) and
19 stuff. My mama -- my mama, yes, she probably had
20 done did drugs and stuff like when my daddy passed
21 and stuff. Probably made it hard on us 'cause
22 lights got cut off and this and that. But I ain't
23 went out there in the streets and did nothing to
24 get myself in no trouble. I always had a job.

25 And then, I been working at Pizza Hut around

1 the time when this happened, the same Pizza Hut
2 downtown, right behind Baptist Hospital. I just
3 went over there to get a hair -- a hair twist and
4 got myself hemmed up in some -- some bull crap.
5 You know what I'm saying? Like it just crazy.

6 I got three kids. Now, I'm fighting for my
7 life. Boy, it's crazy. Man, I don't even know
8 what to do.

9 **THE COURT:** Have you been cursing at
10 Ms. Breeden?

11 Yeah. That's makes them nervous. You can't
12 put your hands in your pockets.

13 **THE DEFENDANT:** Oh. I don't have nothing.

14 **THE COURT:** I know. But you still can't put
15 your hands in your pockets. Have you been cursing
16 at her?

17 **THE DEFENDANT:** I ain't cursed at her. My
18 cousin cursed at her. And she'll tell you she
19 did.

20 **THE COURT:** Have you raised your voice at
21 her?

22 **THE DEFENDANT:** When I done got frustrated,
23 like, Why you keep calling me? You're not my
24 lawyer. Didn't Judge Hood just told me to get
25 another lawyer within 30 days? (inaudible). I

1 just signed the paper in court.

2 **THE COURT:** But the thing is --

3 **THE DEFENDANT:** The paper I signed, I ain't
4 know what it was. I thought it was her being --
5 for me to get another lawyer. That's why I signed
6 the paper that day 'cause they told me to sign the
7 paper and go. I signed the paper and left and
8 went back to Beaufort 'cause I had to go to work.

9 I tried to get a paid attorney. But they had
10 asked for -- for too much, what I didn't have. So
11 I went to the Public Defender and called them.
12 They screened me and told me to come back and fill
13 the paper out. I did.

14 So the dude upstairs said, "Your paper and
15 stuff filled out. She just didn't come up and
16 relieve herself off your case." Why didn't she
17 come relieve?

18 **THE COURT:** That doesn't make sense because
19 that's not how that works. I mean, I -- I believe
20 that that's what you heard --

21 **THE DEFENDANT:** I been here all morning
22 running up and down the stairs.

23 **THE COURT:** I've heard.

24 **THE DEFENDANT:** Yes, ma'am. But that's what
25 they telling me upstairs was, "Your paperwork went

1 in for your -- for your -- for your lawyer. But I
2 mean, she have to come relieve herself from off
3 your case."

4 And like I told them, Judge Hood told me to
5 get another lawyer within 30 days from my trial
6 date because he wasn't pushing nothing back. So
7 that's why I -- I called him and they did all that
8 so that I could have a lawyer. But when I came
9 here, Ms. Connie was still my lawyer. And I was
10 like, no, no, no.

11 **THE COURT:** So she is your lawyer, though.
12 She is your lawyer until the Court says that she's
13 not or until you hire someone else. And in fact,
14 even if you hired somebody else, the Court would
15 have to sign an order letting her off of your
16 case. And since you don't have another lawyer
17 yet, then Ms. Breeden is your lawyer. She's been
18 your lawyer this entire time.

19 **THE DEFENDANT:** If you ain't communicating
20 with me -- within three years of me being out, the
21 only communication I get is to come to court. So
22 how does I feel to go to trial with you to fight
23 for my life when you done came to jail and told me
24 that my fingerprints on everything? You still
25 coming at me with the same plea that I been locked

1 up with.

2 **THE COURT:** See, the problem is Judge
3 heard -- Judge Hood heard all of this and decided
4 this all this already. And so all this about you
5 haven't heard from her and she didn't know you
6 were on house arrest and she couldn't tell you if
7 that would count towards your sentence, you've
8 been out for three years, I ain't get no type of
9 reach out, I called her office plenty of times,
10 she wasn't there --

11 **THE DEFENDANT:** My family called too.

12 **THE COURT:** I know. But what I'm reading
13 from is what you told Judge Hood. Judge Hood
14 already decided that's not getting her off your
15 case. She is still your lawyer until you hire
16 someone else. And your case is not going to be
17 continued.

18 **THE DEFENDANT:** So what about my witnesses
19 who is like -- my mom is a witness because I
20 called her and left her before when I went over
21 there to go get my hair done. I didn't have no
22 gun, no nothing.

23 **THE COURT:** You need to talk to Ms. Breeden
24 about that because she's your lawyer. She's
25 representing you in this case.

1 **THE DEFENDANT:** That's what my mother --
2 that's what my mother was calling her and my
3 cousins was calling her was trying to let her know
4 within three years. My mama, I mean, she'll tell
5 you herself. She been calling Ms. Connie. No
6 answer. No call back. No nothing.

7 **THE COURT:** Listen, I'm accepting that as
8 true. I don't know whether it's true. But even
9 if it is 1,000 percent true, Judge Hood that and
10 said, "I'm sorry. She's still your lawyer." So
11 that's where we are. I'm not going to go behind
12 Judge Hood and change his decision on the same
13 facts and circumstances.

14 **THE DEFENDANT:** Yeah. But how do people say
15 that -- that I had a phone that called this man
16 when they have my cell phone and they could pull
17 up my records and see?

18 **THE COURT:** I don't know. I don't know
19 anything about your case. I'm learning about it
20 as you're telling me right now, right? I don't
21 know anything about it. But that's something --
22 that's why we're having a trial. And that's the
23 kind of thing that you and Ms. Breeden should be
24 talking about. If you think that evidence shows
25 that you're not guilty of this charge, you've

1 gotta communicate that with her so that she can
2 effectively represent you in this case. Because
3 12 people are about to sit in that jury box and
4 decide whether you did this or not.

5 **THE DEFENDANT:** Yeah. But if I'm trying to
6 reach out to you to call you to talk to you about
7 my case and you don't give me no call back, how do
8 I'm supposed to communicate with you? I'm all the
9 way up in Hilton Head with no transportation. My
10 bossman have to come get me up on the lawn mower
11 truck for me to go cut the grass.

12 My other friend, he tow cars next door. He
13 pay me. I got his number. He was fixing to write
14 me a paper out today letting them know, like,
15 yeah, he work with me. You know what I'm saying?

16 **THE COURT:** I understand.

17 **THE DEFENDANT:** He own the business.

18 **THE COURT:** So here's where I am. This case
19 has been pending for more than four years. And if
20 in four years you and Ms. Breeden have not
21 discussed witnesses, documents, phone records, all
22 of that stuff, I don't know what to tell you
23 because it's been four years.

24 **THE DEFENDANT:** Yeah.

25 **THE COURT:** And you could have sent her a

1 list of those things. You could have sent her
2 copies of whatever phone records, documents,
3 whatever.

4 **THE DEFENDANT:** How can I do that if Richland
5 County kept my phone. They kept everything. When
6 I got out, I didn't have an ID, a social, no
7 nothing. I had to go get all that --

8 **THE COURT:** So you couldn't --

9 **THE DEFENDANT:** -- all again.

10 **THE COURT:** You couldn't give Ms. Breeden a
11 list of witnesses?

12 **THE DEFENDANT:** A list of the witnesses? My
13 mama was calling, trying to let her know she was a
14 witness.

15 **THE COURT:** No. I'm asking about you.

16 **THE DEFENDANT:** I've been -- I've been trying
17 to call her to get in contact with her.

18 **THE COURT:** Because here's the thing, she
19 doesn't represent your mama. And so I know that
20 family members often want to call, they want to
21 help, they want to get involved, whatever. The
22 reason why I didn't let your mother stay in here
23 for this is --

24 **THE DEFENDANT:** Yeah.

25 **THE COURT:** -- because this is between -- and

1 I --

2 **THE DEFENDANT:** I apologize.

3 **THE COURT:** This is between you and
4 Ms. Breeden. That is a private relationship.
5 What you tell your mama is something else. But
6 she doesn't represent your mama.

7 **THE DEFENDANT:** Yeah.

8 **THE COURT:** And so, you know, she doesn't
9 have to talk to your mother.

10 **THE DEFENDANT:** Yeah.

11 **THE COURT:** But you have a responsibility to
12 make sure that your lawyer has whatever
13 information you think she needs to have. She can
14 ask you questions. She can call you.

15 **THE DEFENDANT:** We been trying to do that
16 today before she left. Like my cousin say, "Could
17 we go inside of a small room and go over his trial
18 stuff?" She ain't say nothing. (inaudible)

19 **THE COURT:** Well, because at that point,
20 y'all had been cussing and fussing with her so she
21 didn't feel comfortable going into a room. I
22 wouldn't either.

23 **THE DEFENDANT:** But like -- like if you see
24 me downstairs by myself while she over there, why
25 couldn't you come to me? I ain't cuss you out. I

1 ain't call you no "black B." I ain't say none of
2 those words to you. That was her cussing you out.
3 So why is you mad at me? That's what I'm saying.
4 Don't take your anger out on me because of what
5 they got going on with you. They feel like, "Oh,
6 our family didn't do this. We know him. That
7 ain't even his MO. His burglary charge? Yeah."
8 Family issues.

9 My brother broke into my uncle house. My
10 uncle told him to tell. He say no. He lock both
11 of us up. That's the only reason why I just fell
12 back from a lot of people, went to work and did my
13 own thing, 'cause I know trouble easy to get into;
14 hard to get out of. Like now.

15 **THE COURT:** I hear you. I hear you. And if
16 it were as easy as somebody saying, "I didn't do
17 that," then we wouldn't have anybody in prison
18 ever. Right? There's gotta be more to it than
19 that. But what I'm telling you is, because this
20 is your lawyer, you've got to talk to your lawyer
21 about whatever.

22 Now, Ms. Breeden, let me pull you back into
23 the conversation. You were appointed on this
24 case; is that correct?

25 **MS. BREEDEN:** Yes, that's correct.

1 **THE COURT:** There were co-defendants.

2 **MS. BREEDEN:** There were co-defendants, yes.
3 Three of them.

4 **THE COURT:** So this is a public defender
5 conflict?

6 **MS. BREEDEN:** Yes.

7 **THE COURT:** Right. So they couldn't even
8 give you a public defender to represent you.
9 Because that's the reason why you didn't get a
10 public defender to begin with. You got
11 Ms. Breedon.

12 **MS. BREEDEN:** He had a PD for a little bit.
13 And then I was sent the case.

14 **THE COURT:** Right.

15 Ms. Breedon, given the fact -- well, given
16 the allegation or his contention that he wasn't
17 one cursing at you, is that correct or incorrect?

18 **MS. BREEDEN:** Incorrect. Because he was
19 cussing.

20 **THE COURT:** I mean, 'cause I get that y'all
21 need to meet and prepare. I don't -- I mean, I
22 don't want you to be in a bad spot. But he
23 certainly isn't prepared to go to trial
24 representing his self. And I mean, this is a
25 four-year relationship. The only thing was

1 changed that I can tell since Judge Hood heard
2 this issue is some curse words, not threats, but
3 some language that you don't appreciate. And I
4 understand because I probably wouldn't either.
5 But I don't see a -- a need to relieve you as his
6 attorney.

7 The case is not going to be continued. We've
8 got a jury panel downstairs, waiting for jury
9 selection. You have all of this evening to meet,
10 discuss, talk in a public-ish way, if necessary.
11 I don't know what else to tell you unless you got
12 something else to tell me, Ms. Breedon.

13 **MS. BREEDON:** Nothing other than, you know,
14 I'm scared of him. He's not communicated with me.
15 I've called him and left him messages to schedule
16 an appointment with me to prepare for trial. This
17 was before last week.

18 **THE DEFENDANT:** Tuesday.

19 **MS. BREEDON:** This -- this was before then.

20 **THE DEFENDANT:** Okay.

21 **MS. BREEDON:** And when I don't get him, I
22 call his wife. And his wife has awakened him from
23 -- I'm assuming. I'm assuming because I wasn't
24 there, so I don't know. But when she went -- I
25 called her to ask about his attorney situation,

1 then she calls him from the back. And he, you
2 know, doesn't get on the phone but is on speaker
3 and, you know, says he's hired somebody, which he
4 had not.

5 And it's my understanding that he went to be
6 screened for the public defender about two weeks
7 ago. And I only knew that because Tracy Pinnock
8 called me to find out what was going on with his
9 situation.

10 And I did not tell him that a bench warrant
11 would be issued if he didn't come to court. The
12 question was to resolve his attorney
13 representation, since he had indicated to me that
14 he had hired someone. And then, we had
15 information about a public defender. So there was
16 a question about his representation.

17 **THE COURT:** Well, to the extent that he has
18 failed to communicate with you -- I don't know if
19 that's true or not. I don't know. But even if
20 it's true, that may be to his detriment when it
21 comes to the defense of this case. But that
22 certainly isn't a reason for you to be relieved as
23 his attorney. Y'all don't have to like each
24 other.

25 **THE DEFENDANT:** Can I please say something?

1 **THE COURT:** Yes, sir.

2 **THE DEFENDANT:** All right.

3 When my phone broke, my phone broke for like
4 a week. If you did call that 803-263 number, that
5 number wasn't even working. When I came up here
6 before y'all gave me my trial date --

7 **THE COURT:** Talk to me, not to her.

8 **THE DEFENDANT:** All right.

9 When I came up here for my trial date, my
10 last phone had broke. I had had a new phone. So
11 when I came here, I had gave her my new phone
12 number to contact me on. I done called her law
13 firm about four or five times ever since then with
14 my new number asking were you in the office. They
15 said no. Can I leave a message? I leave a
16 message. I don't get a call back.

17 You never called me back. So don't sit here
18 and say that you did, 'cause you didn't.

19 **THE COURT:** Well, look --

20 **THE DEFENDANT:** 'Cause I would have answered.

21 **THE COURT:** Look, I don't know who made which
22 phone calls and who returned a call and who
23 didn't. It -- it doesn't really matter.

24 **THE DEFENDANT:** Well, okay. My mom and my
25 cousins, they is like my witnesses to my case. My

1 cousin, she had the same number when I called her
2 and told her, "Somebody just -- somebody just
3 robbed this dude. Come get me, bro, 'cause I
4 ain't trying to be around this." If y'all had
5 that same phone, y'all could pull up that
6 recording or whatever. Y'all can do all that.

7 I didn't do that. I'm willing -- I'm willing
8 to go to trial for that because I didn't do it,
9 because I have three kids that I have to take care
10 of.

11 Like I said, my wife pregnant now. She four
12 months. She said that last time she came up here,
13 "I'm three months pregnant. I know he ain't do
14 this." 'Cause she was the one who had dropped me
15 off over there to the apartment.

16 **THE COURT:** Well, listen. I don't need to
17 hear all of your evidence. I'll hear that
18 throughout the course of this trial that we're
19 going to begin this afternoon. Now, all of that
20 stuff that you're telling me about what witnesses
21 you have and all that, you need to talk to
22 Ms. Breeden about that. Y'all should have been
23 talking about that over the past four-plus years.
24 It's been four years and three months, something
25 like that.

1 **THE DEFENDANT:** That's what I'm saying. If
2 I'm calling and calling, can't get in contact with
3 nobody if I'm not here. If I was in Columbia, I
4 wouldn't mind pulling up to her law firm with my
5 family. Okay. This what's going on with my case.
6 This what's going on. But I'm not here.

7 **THE COURT:** But it's nobody's fault that you
8 are accused of a crime in Richland County -- take
9 your hands out of your pocket.

10 **THE DEFENDANT:** Can you just hold that for
11 me, then? I mean, I don't want you to think --

12 **THE COURT:** Just put it on the table or
13 whatever.

14 **THE DEFENDANT:** It kept hitting my thigh,
15 hurting my thigh, so I had to move it.

16 **THE COURT:** Right.

17 It's nobody's fault that you're accused of a
18 crime in Richland County but live in Beaufort.
19 That -- that's nobody's fault.

20 **THE DEFENDANT:** Yes, ma'am.

21 **THE COURT:** And you're not going to get an
22 appointed attorney in some other county other than
23 where you're accused of committing this crime.
24 That's just the way it works. If you would hire
25 an attorney in Beaufort, then so be it. But an

1 appointed attorney is going to come from Richland
2 County where you were accused of the crime. So
3 your lack of a car, transportation, and all that
4 is --

5 **THE DEFENDANT:** That's on me.

6 **THE COURT:** Absolutely.

7 **THE DEFENDANT:** That's on me.

8 **THE COURT:** But listen to me. Y'all don't
9 have to like each other. Y'all don't have to get
10 along. You don't have to want to get a beer
11 later. You want to have to -- you don't have to
12 want to talk to each other, be friendly, any of
13 that. You're entitled to a competent attorney,
14 which I believe Ms. Breeden to be and competent
15 representation that falls within the standard set
16 by the Court, by the Supreme Court.

17 You're not entitled to an attorney that you
18 like, or that returns every phone call, or that
19 comes to visit you in Beaufort, or comes to visit
20 you at the jail all the time. If what she has
21 done -- and I don't know. I'm not going to ask
22 her today. That'd be a different matter for a
23 different day. But if she has given you competent
24 representation, that's all you're entitled to,
25 whether you like her, don't like her or, you know,

1 takes some issue with the way she works.

2 I mean, you've never been a lawyer before.
3 You've never represented anybody charged with a
4 crime, and so you don't -- I mean, and I say that.
5 I don't mean to be disrespectful. But you don't
6 exactly know what she's doing, what she's working
7 with, how she handles things. And she may even do
8 things differently than I would do it or than the
9 next attorney would. I don't know. But you're
10 not entitled to have things exactly the way you
11 want them done. You're entitled to competent
12 representation.

13 And so I'm not going to relieve Ms. Breeden
14 from your case. Y'all are gonna have to talk about
15 whatever you need to talk about if you haven't in
16 the past four years, three months, and five days
17 since this charge has been pending.

18 **THE DEFENDANT:** My family like -- like --
19 Judge Newman, my mama, she wanted me to talk to
20 her when she came in because my mama, she just had
21 had back surgery. She had wanted to talk to her
22 right there like, "Excuse me. I've been calling
23 you for like three months, trying to let you know
24 that I have -- that I have the phone records and
25 everything stating that my son had just had left

1 me to go over there."

2 **THE COURT:** Your mama should have given that
3 you and you give it to your attorney. She doesn't
4 represent your mother. She didn't have any
5 relationships, no obligation whatsoever to --

6 **THE DEFENDANT:** My mother been down here. My
7 mother was down here. Like -- like she stay down
8 here. Because I already know how it is.

9 **THE COURT:** I know -- I hear what you're
10 saying. But I'm -- I'm telling you she doesn't
11 have any obligation to talk to your mother about
12 anything.

13 **THE DEFENDANT:** But I have my witnesses. She
14 ain't asked me about no witness --

15 **THE COURT:** Then you should give it to her.

16 **THE DEFENDANT:** (Inaudible).

17 **THE COURT:** Y'all might want to talk about
18 it.

19 **THE DEFENDANT:** Yeah.

20 **THE COURT:** All right.

21 We're gonna get started with this trial.

22 Ms. Breeden, you have something else?

23 **MS. BREEDEN:** Yeah. Just one other thing.

24 I'd like to move for a competency evaluation.

25 When I was reviewing the information from the

1 Public Defender's Office, they had indicated that
2 he had been previously involuntarily committed and
3 that he suffered from bipolar disorder and/or
4 schizophrenia.

5 **THE COURT:** Okay.

6 And when was that?

7 **MS. BREEDEN:** When was what?

8 **THE COURT:** When was he committed?

9 **MS. BREEDEN:** Not sure.

10 Have you been involuntarily committed to a
11 mental institution?

12 **THE DEFENDANT:** 2018. 'Cause I just had got
13 my check the beginning of the month when that
14 happened. I just had just -- I just had deposited
15 a 2500-dollar check in my bank account from Social
16 Security, my disability. That's what I'm saying.
17 Why would I go rob somebody if I get a check every
18 month? That's crazy.

19 **THE COURT:** Have you been able to communicate
20 with him?

21 **MS. BREEDEN:** No. I -- I haven't.

22 **THE COURT:** I don't -- what I'm asking is not
23 logistics, but whether on occasions you had cause
24 for concern that he needed evaluation?

25 **MS. BREEDEN:** I hate to say -- it's hard --

1 it's hard to say because of what -- the
2 relationship has been tense, to put it mild.

3 **THE COURT:** Well, then my next question would
4 be, If you have had those difficulties in
5 communicating, there's some cause for concern, why
6 have you waited until the date of the trial to
7 request the evaluation?

8 **MS. BREEDEN:** I requested of Judge Hood last
9 week and he was like no.

10 **THE COURT:** Okay.

11 Then why did you wait until seven days before
12 the trial? I mean, this charge has been pending
13 four years, three months, and five days.

14 **MS. BREEDEN:** Logistically, Mr. Prophet, I
15 didn't know -- I didn't know when he got out of
16 jail. Okay? So I have not been in communicate --
17 was not in communication with him to have him come
18 to court to do it sooner. And when he did come to
19 court, it was (inaudible).

20 **THE COURT:** Okay.

21 Well, I've communicated with him
22 significantly this morning. I -- I see no cause
23 for concern. He seems to understand the process;
24 generally speaking, what a -- an attorney's
25 responsibilities are, although his idea of that is

Motion for Competency Evaluation

1 a bit skewed, but I don't think it's any more
2 skewed than any other person accused of a crime.
3 He seems to understand: Punishment, prison,
4 witness lists, evidence, etc. I have no cause for
5 concern.

6 And even an involuntary commitment for
7 bipolar disorder or schizophrenia or
8 Schizoaffective Disorder or anything within that
9 category does not necessarily translate to
10 someone's lacking competency to stand trial.
11 There are millions of people in this world, in
12 this country, probably billions all over the
13 world, but at least millions in this country, who
14 suffer with mental illnesses that does not make
15 them incompetent to stand trial.

16 And so without more and on the eve of trial,
17 I'm not going to continue the case for a
18 competency evaluation. Any concern should have
19 been raised prior to today, prior to a week ago.
20 And I'll reiterate, it's been four years, three
21 months and five days since this incident allegedly
22 occurred. That's plenty of time to discover any
23 concerns and address them appropriately. And if
24 that wasn't done then so be it. But I will not
25 continue this case for that reason.

1 Anything else before I bring the solicitor
2 back in?

3 **THE DEFENDANT:** Can I have --

4 **THE COURT:** Stand up.

5 **THE DEFENDANT:** Could I have my family?
6 Could I have my witness? 'Cause my cousin brung
7 her phone.

8 **THE COURT:** You need to talk to your lawyer
9 about your witnesses. I cannot help you try your
10 case. That's why you have a lawyer.

11 **THE DEFENDANT:** They have --

12 **THE COURT:** All right.

13 You can talk when you get a minute. Right
14 now, we're going to unlock the doors, bring the
15 solicitor back in and whoever else wants to come
16 in. The in-camera portion of this hearing is
17 concluded.

18 So you can unlock the doors and let everyone
19 in.

20 (End of ex part in-camera hearing. The courtroom
21 is reopened to the public.)

22

23

24

25

CERTIFICATE

1
2 I, the undersigned, Teresa B. Johnson, Official
3 Court Reporter, do hereby certify that I transcribed
4 the electronic recording of the remote hearing in this
5 matter; and that the foregoing is a true transcript of
6 said electronic recording.

7 I do further certify that I am not a relative,
8 employee, attorney, or counsel of any of the parties
9 connected with the action, nor am I financially
10 interested in the action.

11
12 Dated: 11/27/2023

13
14 /s/Teresa B. Johnson

15 Teresa B. Johnson

16 Official Court Reporter
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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	Case No.: 2019-GS-40-3845
	)	
State of South Carolina,	)	
	)	
vs.	)	
	)	
Keyon Edsel Devonta Prophet,	)	
	)	
Defendant.	)	April 24, 2023

TRANSCRIPT OF TRIAL - DAY 1 OF 3

BEFORE THE HONORABLE JOCELYN NEWMAN
Circuit Court Judge, presiding

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

For State: C. Dale Scott, Esquire
R. Keith Taylor Jr., Esquire
Fifth Judicial Circuit
Solicitor's Office
P.O. Box 192
Columbia, SC 29201

For Defendant: Connie D. Breeden, Esquire
The Law Office of Connie D. Breeden
P.O. Box 4475
Columbia, SC 29240-4475

Recorded by:	Elizabeth Harris
Transcribed by:	Teresa B. Johnson
	CVR-M-CM, RVR, RVR-M
	P.O. Box 2812
	Greenville, SC 29602

I N D E X

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1 P R O C E E D I N G S

2 (Proceedings begin on the 24th day of April 2023,
3 at 3:09 p.m.)

4 **THE COURT:** Good afternoon.

5 Where is Mr. Prophet?

6 **MS. BREEDEN:** Your Honor, I don't know at the
7 moment. He was here this morning at 9 o'clock.
8 Of course, he's not happy with me and I'm not
9 happy with him. So I know he wants to fire me.
10 And, of course, I want to be relieved.

11 I -- I called his wife and did not get an
12 answer. And then, I called his friend who he was
13 here with this morning and have not gotten an
14 answer. But they were here this morning. And
15 they were here as late as 12:30. I was walking
16 out of the courthouse. And they were headed
17 inside.

18 **THE COURT:** Okay.

19 Let me hear from the state.

20 Mr. Scott?

21 **MR. SCOTT:** I believe I saw him here. And I
22 think he was at some point with the public
23 defender's office. It's worth checking with them.
24 He was just kind of camped out in their office
25 earlier today.

1 But we're ready for jury selection,
2 Your Honor. Your Honor --

3 **THE COURT:** I mean, I'm -- you know, I'm
4 ready. We don't have a jury panel yet. And I'm
5 happy to try Mr. Prophet in his absence provided
6 he's been given the proper notice.

7 **MR. SCOTT:** He has, Your Honor. In fact, he
8 had a formal hearing on the record. He was told
9 in no uncertain terms to be here on today's date.
10 He was given a second reminder to be here on
11 today's date. And, of course, he knew to be here
12 today because, apparently, some people have seen
13 him here in the courtroom -- or the courthouse
14 this morning.

15 I have certainly not released him nor has
16 anybody from my office. He is on ankle monitor.
17 We could probably take a look real quick to see if
18 we can figure out where he is. I could have
19 Mr. Taylor run up there and check that real quick.
20 He has been ad nauseam reminded to be here today
21 or the trial would take place in his absence.

22 **THE COURT:** I don't know. But let's break
23 for 15 minutes while we try to find Mr. Prophet.
24 Otherwise, we come back and begin trial in his
25 absence.

1 All right. Fifteen minutes.

2 (A recess is taken.)

3 **THE COURT:** All right.

4 Here we are. State versus Keyon Prophet,
5 2019-GS-40-03845, a charge for armed robbery.

6 Is the state ready to proceed with trial?

7 **MR. SCOTT:** We are, Your Honor.

8 **THE COURT:** Is the defense ready?

9 **MS. BREEDEN:** No, Your Honor. We need to
10 take up an attorney-client matter outside the
11 presence of the prosecution.

12 **THE COURT:** Okay.

13 Let's clear the courtroom for an in camera
14 hearing, everyone except bailiffs, deputies,
15 clerk, court reporter, of course. Everybody leave
16 the courtroom.

17 Mr. Scott, don't go far so we can get you
18 back in here.

19 (The courtroom is closed to the public and an
20 in-camera hearing is held; not transcribed.)

21 **THE COURT:** All right.

22 Now that we've gotten everyone back in the
23 courtroom, I'll tell the prosecution that there
24 was an issue concerning Ms. Breeden's
25 representation of Mr. Prophet. I have denied any

1 informal motion that was made to relieve
2 Ms. Breeden as counsel and denied any request for
3 continuance, although it wasn't framed as such.
4 But there were certain requests that were made
5 that would have had the effect of continuing this
6 case if granted. I've denied all of those
7 requests and we are prepared to begin the trial of
8 the case.

9 Anything from the state before we select a
10 jury?

11 **MR. SCOTT:** No, Your Honor.

12 **THE COURT:** Anything from the defense,
13 Ms. Breeden?

14 **MS. BREEDEN:** No, Your Honor.

15 **THE COURT:** Do you have any -- I have
16 proposed voir dire from you.

17 Does the state have any proposed voir dire?
18 I saw just a question in an e-mail. Is that --

19 **MR. SCOTT:** That's it.

20 **THE COURT:** -- the extent of it?

21 **MR. SCOTT:** Just the general, has anybody
22 been prosecuted -- has anybody or anybody's direct
23 family been prosecuted by the solicitor's office?

24 **THE COURT:** Okay.

25 Let's bring the jury panel up, please.

Jury Qualification

1 **THE CLERK:** Yes, Your Honor.

2 (The jury panel enters the courtroom.)

3 **THE BAILIFF:** Jury panel is present, Your
4 Honor.

5 **THE COURT:** All right. Thank you.

6 Good afternoon, ladies and gentlemen. My
7 name is Jocelyn Newman. You are here for jury
8 selection for the trial of a criminal case. I'm
9 going to ask you some questions to determine your
10 fitness to serve as jurors for the trial of this
11 particular case. Those would be different than
12 the questions you were asked during jury
13 qualification this morning. But before I ask you
14 those questions, I'm going to have the clerk place
15 you under oath.

16 **THE CLERK:** Please stand and raise your right
17 hand and be sworn. After this oath, please
18 answer, "I do."

19 Do you swear or affirm that you shall true
20 answer make to all such questions that may be
21 directed to you by the Court or by order thereof
22 and you shall speak the truth, the whole truth,
23 and nothing but the truth so help you God?

24 (Jurors respond.)

25 **THE CLERK:** You may be seated.

Jury Qualification

1 **THE COURT:** All right.

2 Ladies and gentlemen, the case that we are
3 going to try is the State of South Carolina versus
4 Keyon Prophet.

5 Mr. Prophet is charged with one count of
6 armed robbery that allegedly occurred on
7 January 19, 2019, here in Richland County when
8 Mr. Prophet is alleged to have taken money and/or
9 a cell phone and maybe some other things from
10 Sedley Entzminger and/or Pizza Hut.

11 My first question is whether any member of
12 the jury panel knows anything about this case or
13 thinks that you know anything about this case? If
14 so, please stand.

15 (No audible response.)

16 **THE COURT:** Is any member of the jury panel
17 or was any member of the jury panel a member of
18 the grand jury which returned the indictment in
19 this case? If so, please stand.

20 (No audible response.)

21 **THE COURT:** All right.

22 In South Carolina, unlike some other states,
23 our cases are prosecuted by folks that we call
24 solicitors or assistant solicitors. They are the
25 same as district attorneys or county attorneys in

Jury Qualification

1 some other states. Here, we called them
2 solicitors.

3 There are two assistant solicitors who are
4 prosecuting this case. They are Dale Scott and
5 Keith Taylor.

6 Gentlemen, would you stand and face the jury
7 panel?

8 Is there any member of the jury panel related
9 by blood, connected by marriage, or have any close
10 personal relationship with Mr. Scott or
11 Mr. Taylor? Are you currently represented by
12 either of them? I guess you couldn't be. Or have
13 you been represented by either of them in the
14 past? Do you have any relationship whatsoever
15 with Mr. Scott or Mr. Taylor? If so, please
16 stand.

17 Yes, ma'am, your juror number, please?

18 **THE JUROR:** 355.

19 **THE COURT:** And who do you know?

20 **THE JUROR:** Mr. Taylor.

21 **THE COURT:** And how do you know him?

22 **THE JUROR:** My son's Sunday school teacher at
23 church.

24 **THE COURT:** Okay.

25 Do you socialize with Mr. Taylor?

Jury Qualification

1 **THE JUROR:** He stayed at our house for impact
2 weekend last spring, I think it was. But other
3 than that, no, ma'am.

4 **THE COURT:** Okay.

5 Would your relationship with Mr. Taylor
6 affect your ability to give both the state and the
7 defendant a fair and impartial trial in this case?

8 **THE JUROR:** No, ma'am.

9 **THE COURT:** Thank you. You may have a seat.
10 All right.

11 Mr. Scott and Mr. Taylor work for the
12 Richland County Solicitor's Office. As I told
13 you, that's the prosecuting entity in Richland
14 County. Also, it is part of the Fifth Circuit
15 Solicitor's Office. Our Fifth Circuit includes
16 Richland and Kershaw counties.

17 Any member of the jury panel have any
18 relationship whatsoever with the Richland County
19 Solicitor's Office, the Kershaw County Solicitor's
20 Office, which together comprise the Fifth Circuit
21 Solicitor's Office? Do you have any friends or
22 family who are employed by the solicitor's office,
23 either in Richland or in Kershaw or even employed
24 by the Attorney General's office? If so, please
25 stand.

1 (No audible response.)

2 **THE COURT:** All right.

3 The defendant in this case is Mr. Keyon
4 Prophet.

5 Mr. Prophet, would you stand and face the
6 jury panel?

7 Is any member of the jury panel related by
8 blood, connected by marriage, or have any close
9 personal relationship with Mr. Prophet? Do you
10 think that you know him at all? If so, please
11 stand.

12 (No audible response.)

13 **THE COURT:** Thank you, Mr. Prophet. You may
14 have a seat.

15 Mr. Prophet is represented in this matter by
16 Ms. Connie Breeden who has a law office here in
17 Columbia. Any member of the jury panel related by
18 blood, connected by marriage, or have any close
19 personal relationship with Connie Breeden? Are
20 you currently represented by her or have you been
21 represented by her in the past? Do you have any
22 business dealings whatsoever with Ms. Connie
23 Breeden and her law firm? I believe she's a solo
24 practitioner.

25 **MS. BREEDEN:** Yes, that's correct.

Jury Qualification

1 **THE COURT:** If so, please stand.

2 (No audible response.)

3 **THE COURT:** Thank you, Ms. Breeden. You may
4 have a seat.

5 There are several potential witnesses who may
6 testify in this case. And the question is the
7 same as to each of them, that's whether you're
8 related by blood or connected by marriage or have
9 a close personal relationship with any of the
10 following potential witnesses: Sedley Entzminger,
11 Journey Snell; Taurus Caesar; Damond Hardy.

12 All right.

13 And I'm about to read several additional
14 names. Each of the rest of the people are or used
15 to be employed with the Richland County Sheriff's
16 Department. Those are: Travis Holdorf; Robert
17 Oates; David Fairbanks; Vickie Rains; Harrison
18 Wells; Amy Green; Taimo Jordan, also goes by Ty
19 Jordan; Ashley Lee; Kyle Oliver; Tricia Odom;
20 Jenny Cook-Williams; Ashleigh Dixon; Trevor Holt;
21 Ricky Johnson; Josh Fabel; Melody Galinski.

22 Any member of the jury related by blood or
23 connected by marriage to any of those potential
24 witnesses? If so, please stand at this time.

25 **MR. SCOTT:** Your Honor, may I add one? I may

1 have given you -- No. 19. Did you read Ashley
2 Dixon?

3 **THE COURT:** You have her listed as both 19
4 and 16. So I did read --

5 **MR. SCOTT:** Oh, okay.

6 **THE COURT:** -- her name once.

7 **MR. SCOTT:** Thank you, Your Honor.

8 **THE COURT:** Any member of the jury panel
9 related by blood -- let's see. Are you related to
10 or close personal friends with anyone employed by
11 any law enforcement agency? If so, please stand.
12 Either you, a family member, or one of your close
13 personal friends employed by any law enforcement
14 agency? If so, please stand up.

15 **THE JUROR:** I have a question. Is that just
16 here in South Carolina or just general?

17 **THE COURT:** In general.

18 **THE JUROR:** Okay.

19 **THE COURT:** Tell me your juror number,
20 please.

21 **THE JUROR:** Monica Hofmann.

22 **THE COURT:** Yes, ma'am.

23 **THE JUROR:** My husband is a retired police
24 officer from Ohio. And my son is an active police
25 officer in Baltimore.

Jury Qualification

1 **THE COURT:** Would that affect your ability to
2 give both the state and the defendant a fair and
3 impartial trial in this case?

4 **THE JUROR:** No, ma'am.

5 **THE COURT:** Thank you. You may have a seat.
6 Black jacket, give me your juror number.

7 **THE JUROR:** 282.

8 **THE COURT:** 282?

9 **THE JUROR:** Yes, ma'am.

10 **THE COURT:** Okay.
11 You or a family member or a friend?

12 **THE JUROR:** My uncle works for Richland
13 County.

14 **THE COURT:** Say it again.

15 **THE JUROR:** My uncle works for Richland
16 County.

17 **THE COURT:** Would that affect your ability to
18 give both the state and the defendant a fair and
19 impartial trial in this case?

20 **THE JUROR:** No, ma'am.

21 **THE COURT:** Thank you. You may have a seat.
22 In the gray zip-up, your juror number?

23 **THE JUROR:** 99.

24 **THE COURT:** Okay.
25 And who is it?

1 **THE JUROR:** I have a first cousin who works
2 for the federal government.

3 **THE COURT:** Would that affect your ability to
4 give both the state and the defendant a fair and
5 impartial trial in this case?

6 **THE JUROR:** No, ma'am.

7 **THE COURT:** Thank you. You may have a seat.
8 Yes, sir. Your juror number?

9 **THE JUROR:** 358.

10 **THE COURT:** Okay.

11 **THE JUROR:** I've been a chaplain for a police
12 officer. (inaudible) is member of my church along
13 with his parents, Elizabeth (inaudible). It's a
14 really big church, Your Honor.

15 **THE COURT:** What police department?

16 **THE JUROR:** (inaudible). And then I worked
17 some here in Richland County with a few other
18 police officers as well as the sheriff's
19 department.

20 **THE COURT:** Would those experiences affect
21 your ability to give both the state and the
22 defendant a fair and impartial trial in this case?

23 **THE JUROR:** No, ma'am.

24 **THE COURT:** Thank you. You may have a seat.
25 In the back, your juror number?

Jury Qualification

1 **THE JUROR:** No. 38.

2 **THE COURT:** Yes, sir.

3 **THE JUROR:** I have three brother-in-laws that
4 are retired police officers.

5 **THE COURT:** Hold on. I can't hear you. Say
6 it one more time.

7 **THE JUROR:** Three brother-in-laws that are
8 retired police officers and a nephew that's
9 (inaudible).

10 **THE COURT:** Any of them in the Columbia area?

11 **THE JUROR:** Nope.

12 **THE COURT:** Okay.

13 Would your relationships with them and your
14 experiences affect your ability to give both the
15 state and the defendant a fair and impartial trial
16 of this case?

17 **THE JUROR:** Nope.

18 **THE COURT:** Thank you. You may have a seat.
19 Yes, sir. Your juror number.

20 **THE JUROR:** 171.

21 **THE COURT:** Yes, sir.

22 **THE JUROR:** I have a friend who works as a
23 police officer.

24 **THE COURT:** Your friend's a police officer.

25 **THE JUROR:** Yes.

1 **THE COURT:** Where?

2 **THE JUROR:** Jacksonville, Florida.

3 **THE COURT:** Okay.

4 Would that experience affect your ability to
5 give both the state and the defendant a fair and
6 impartial trial?

7 **THE JUROR:** No, ma'am.

8 **THE COURT:** Say it again?

9 **THE JUROR:** No, ma'am.

10 **THE COURT:** Okay.

11 Thank you. You may have a seat.

12 **MS. BREEDEN:** What was that juror number?

13 **THE COURT:** 171.

14 **MS. BREEDEN:** Thank you.

15 **THE COURT:** And I think this was in my last
16 question. But has any member of the jury panel
17 ever been employed by any law enforcement agency?
18 Any of you? Not your friends or family, but you.
19 If so, please stand.

20 (No audible response.)

21 **THE COURT:** Is any member of the jury panel a
22 member of or contributor to any organization which
23 has a primary purpose for -- of crime prevention
24 or victims' rights? Those things are like Mothers
25 against Drunk Driving, Students against Drunk

Jury Qualification

1 Driving, Sistercare, CAVE, any sort of victims'
2 rights organization, Innocence Project, ACLU, any
3 of those kinds of organizations that advocate for
4 crime prevention or for victims' rights? If so,
5 please stand.

6 Ma'am, your jury number.

7 **THE JUROR:** 91.

8 **THE COURT:** And tell me which organization.

9 **THE JUROR:** I am a member of the ACLU.

10 **THE COURT:** Would that experience affect your
11 ability to give both the state and the defendant a
12 fair and impartial trial?

13 **THE JUROR:** Probably yes.

14 **THE COURT:** Probably yes?

15 **THE JUROR:** Yes.

16 **THE COURT:** Okay.

17 Thank you. You may have a seat.

18 In the front, your juror number?

19 **THE JUROR:** 359. Can you repeat the
20 question, what the relationship is?

21 **THE COURT:** Right. Any member of the jury
22 panel a contributor to or a member of any
23 organization with the primary purpose of
24 advocating crime prevention or victims' rights?

25 **THE JUROR:** Yes.

1 **THE COURT:** Okay.

2 Which organization would that be?

3 **THE JUROR:** (inaudible).

4 **THE COURT:** Okay.

5 And would that experience affect your ability
6 to give both the state and the defendant a fair
7 and impartial trial?

8 **THE JUROR:** No.

9 **THE COURT:** Thank you. You may have a seat.

10 Your juror number again? 358? Yes, sir.

11 What organization?

12 **THE JUROR:** Sistercare; the ACLU; we
13 participate in bulletproof vests and equivalent to
14 police officers for our church; the domestic
15 violence shelter here in town.

16 **THE COURT:** Would that affect your ability to
17 give both the state and the defendant a fair and
18 impartial trial?

19 **THE JUROR:** No, ma'am.

20 **THE COURT:** Thank you. You may have a seat.

21 Any member of the jury panel or any of your
22 close relatives ever been prosecuted by the Fifth
23 Circuit Solicitor's Office? Any of you have
24 charges brought against you that were prosecuted
25 by either the Richland County Solicitor's Office

Jury Qualification

1 or the Kershaw County Solicitor's Office? If so,
2 please stand. You or a close relative.

3 Yes, ma'am. Your juror number?

4 **THE JUROR:** I don't know. My name is Malika
5 Fuller.

6 **THE COURT:** Juror 361. Yes, Ms. Fuller, 361.
7 Yes, ma'am. You or a family member.

8 **THE JUROR:** A family member. My brother. My
9 oldest brother. It was probably about 10 or 15
10 years. It was a long time ago, but it happened
11 here.

12 **THE COURT:** In Richland County?

13 **THE JUROR:** Uh-huh.

14 **THE COURT:** So that case has been resolved?

15 **THE JUROR:** Yes, ma'am.

16 **THE COURT:** Would that experience affect your
17 ability to give both the state and the defendant a
18 fair and impartial trial?

19 **THE JUROR:** No.

20 **THE COURT:** No? Thank you. You may have a
21 seat.

22 Your juror number again, sir.

23 **THE JUROR:** 171.

24 **THE COURT:** Okay.

25 You or a family member?

1 **THE JUROR:** Family member.

2 **THE COURT:** What's the relationship?

3 **THE JUROR:** Cousin.

4 **THE COURT:** Cousin? And how long ago?

5 **THE JUROR:** Like a year ago (inaudible).

6 **THE COURT:** Okay.

7 In Richland or Kershaw?

8 **THE JUROR:** Richland.

9 **THE COURT:** And are those charges resolved?

10 Is that case over as far as you know?

11 **THE JUROR:** Yes.

12 **THE COURT:** Would that experience affect your
13 ability to give both the state and the defendant a
14 fair and impartial trial?

15 **THE JUROR:** No, it would not.

16 **THE COURT:** Thank you. You may have a seat.

17 Does any member of the jury panel have any
18 ownership interest in Pizza Hut, any Pizza Hut
19 franchise? If so, please stand.

20 (No audible response.)

21 **THE COURT:** Does any member of the jury panel
22 have any business relationship with Pizza Hut? If
23 so, please stand.

24 (No audible response.)

25 **THE COURT:** Is any member of the jury panel a

Jury Qualification

1 customer of Pizza Hut? If so, please stand.

2 Everyone who is a customer of Pizza Hut,
3 please stand up.

4 **THE JUROR:** I eat Dominoes only.

5 **THE JUROR:** Dominoes.

6 **THE COURT:** I hear there's some Dominoes fans
7 out there. All right.

8 We're just going to do juror numbers, and
9 then you can have a seat.

10 Let start on the front here. Your juror
11 number?

12 **THE JUROR:** 236.

13 **THE COURT:** You may have a seat.

14 **THE JUROR:** 314.

15 **THE COURT:** Thank you. Have a seat.

16 **THE JUROR:** 320.

17 **THE COURT:** Thank you. You may have a seat.

18 **THE JUROR:** 128.

19 **THE COURT:** Thank you. You may have a seat.

20 **THE JUROR:** 201.

21 **THE COURT:** Thank you. You may have a seat.

22 **THE JUROR:** 313.

23 **THE COURT:** Thank you. You may have a seat.

24 **THE JUROR:** 91.

25 **THE COURT:** Thank you.

1 THE JUROR: 167.
2 THE COURT: Thank you.
3 THE JUROR: 199.
4 THE COURT: Thank you.
5 THE JUROR: 2.
6 THE COURT: Thank you.
7 THE JUROR: 221.
8 THE COURT: 221. Thank you.
9 THE JUROR: 135 -- oh, 335.
10 THE COURT: 335. Thank you.
11 THE JUROR: 361.
12 THE COURT: Thank you.
13 THE JUROR: 358.
14 THE COURT: 358. Thank you.
15 THE JUROR: 171.
16 THE COURT: Thank you.
17 THE JUROR: 363.
18 THE COURT: Thank you.
19 THE JUROR: 123.
20 THE COURT: 123. Thank you.
21 THE JUROR: 74.
22 THE COURT: 74. Thank you.
23 THE JUROR: 133.
24 THE COURT: 133. Thank you.
25 All right. If you are a customer of Pizza

Jury Qualification

1 Hut and you believe that you cannot as a result of
2 that be fair and impartial in a trial of this
3 case, please stand up again. If you can be fair
4 and impartial despite the fact that you are a
5 Pizza Hut customer, then you can remain seated.
6 But if you believe that your relationship with
7 Pizza Hut, like the pizza is just that good, that
8 pan pizza with that buttery crust, yeah, if that's
9 going affect your ability to be fair and impartial
10 in the trial of this case, then please stand.

11 Thank you.

12 No one is standing.

13 Is any member of the jury panel, any of your
14 close family members or close friends ever been
15 accused of or the victim of an armed robbery? If
16 so, please stand.

17 Your juror number?

18 **THE JUROR:** 201.

19 **THE COURT:** Was it you or a friend or family
20 member?

21 **THE JUROR:** My brother.

22 **THE COURT:** Accused of or a victim?

23 **THE JUROR:** Victim.

24 **THE COURT:** How long ago?

25 **THE JUROR:** It's probably been 20 to 25 years

1 ago.

2 **THE COURT:** Okay.

3 What -- you know that experience. Would that
4 have any affect on your ability to be fair and
5 impartial in the trial of this case?

6 **THE JUROR:** No, ma'am.

7 **THE COURT:** Thank you. You may have a seat.
8 Your juror number?

9 **THE JUROR:** 208.

10 **THE COURT:** You; a friend; a family member?

11 **THE JUROR:** My cousin. Robbery.

12 **THE COURT:** Accused of or victim?

13 **THE JUROR:** Victim.

14 **THE COURT:** How long ago?

15 **THE JUROR:** Five years.

16 **THE COURT:** And would that affect your
17 ability to be fair and impartial in the trial of
18 this case?

19 **THE JUROR:** No.

20 **THE COURT:** Say it again? No? Okay.

21 Thank you. You may have a seat.

22 Is there any member of the jury panel, any of
23 your family members, or close friends ever been
24 the victim of gun violence? If so, please stand.

25 In the front, your juror number?

Jury Qualification

1 **THE JUROR:** 282.

2 **THE COURT:** 282. You or a friend or family
3 member?

4 **THE JUROR:** My cousin and my
5 great-grandmother.

6 **THE COURT:** Would that affect your ability to
7 be fair and impartial to both the state and the
8 defendant in the trial of this case?

9 **THE JUROR:** No, ma'am.

10 **THE COURT:** Thank you. You may have a seat.
11 Your juror number, ma'am?

12 **THE JUROR:** 3 -- 3 -- 359.

13 **THE COURT:** 359. You, a friend, or family
14 member?

15 **THE JUROR:** My daughter's good friend.

16 **THE COURT:** Okay.

17 And would that affect your ability to be fair
18 and impartial to both the state and the defendant
19 in the trial of this case?

20 **THE JUROR:** (inaudible).

21 **THE COURT:** You're not sure?

22 **THE JUROR:** Yeah.

23 **THE COURT:** Okay.

24 Thank you. You may have a seat.

25 Burgundy in the back, your juror number?

1 **THE JUROR:** 361.

2 **THE COURT:** 360?

3 **THE JUROR:** 1.

4 **THE COURT:** 1. You, a friend, or a family
5 member?

6 **THE JUROR:** A family member, a cousin of
7 mine. Happened about 15 years ago.

8 **THE COURT:** Okay.

9 Would that experience affect your ability to
10 give both the state and the defendant a fair and
11 impartial trial in this case?

12 **THE JUROR:** No.

13 **THE COURT:** No? Okay. You may have a seat.
14 In the black shirt, your juror number?

15 **THE JUROR:** 221.

16 **THE COURT:** 221. You, a friend, or a family
17 member?

18 **THE JUROR:** Brother.

19 **THE COURT:** Okay.

20 Would that affect your ability to give both
21 the state and the defendant a fair and impartial
22 trial in this case?

23 **THE JUROR:** No, ma'am.

24 **THE COURT:** Thank you. You may have a seat.
25 I want to know your juror number, but you're

Jury Qualification

1 going to have to tell me again.

2 THE JUROR: 171.

3 THE COURT: 171. Yes, sir. You, a friend or
4 a family member?

5 THE JUROR: Family member.

6 THE COURT: Okay.

7 What's the relationship between you and that
8 family member?

9 THE JUROR: Cousin.

10 THE COURT: Would that affect your ability to
11 give both the state and the defendant a fair and
12 impartial trial in this case?

13 THE JUROR: No, it would not.

14 THE COURT: Thank you. You may have a seat.

15 THE JUROR: 153.

16 THE COURT: You, a friend, or family member?

17 THE JUROR: My mom and me.

18 THE COURT: Would that affect your ability to
19 give both the state and the defendant a fair and
20 impartial trial?

21 THE JUROR: (inaudible).

22 THE COURT: You're not sure? Okay. Thank
23 you. You may have a seat.

24 Your juror number?

25 THE JUROR: 128.

1 **THE COURT:** You, a friend, or a family
2 member?

3 **THE JUROR:** Friend.

4 **THE COURT:** Would that affect your ability to
5 give both the state and the defendant a fair and
6 impartial trial in this case?

7 **THE JUROR:** No.

8 **THE COURT:** Thank you. You may have a seat.
9 Any additional voir dire requested from the
10 state?

11 **MR. SCOTT:** No, Your Honor.

12 **THE COURT:** From the defense?

13 **MS. BREEDEN:** No, Your Honor.

14 **THE COURT:** All right.

15 Madam clerk.

16 (A sidebar conference is held off the record.)

17 **THE COURT:** All right.

18 Ladies and gentlemen, we are now going to
19 select a jury for the trial of this case. Please
20 follow the clerk's instructions as she calls you
21 to the front individually.

22 Madam clerk, let's select the jury.

23 **THE CLERK:** Yes, Your Honor.

24 Ladies and gentlemen of the jury panel, as I
25 call your number, please come to the microphone to

Jury Selection

1 the middle of the courtroom. Bring any personal
2 belongings with you. State your number only and
3 your occupation, please.

4 No. 236.

5 **THE JUROR:** 236. I'm an attorney.

6 **THE CLERK:** What says the state?

7 **MR. SCOTT:** Please present the juror.

8 **THE CLERK:** What says the defense?

9 **MS. BREEDEN:** Please excuse the juror.

10 **THE CLERK:** Please have a seat in the back of
11 the courtroom.

12 No. 210.

13 **THE JUROR:** 210, retired inspector.

14 **THE CLERK:** What says the state?

15 **MR. SCOTT:** Please present the juror.

16 **THE CLERK:** What says the defense?

17 **MS. BREEDEN:** Please present the juror.

18 **THE CLERK:** Please have a seat in the jury
19 box.

20 No. 7. No. 7.

21 **THE JUROR:** No. 7, truck driver.

22 **THE CLERK:** What says the state?

23 **MR. SCOTT:** Please present the juror.

24 **THE CLERK:** What says the defense?

25 **MS. BREEDEN:** Please present the juror.

1 **THE CLERK:** Please have a seat in the jury
2 box.

3 No. 218.

4 **THE JUROR:** 218. But I have a question that
5 might be relevant.

6 **THE COURT:** Yes, sir. What's your question?

7 **THE JUROR:** You didn't specifically ask. But
8 I was a driver for Pizza Hut for 22 years.

9 **THE COURT:** Okay. Okay. Thank you.
10 Would that affect your ability to give both
11 the state and the defendant a fair and impartial
12 trial?

13 **THE JUROR:** (Shakes head.)

14 **THE COURT:** No? Okay.

15 You may proceed, madam clerk.

16 **THE CLERK:** Yes, Your Honor.
17 218, state your occupation now.

18 **THE JUROR:** I am a musician as well as an oil
19 mechanic.

20 **THE CLERK:** What says the state?

21 **MR. SCOTT:** Please present the juror.

22 **THE CLERK:** What says the defense?

23 **MS. BREEDEN:** Please excuse the juror.

24 **THE CLERK:** Please have a seat in the back of
25 the courtroom.

Jury Selection

1 No. 208.

2 **THE JUROR:** 208, sales rep.

3 **THE CLERK:** What says the state?

4 **MR. SCOTT:** Please excuse the juror from this
5 trial.

6 **THE CLERK:** Please have a seat in the back of
7 the courtroom.

8 No. 282.

9 **THE JUROR:** 282. I'm a medical assistant.

10 **THE CLERK:** What says the state?

11 **MR. SCOTT:** Please present the juror.

12 **THE CLERK:** What says the defense?

13 **MS. BREEDEN:** Please excuse the juror.

14 **THE CLERK:** Please have a seat in the back of
15 the courtroom.

16 No. 128. 128.

17 **THE JUROR:** 128. I'm the clinical
18 psychologist and Director of Forensic Services for
19 the Department of Mental Health.

20 **THE CLERK:** What says the state?

21 **MR. SCOTT:** Please present this juror.

22 **THE CLERK:** What says the defense?

23 **MS. BREEDEN:** Please present the juror.

24 **THE CLERK:** Please have a seat in the jury
25 box.

1 No. 320.

2 **THE JUROR:** No. 320, senior estimator.

3 **THE CLERK:** What says the state?

4 **MR. SCOTT:** Please present the juror.

5 **THE CLERK:** What says the defense?

6 **MS. BREEDEN:** Please excuse the juror.

7 **THE CLERK:** Please have a seat in the back of

8 the courtroom.

9 No. 120.

10 **THE JUROR:** No. 120, service manager.

11 **THE CLERK:** What says the state?

12 **MR. SCOTT:** Please present the juror.

13 **THE CLERK:** What says the defendant?

14 **MS. BREEDEN:** Please present the juror.

15 **THE CLERK:** Have a seat in the jury box.

16 No. 269.

17 **THE JUROR:** 269, software developer.

18 **THE CLERK:** What says the state?

19 **MR. SCOTT:** Please present the juror.

20 **THE CLERK:** What says the defense?

21 **MS. BREEDEN:** Please excuse the juror.

22 **THE CLERK:** Please have a seat in the back of

23 the courtroom.

24 No. 201.

25 **THE JUROR:** 201, currently unemployed.

Jury Selection

1 **THE CLERK:** What says the state?
2 **MR. SCOTT:** Please present the juror.
3 **THE CLERK:** What says the defense?
4 **MS. BREEDEN:** Please excuse the juror.
5 **THE CLERK:** Please have a seat in the back of
6 the courtroom.
7 No. 2.
8 **THE JUROR:** No. 2, I'm a self-employed,
9 licensed cosmetologist.
10 **THE CLERK:** What says the state?
11 **MR. SCOTT:** Please excuse the juror from this
12 trial.
13 **THE CLERK:** Please have a seat in the back of
14 the courtroom.
15 No. 363.
16 **THE JUROR:** 363. I'm a manager.
17 **THE CLERK:** What says the state?
18 **MR. SCOTT:** Please present the juror.
19 **THE CLERK:** What says the defense?
20 **MS. BREEDEN:** Please present the juror.
21 **THE CLERK:** Please have a seat in the jury
22 box.
23 No. 36.
24 **THE JUROR:** 36, state elevator inspector.
25 **THE CLERK:** What says the state?

1 **MR. SCOTT:** Please present the juror.

2 **THE CLERK:** What says the defense?

3 **MS. BREEDEN:** Please excuse the juror.

4 **THE CLERK:** Please have a seat in the back of
5 courtroom.

6 No. 258.

7 **THE JUROR:** 258, college student.

8 **THE CLERK:** What says the state?

9 **MR. SCOTT:** Please present the juror.

10 **THE CLERK:** What says the defendant?

11 **MS. BREEDEN:** Please present the juror.

12 **THE CLERK:** Please have a seat in the box.

13 No. 5.

14 **THE JUROR:** No. 5, corporate representative.

15 **THE CLERK:** What says the state?

16 **MR. SCOTT:** Please excuse the juror from this
17 trial.

18 **THE CLERK:** Please have a seat in the back of
19 the courtroom.

20 No. 356.

21 **THE JUROR:** 356, (inaudible) pharmaceutical
22 company.

23 **THE CLERK:** What says the state?

24 **MR. SCOTT:** Please present the juror.

25 **THE CLERK:** What says the defense?

Jury Selection

1 **MS. BREEDEN:** Please present the juror.

2 **THE CLERK:** Please have a seat in the jury

3 box.

4 No. 314.

5 **THE JUROR:** No. 314, (inaudible).

6 **THE CLERK:** What says the state?

7 **MR. SCOTT:** Please present the juror.

8 **THE CLERK:** What says the defense?

9 **MS. BREEDEN:** Please excuse the juror.

10 **THE CLERK:** Please have a seat in the back of

11 the courtroom.

12 No. 352.

13 **THE JUROR:** 352, information technology

14 secure panelist.

15 **THE CLERK:** What says the state?

16 **MR. SCOTT:** Please present the juror.

17 **THE CLERK:** What says the defense?

18 **MS. BREEDEN:** Please excuse the juror.

19 **THE CLERK:** Please have a seat in the back of

20 the courtroom.

21 Strike count is: Nine for the defense; four

22 for -- three for the state.

23 No. 158.

24 **THE JUROR:** 158, commercial insurance agent.

25 **THE CLERK:** What says the state?

1 **MR. SCOTT:** Please present the juror.
2 **THE CLERK:** What says the defense?
3 **MS. BREEDEN:** Please present the juror.
4 **THE CLERK:** Please have a seat in the jury
5 box.
6 No. 192.
7 **THE JUROR:** 192, (inaudible).
8 **THE CLERK:** What says the state?
9 **MR. SCOTT:** Please present the juror.
10 **THE CLERK:** What says the defense?
11 **MS. BREEDEN:** Please present the juror.
12 **THE CLERK:** Please have a seat in the jury
13 box.
14 No. 221.
15 **THE JUROR:** 221, registered nurse.
16 **THE CLERK:** What says the state?
17 **MR. SCOTT:** Please present the juror.
18 **THE CLERK:** What says the defense?
19 **MS. BREEDEN:** Please present the juror.
20 **THE CLERK:** Please have a seat in the jury
21 box.
22 No. 199.
23 **THE JUROR:** My name is (inaudible) Martin.
24 I'm (inaudible) manager.
25 **THE CLERK:** What says the state?

Jury Selection

1 **MR. SCOTT:** Please excuse the juror from this
2 trial.

3 **THE CLERK:** Please have a seat from the back
4 of the courtroom.

5 No. 288.

6 **THE JUROR:** 288, retired military.

7 **THE CLERK:** What says the state?

8 **MR. SCOTT:** Please present the juror.

9 **THE CLERK:** What says the defense?

10 **MS. BREEDEN:** Please excuse the juror.

11 **THE CLERK:** Please have a seat in the back of
12 the courtroom.

13 No. 167.

14 **THE JUROR:** 167, examiner.

15 **THE CLERK:** What says the state?

16 **MR. SCOTT:** Please excuse the juror from this
17 trial.

18 **THE CLERK:** Please have a seat in the back of
19 the courtroom.

20 No. 358.

21 **THE JUROR:** 358, I am an Episcopal priest.

22 **THE CLERK:** Does the state challenge for
23 cause?

24 **MR. SCOTT:** Please present the juror.

25 **THE CLERK:** Does the defense challenge for

1 cause?

2 **MS. BREEDEN:** Please present the juror.

3 **THE CLERK:** Please have a seat in the jury
4 box.

5 No. 130.

6 **THE JUROR:** My name is Lonnie. I'm a Leo. I
7 like long walks in the park. They call me Big
8 Daddy at the house. I'm sorry. I'm sorry. CNA
9 analyst.

10 **THE CLERK:** Does the state challenge for
11 cause?

12 **MR. SCOTT:** Are we on alternates now?

13 **THE CLERK:** No, no. We need one more for the
14 panel.

15 **MR. SCOTT:** One more. Okay. I lost count.

16 **THE COURT:** You were thrown by the long walks
17 on the beach?

18 **MR. SCOTT:** How many jurors do we have right
19 now?

20 **THE CLERK:** We have 11.

21 **MR. SCOTT:** Eleven. Okay. Please present
22 the juror.

23 **THE CLERK:** Does the defense have challenge
24 for cause?

25 **MS. BREEDEN:** No. Please present the juror.

Jury Selection

1 **THE COURT:** Two alternates.

2 **THE CLERK:** We will strike alternates.

3 Strikes are one for the state and two for the
4 defense.

5 No. 361.

6 **THE JUROR:** 361. I'm a licensed
7 cosmetologist.

8 **THE CLERK:** What says the state?

9 **MR. SCOTT:** Please excuse the alternate from
10 this trial.

11 **THE CLERK:** Please have a seat in the back of
12 the courtroom.

13 No. 212.

14 **THE JUROR:** 212, truck driver.

15 **THE CLERK:** Does the state challenge for
16 cause?

17 **MR. SCOTT:** Please present the alternate.

18 **THE CLERK:** What says the defense?

19 **MS. BREEDEN:** Please excuse the alternate.

20 **THE CLERK:** Please have a seat in the back of
21 the courtroom.

22 No. 153.

23 **THE JUROR:** 153, retired dental hygienist.

24 **THE CLERK:** Does the state challenge for
25 cause?

1 **MR. SCOTT:** Please present the alternate.
2 **THE CLERK:** What says the defense?
3 **MS. BREEDEN:** Please present the alternate.
4 **THE CLERK:** Please have a seat in the jury
5 box.
6 No. 171.
7 **THE JUROR:** I'm 171. I'm a (inaudible).
8 **THE CLERK:** What says the state?
9 **MR. SCOTT:** Please present the juror.
10 **THE CLERK:** What says the defense?
11 **MS. BREEDEN:** Please excuse the juror.
12 **THE CLERK:** Please have a seat in the back of
13 the courtroom.
14 No. 135.
15 **THE JUROR:** 135, retired training manager.
16 **THE CLERK:** What says the state?
17 **MR. SCOTT:** Please present the alternate.
18 **THE CLERK:** What says the defense?
19 **MS. BREEDEN:** Please present the alternate.
20 **THE CLERK:** Please have a seat in the jury
21 box.
22 **THE COURT:** Counsel, approach the bench,
23 please.
24 (A sidebar conference is held off the record.)
25 **THE COURT:** All right.

Jury Selection

1 Are there any objections to jury selection
2 from the state?

3 **MR. SCOTT:** No, Your Honor.

4 **THE COURT:** From the defense?

5 **MS. BREEDEN:** No, Your Honor.

6 **THE COURT:** All right.

7 Ladies and gentlemen who were not selected
8 for service on this case, please return to the
9 jury assembly room on the first floor for further
10 instructions. Thank you.

11 (The jury panel exits the courtroom.)

12 **THE COURT:** I'm sorry. Counsel, approach one
13 more time, please.

14 (A sidebar conference is held off the record.)

15 **THE COURT:** All right.

16 Folks who were selected for service on this
17 case, we've got a little bit of work to do outside
18 of your presence before we can get started. So
19 I'm going to excuse you for the day. I will not
20 excuse you from the courtroom. The bailiffs will
21 show you where your jury room is and also how to
22 get back to that jury room when you report for
23 jury service in the morning.

24 When you are outside of the courtroom, you
25 must not discuss the case with anyone, that is

1 with your fellow jurors, with your friends, family
2 members, or anyone else in the world. You're not
3 permitted to do any research about the case.
4 You're not permitted to do any research on court
5 personnel or any attorneys or try to find any news
6 reports about this case or anything like that.
7 You need to go home and live your life and pretend
8 that you are not on jury duty, in fact.

9 Do not post on social media that you are on
10 jury duty only because -- or that you were
11 selected for jury, only because you are not
12 permitted to discuss the case with anyone. And
13 the moment you post something on Facebook or
14 Instagram or whatever you use that says, "Hey.
15 I'm on a jury for this case," people will comment
16 and ask questions. And you cannot answer those
17 questions. So it's best just not to do that. I
18 think that covers everything.

19 If you've run into anybody in the hallway,
20 anybody involved in this case on the elevators or
21 in the parking lot, they're not going to speak to
22 you. I'm telling them they're not allowed to
23 speak to any of you. You know, so if they don't
24 even say hello or whatever, they're not being
25 rude. They are just not allowed to talk to you

Jury Selection

1 and you are not allowed to talk to them.

2 We will start the trial tomorrow morning. Be
3 back in your jury room 9:30 tomorrow morning. As
4 I said, the bailiffs will show you where that jury
5 room is and how to get there. We will start then.
6 See you at 9:30 tomorrow morning. Have a good
7 night.

8 (The jury exits the courtroom.)

9 **THE COURT:** Let me just put on the record
10 before I forget that prior to jury selection,
11 after voir dire but prior to jury selection, I had
12 the clerk remove Jurors No. 359, 91, and 123 from
13 the jury pool for selection. One of them
14 indicated they could not be fair and impartial.
15 The other two were uncertain whether they could be
16 fair and impartial.

17 You know, of course, I didn't want to tank
18 the jury pool if there was some objection. So we
19 did have a bench conference prior to me asking
20 about objections to jury selection to inform
21 counsel of that decision. But there have been no
22 objections. So that takes care of that. I just
23 wanted to put it on the record.

24 I understand that there is at least a
25 pretrial motion -- motion hearing that needs to

1 happen, a *Jackson v. Denno* hearing. We're going
2 to take about a 15-minute break.

3 Are you prepared to go forward with that
4 today?

5 **MR. SCOTT:** Well, what we could do -- I may
6 have spoke too soon. It is Ty Jordan who's the
7 witness. Vicki Rains just contacted him. He's
8 still in Spartanburg. I'll have him here at
9 9 o'clock tomorrow morning if we need to go ahead
10 and get -- rule on that.

11 I do have the video recording. If Your Honor
12 doesn't have anything else going on, if you want
13 to watch that, it would encapsulate Miranda being
14 given. It would show him signing his waiver of
15 Miranda. And then, if we could call him tomorrow,
16 that might just sort of streamline some of it.

17 I know Vicki can authenticate it. She was in
18 there at least during part of the interview. Then
19 she stepped out. Miranda, we have it -- what's
20 the word I'm looking for. Just so you can --

21 **THE COURT:** Review?

22 Do you have a copy that I can take with me?

23 **MR. SCOTT:** Yes, sir -- yes, ma'am. I'm
24 sorry. It's Monday. I feel like I'm trying to
25 get my head right. But I do, Your Honor. And we

1 can provide that to you.

2 **THE COURT:** Okay.

3 **MR. SCOTT:** One thing briefly --

4 **THE COURT:** Yes, sir.

5 **MR. SCOTT:** -- that's come to my attention.

6 And I think it would -- I think it could be
7 completely solved with Your Honor warning anybody
8 in the courtroom. There's somebody who is related
9 to the defendant, I'm told, who approached the
10 investigator and asked if she was a juror because
11 if she was, she needed to speak with her. And I
12 don't want -- I think that was heard by multiple
13 people in this courtroom. That person who
14 mentioned that, that they were interested in
15 speaking to one of the jurors, is in the
16 courtroom.

17 I just want -- and I think you made it clear
18 to the jurors not to speak to anybody. But also,
19 it needs to be made clear that anybody related to
20 either side does not need to be approaching any
21 jurors.

22 **THE COURT:** I don't know that that person is
23 in the courtroom now. I know that there were
24 some --

25 **MR. SCOTT:** Okay.

1 **THE COURT:** -- family members prev- -- and
2 maybe that's who's walking in?

3 **MR. SCOTT:** I'm told that it was the -- the
4 younger one. And the extent all of it was, Are
5 you a juror because I need to speak with the
6 jurors? is sort of the gist of it. And obviously,
7 that's concerning whenever they're milling about
8 this courthouse. Just so that warning could be
9 heard by the Court.

10 **THE COURT:** Yes, sir.

11 And so I will take this opportunity to advise
12 everyone in the courtroom, I assume that counsel
13 already knows that they are not to speak to the
14 jurors, but any -- looks like staff back there,
15 any investigators, victims, Mr. Prophet, anyone
16 else, you're not permitted to talk to the jurors.
17 That includes your family members. I know they're
18 not all in here right now. But when you speak to
19 them, tell them they cannot talk to any member of
20 the jury. And so even trying to approach people
21 and find out if they are jurors because they have
22 something to tell them is absolutely
23 inappropriate.

24 **THE DEFENDANT:** Yes, ma'am.

25 **THE COURT:** You're not to -- you and -- nor

1 your family, friends, anyone else, is allowed to
2 do that. You shouldn't even be asking people are
3 you a juror. Just come in and don't talk to
4 anybody. Y'all talk to each other, but don't even
5 talk about the case in the elevator or in the
6 hallway; in the parking lot. Because you're not
7 permitted to have any conversations in front of
8 the jurors or with the jurors.

9 So if you would advise your family of that.
10 Generally, that's not something I have to go over.
11 But just so that they have that warning in
12 advance, I want you to -- to advise your people of
13 that.

14 Anything else that we can handle today? I --
15 I saw in Ms. Breeden's e-mail, the state has
16 agreed -- consented -- there are no pretrial
17 motions. But the state has consented not to
18 mention any gang affiliation.

19 **MR. SCOTT:** That's correct.

20 **THE COURT:** And I'm hoping you've advised
21 your witnesses of the same.

22 Anything else that we can handle today?

23 **MR. SCOTT:** Just I'll -- I'll show Connie.
24 We've already premarked all of our exhibits. And
25 we'll certainly go over that with her. I don't

1 think there's any motions or anything, Your Honor.

2 **THE COURT:** Okay.

3 And if you will provide me with a copy of the
4 video in question, I will review that overnight
5 and be prepared for the *Denno* hearing in the
6 morning. That may save time in the *Denno* hearing.

7 Mr. Prophet, Ms. Breeden, this gives you
8 certainly some more time since the jury's not
9 sworn, we haven't started yet, to talk about case
10 and strategy and all of that.

11 **MR. SCOTT:** Your Honor, he's clearly here.
12 It was a little touch and go there for a little
13 bit. But just a reminder to him that the jury is
14 sworn and we will go forward whether he's here or
15 not.

16 **THE COURT:** Yes, sir. Mr. Prophet, you are
17 here. I heard you were here this morning. I have
18 no doubt that you will show up tomorrow. But I
19 must --

20 **THE DEFENDANT:** I will.

21 **THE COURT:** -- tell you that even if you
22 don't show up tomorrow, this trial will go forward
23 even without you. Do you understand that?

24 **THE DEFENDANT:** Yes, ma'am.

25 **THE COURT:** So we're starting -- we'll start

1 at 9 o'clock tomorrow morning with that pretrial
2 hearing. But if you're not here at 9 o'clock,
3 Mr. Prophet, we're going to start without you.
4 The case will be tried whether you're here or --

5 THE DEFENDANT: I'll be here.

6 THE COURT: -- not here. You understand?

7 THE DEFENDANT: You ain't got to worry about
8 that.

9 THE COURT: Okay.

10 I just wanted to make sure you know.

11 Okay. All right.

12 We'll call it a day. I'll see y'all at
13 9 o'clock tomorrow morning. Thank you.

14 (The Court recesses for the day.)
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25

1
2 I, the undersigned, Teresa B. Johnson, Official
3 Court Reporter, do hereby certify that I transcribed
4 the electronic recording of the remote hearing in this
5 matter; and that the foregoing is a true transcript of
6 said electronic recording.

7 I do further certify that I am not a relative,
8 employee, attorney, or counsel of any of the parties
9 connected with the action, nor am I financially
10 interested in the action.

11
12 Dated: October 27, 2023

13
14 /s/Teresa B. Johnson

15 Teresa B. Johnson

16 Official Court Reporter
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23
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25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	Case No.: 2019-GS-40-3845
	)	
State of South Carolina,	)	
	)	
vs.	)	
	)	
Keyon Edsel Devonta Prophet,	)	
	)	
Defendant.	)	April 25, 2023

TRANSCRIPT OF TRIAL - DAY 2 OF 3

BEFORE THE HONORABLE JOCELYN NEWMAN
Circuit Court Judge, presiding

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

For State: C. Dale Scott, Esquire
R. Keith Taylor Jr., Esquire
Fifth Judicial Circuit
Solicitor's Office
P.O. Box 192
Columbia, SC 29201

For Defendant: Connie D. Breeden, Esquire
The Law Office of Connie D. Breeden
P.O. Box 4475
Columbia, SC 29240-4475

Recorded by:	Elizabeth Harris
Transcribed by:	Teresa B. Johnson
	CVR-M-CM, RVR, RVR-M
	P.O. Box 2812
	Greenville, SC 29602

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(No exhibits offered.)

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P R O C E E D I N G S

(Proceedings begin on the 25th day of April 2023,
at 9:23 a.m.)

THE COURT: Good morning, everybody.

Ms. Breeden, where's your client?

MS. BREEDEN: I have no idea.

THE COURT: Have you made an attempt to find
out?

MS. BREEDEN: I have not.

MR. SCOTT: One of the deputies I believe has
knowledge of where he's at.

MS. BREEDEN: Oh, that's his mother.

MR. SCOTT: Tell the judge --

MS. BREEDEN: Is he here today?

FEMALE SPEAKER: Ma'am, I have no earthly
idea where he is.

THE COURT: Well, Ms. Breeden, have you
called him, tried to find him, done the things
that a lawyer does when their client doesn't show
up?

MR. SCOTT: He had let his ankle monitor go
dead yesterday at some point. But we'll see if we
can look him up real quick.

THE COURT: All right.

Find him. I'll be back in 10 minutes.

1 (A recess is taken.)

2 **THE COURT:** All right.

3 Good morning again.

4 I had intended to begin the day with the
5 *Denno* hearing, but all the jurors are here. It's
6 after 9:30. It may be best to do that at a break.
7 Maybe we'll take a little bit of a longer lunch
8 break to get that done. We just make sure that
9 there are no references to the statement made
10 before the *Denno* hearing.

11 **MR. SCOTT:** Okay.

12 **THE COURT:** Okay. Alrighty.

13 State ready to proceed?

14 **MR. SCOTT:** We are, Your Honor.

15 **THE COURT:** Defense ready?

16 **MS. BREEDEN:** Yes, Your Honor.

17 **THE COURT:** All right.

18 Bring the jury, please.

19 (The jury enters the courtroom at 9:34 a.m.)

20 **THE COURT:** Good morning, ladies and
21 gentlemen. We are now ready to begin the trial of
22 the case of the State of South Carolina versus
23 Keyon Prophet. I'm going to give you some
24 preliminary remarks before you hear from the
25 attorneys. But before I do that, I'm going to ask

Preliminary Jury Instruction

1 the clerk to place you under oath one more time.

2 **THE CLERK:** Yes, Your Honor.

3 Ladies and gentlemen of the jury, please
4 stand and raise your right hand to be sworn.
5 After this oath, please acknowledge by answering,
6 "I do."

7 Do you swear or affirm that you shall well
8 and truly try and true deliverance make between
9 the State of South Carolina and the defendant at
10 bar whom you shall have and charge and a true
11 verdict give according to the law and the evidence
12 so help you God?

13 (Jurors respond.)

14 **THE CLERK:** Thank you. You may be seated.

15 **THE COURT:** All right.

16 Folks, before we began this trial, I'm going
17 to tell you that this trial will probably be
18 different from what you might expect. Many people
19 do not have the chance to attend actual court
20 sessions as you're doing now and may think from
21 watching television or movies or reading books
22 that trials always full of high drama, intense
23 action, and riveting circumstances. While all of
24 these things may be true at times, this trial is
25 not for entertainment. It is a fundamental part

1 of our democracy, an effort to make sure that
2 justice is done between the parties before the
3 Court. Making sure that justice is done is often
4 slow, deliberate, and repetitive, the opposite of
5 what you may have seen on television or in movies
6 or read in books.

7 This courtroom is a place of honor, dedicated
8 to the protection and preservation of citizens'
9 rights through what many have called the greatest
10 justice system ever created. The attorneys
11 appearing before you are advocates for the parties
12 they represent. But first and foremost, they are
13 officers of the Court, sworn to uphold the
14 integrity and fairness of our judicial system and
15 to help you in understanding the evidence. You
16 should expect them to be professional, competent,
17 and ethical in the representation of their
18 clients' interest.

19 Remember that you have just taken an oath to
20 try this case and reach a fair and just verdict.
21 So you are also expected to be professional,
22 reasonable, and ethical.

23 What I will now say is intended to serve as
24 an introduction to the trial in this case. These
25 remarks are not a charge on the law in this case.

Preliminary Jury Instruction

1 I will instruct you on the law applicable to this
2 case at the end of the trial before you retire to
3 consider your verdict. This is merely an
4 explanation of the procedure that we will follow
5 during the trial so that you can better understand
6 what is happening.

7 You are permitted to take notes during the
8 trial of this case. Remember that the notes are
9 taken for your purposes only and should not be
10 discussed with anyone. I also warn you that you
11 must not allow the taking of notes to keep you
12 from listening to and observing the witnesses as
13 they testify.

14 The defendant is charged in one indictment
15 filed in this court with the crime of armed
16 robbery. The element of that crime will be
17 explained to you later. The indictment is simply
18 the charge by which this case is brought into
19 court and is not in any sense evidence of the
20 allegations it contains.

21 The defendant has pled not guilty to this
22 indictment. The state, therefore, has the burden
23 of proving each of the elements of the indictment
24 beyond a reasonable doubt. It will be your duty,
25 ladies and gentlemen, to decide whether the state

1 has met that burden.

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

15 On the other hand and with equal emphasis,
16 the same law that makes you the judges of the
17 facts makes me the judge of the law. The law as
18 given by the Court is the only law you may
19 consider. You must accept it and follow it, even
20 though you may disagree with it. I cannot tell
21 you what the facts are and you cannot disagree
22 with me about what the law is or what the law
23 should be. Your job is to take the law as I give
24 it to you and apply it to the facts as you find
25 them from the testimony of witnesses and any other

Preliminary Jury Instruction

1 evidence that is introduced. After doing that,
2 you will render your verdict under the solemn oath
3 that you just took as jurors.

4 Until I advise you to begin your
5 deliberations, you must not discuss the case with
6 anyone, including your fellow jurors, friends,
7 family members and anyone involved in the case.
8 This includes discussions face-to-face and those
9 by telephone, e-mail, text, blogs, or any other
10 method of communication. You may not use a
11 computer, cell phone, or any other electronic
12 device with communication capabilities at any time
13 while in the courtroom or during deliberations.

14 During your breaks from meals or overnight,
15 of course, you may use your devices. However, you
16 may not at any time use those devices to get or
17 send information about the case. This includes
18 information about a party, a witness, an attorney,
19 or a court officer, news accounts about the case,
20 research on any topics raised, any topics you
21 think would be helpful in deciding the case or any
22 testimony presented by any witness.

23 During the trial, do not read, listen to, or
24 watch any news reports about this case. This
25 includes anything that may be in the newspapers or

1 on the Internet, radio, or television. You must
2 not consider anything you may have read or heard
3 about the case outside of the courtroom whether
4 before or during the trial.

5 After the case is submitted to you, you must
6 discuss it only in the jury room with your fellow
7 jurors. The attorneys and parties in this case
8 have been advised that they are not to talk to you
9 at all. So if you see anyone involved in the case
10 and they don't even say hello to you, they're not
11 being unfriendly. They're simply following my
12 instructions.

13 It is important that you keep an open mind
14 and not decide any issue in the case until all the
15 evidence has been presented, the parties have made
16 their closing arguments, and I've instructed you
17 on the law in this case. It is your solemn
18 responsibility to determine the guilt or innocence
19 of the defendant. And your verdict must be based
20 solely on the evidence as it is presented to you
21 in this trial and on the law as I instruct you
22 during and at the close of the trial.

23 In just a moment, the solicitor will make
24 what is called an opening statement in which the
25 solicitor will explain to you what the issues are

Preliminary Jury Instruction

1 in this case or at least what the solicitor thinks
2 the issues are in the case. The attorney for the
3 defendant may also make an opening statement,
4 although she's not required to do so.

5 What the attorneys tell you during their
6 opening statement is not evidence in this case.
7 It is only their contention as to what the issues
8 are. The evidence in this case will be presented
9 to you by the testimony of sworn witnesses from
10 the witness stand and by exhibits that may be
11 introduced into evidence.

12 Now, from time to time during the trial, you
13 may hear one of the attorneys say something like,
14 "Your Honor, I believe we have a question of law,
15 or a matter of law" or "Your Honor, may we
16 approach the bench." Or sometimes I myself might
17 find it necessary to excuse you from the courtroom
18 for a short while so that I can discuss a matter
19 of law with the attorneys. The reason for this is
20 because you are the judges of the facts and
21 sometimes it becomes necessary for me to make some
22 comment as to the facts in connection with
23 determining whether a certain law applies or does
24 not apply.

25 I'm not supposed to tell you what I think the

1 facts are. So I'll excuse you from the courtroom
2 for a short while so that I can have those
3 discussions with the attorneys so that you will
4 not in any way be affected by anything that I
5 might say or do in connection with the facts.

6 In determining what the facts are in this
7 case, you must decide whether or not the testimony
8 of the witnesses is believable. It will be my
9 responsibility to determine whether certain
10 testimony is admissible or not. But once the
11 testimony is admitted, whether or not you believe
12 it is solely for you to determine.

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

20 You have a right to consider anything that is
21 in the record that will help you to evaluate the
22 testimony of the witnesses. That means that it is
23 your duty to pay close attention to the witnesses,
24 to observe the witnesses, to listen to them, and
25 to pay close attention to the attorneys and to the

Preliminary Jury Instruction

1 Court.

2 Do not let your thoughts wander. But give
3 strict attention to the testimony in this case so
4 that at the end of the testimony after the
5 arguments of counsel and the charge on the law by
6 the Court, you will then be in a position to
7 determine what the facts are to apply the laws to
8 those facts and thus render your verdict.

9 It will be the added duty of the foreperson
10 to preside in the jury room and be the jury
11 spokesperson here in court. But we will discuss
12 that more later.

13 Now, before we begin the trial, to preserve
14 everyone's rights, I will give the attorneys an
15 opportunity to object to anything that I have just
16 told you.

17 Any objection from the state?

18 **MR. SCOTT:** No, Your Honor.

19 **THE COURT:** From the defense?

20 **MS. BREEDEN:** No, Your Honor.

21 **THE COURT:** We will now begin the trial of
22 the case. Please give Mr. Taylor your full
23 attention as far as opening statements.

24 **MR. TAYLOR:** May it please the Court?

25 **THE COURT:** Yes, sir.

1 **MR. TAYLOR:** Thank you.

2 Pizza Hut pizza, breadsticks, chicken wings.
3 That's what this man, Keyon Prophet, took from
4 this man, Mr. Sedley Entzminger, at gunpoint.
5 Pizza, chicken wings, breadsticks. That's all
6 that it took for this man, Keyon Prophet, to
7 strike Mr. Entzminger in the face with a pistol as
8 he also took Mr. Entzminger's cell phone.

9 Ladies and gentlemen of the jury, the -- the
10 facts and evidence and testimony that you will
11 hear today from Mr. Entzminger and law enforcement
12 and other parties involved in -- in this case will
13 prove to you that on January 19, 2019,
14 Mr. Entzminger was called to deliver a pizza. He
15 worked as a pizza delivery man for Pizza Hut at
16 the age of 75. He receives a call to deliver a
17 pizza to Apartment 1313 in an apartment complex
18 off of Zimalcrest Drive, which is in -- in the
19 St. Andrews Road area in Richland County.

20 Mr. Entzminger goes to that apartment,
21 Apartment 1313, carrying that pizza, breadsticks,
22 and chicken wings in a red insulated Pizza Hut
23 bag. And he knocks on the door. And the person
24 the answers that door says, "We didn't order a
25 pizza."

Opening Statement by Mr. Taylor

1 So Mr. Entzminger turns around. And he is
2 headed back to his car when two black males
3 appear. And they box him in. And they hold --
4 and he's held at gunpoint by Mr. Prophet.

5 And they snatched that red insulated Pizza --
6 Pizza Hut away from Mr. Entzminger and then
7 Mr. Entzminger is struck in the face with the
8 pistol and his cell phone is snatched away from
9 him too. And both -- both those black males, they
10 take off running. And Mr. Entyminger takes off
11 running right after them.

12 And Mr. Entzminger sees that red -- that
13 bright red Pizza Hut insulated bag being carried
14 into Apartment No. 1106. And he doesn't take his
15 eyes off of that door until police arrive. He's
16 able to borrow a cell phone from a passerby and
17 called police.

18 And the police, they get no response after
19 trying to make entry into that Apartment 1106.
20 They eventually have to shoot teargas in there and
21 enter the apartment. And they find no one in that
22 apartment. But what they do find is that someone
23 had climbed up in the attic access of Apartment
24 1106.

25 And when they look at -- look up into that

1 attic above 1106, they could see where a partition
2 between Apartment 1106 and Apartment 1108, which
3 is immediately next door has been removed and it's
4 big enough for people to come back and forth
5 between in that attic space. Up in that attic
6 space, they also find that red Pizza Hut bag.

7 So law enforcement, they go next door. They
8 go into Apartment 1108. And the people -- and
9 they have the residents -- the people in that
10 apartment come out. And out of that apartment
11 comes Keyon Prophet. Two other black males and a
12 black female also come out of that apartment,
13 Damond Hardy, Taurus Caesar, and Journey Snell.

14 You will hear those names throughout --
15 throughout this trial. But we're only here today
16 for the armed robbery trial on Keyon Prophet.
17 That's who we're here today for.

18 Also at Apartment 1108, they find
19 Mr. Entzminger's cell phone hidden in the
20 bathroom. They find the pizza and chicken wings
21 and other food in warming pans -- haphazardly
22 thrown in warming pans in the oven in that
23 apartment. They also find the pizza box behind
24 the refrigerator, Pizza Hut pizza box hidden
25 behind the refrigerator in Apartment 1108.

Opening Statement by Mr. Taylor

1 And later as investigation of this matter
2 continues by law enforcement, information comes to
3 light that leads them -- leads law enforcement to
4 finding the gun used in this matter, a
5 black-in-chrome pistol hidden above the water
6 heater in Apartment 1108. And that gun ends up
7 being a BB gun that looks like a real gun.

8 Now -- and on that BB gun or on that gun, it
9 is later determined Keyon Prophet's DNA is on that
10 gun. And his DNA is also found on that pizza bag.

11 Now over the course of this trial, we are
12 here today and that evidence will prove armed
13 robbery, that Keyon Prophet armed robbed
14 Mr. Entzminger. Armed robbery, and -- and the
15 Judge will explain what that is in South Carolina
16 exhaustively. But what it suffice at this point
17 to say that armed robbery is taking something by
18 force from somebody else while armed with a deadly
19 weapon or what could reasonably be believed to be
20 a deadly weapon.

21 Another term that you're going to hear
22 throughout the -- throughout the trial, and the
23 Judge will explain this as well at length at the
24 end of the -- at the close of -- close of this
25 case, is proof beyond a reasonable doubt. That's

1 the state's burden of proof, the state's
2 evidentiary burden we have to meet. It's the
3 highest -- the highest burden -- highest legal
4 burden that exists in the American courtroom. We
5 embrace that. Mr. Scott and I, we embrace that.
6 We welcome that. Proof beyond a reasonable doubt,
7 and the Judge will define this further, is not
8 proof beyond all doubt, only proof beyond a
9 reasonable doubt.

10 Another definition of it is proof beyond a
11 reasonable doubt should leave you firmly convinced
12 of the defendant's guilt in this matter. And when
13 this -- this case, when you've heard all of this
14 evidence, you've seen all of this testimony, the
15 state will ask you to return a verdict, a guilty
16 verdict. We're going to ask -- we're going to ask
17 you, ladies and gentlemen of the jury, that you
18 return a guilty verdict that Defendant Keyon
19 Prophet is guilty of armed robbery.

20 **THE COURT:** Ms. Breeden.

21 **MS. BREEDEN:** Good morning, ladies and
22 gentlemen of the jury. My name is Connie Breeden.
23 And I represent Keyon Prophet. As Mr. Prophet
24 sits over there at the table, he is innocent.
25 He's not been convicted of anything. We're going

Opening Statement by Ms. Breedon

1 to ask that you hold the state to their burden.
2 They're the ones with the burden of proof, not us.
3 We don't have to prove anything. They have to
4 prove to you beyond a reasonable doubt that he
5 committed this offense of armed robbery.

6 I ask that you listen closely to the
7 testimony, that you observe the demeanor of the
8 witnesses, that you think about what motive or
9 reason they would have to come into court and tell
10 these stories.

11 Mr. Prophet has been looking forward to his
12 day in court for very long time. And we look
13 forward and believe that at the conclusion of this
14 trial, you'll return a verdict of "not guilty."
15 Thank you.

16 **THE COURT:** All right. This state can call
17 its first witness.

18 **MR. SCOTT:** Your Honor, the state calls
19 Sedley Entzminger.

20 **THE BAILIFF:** Come forward to be sworn, sir.
21 Face the clerk. Put your left -- place your left
22 hand on the Bible and raise your right hand.

23 **THE CLERK:** Do you swear or affirm the
24 testimony that you give in this case will be the
25 truth, the whole truth, and nothing but the truth

1 so help you God?

2 **THE WITNESS:** I do.

3 **THE CLERK:** Thank you.

4 Please have a seat in the witness stand and
5 state your full name for the record.

6 **THE BAILIFF:** Watch your step up.

7 Okay. Sir, you may -- see that lady sitting
8 right there? She's got glass. She's got -- need
9 to hear you. The Judge has got to hear you. And
10 then last person up there in that jury box has got
11 to hear you, okay? Okay. All right. Thank you.

12 **THE CLERK:** State your full name, please.

13 **THE WITNESS:** Sedley King Entzminger Junior.

14 **SEDLEY ENTZMINGER JR.**

15 having first been duly sworn, testifies as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. SCOTT:**

18 **Q** Okay.

19 Mr. Entzminger, I think you told me yesterday
20 not to call you Mr. Entzminger. You prefer to be
21 called "SK;" is that right?

22 **A** That is correct.

23 **Q** Okay.

24 I will refer to you as "SK." But, SK,
25 where -- are you employed?

1 A Pizza Hut delivery driver.

2 Q Okay.

3 And how long have you done that?

4 A Approximately 11 years.

5 Q Okay.

6 And tell the jury why you -- how old are you
7 right now, may I ask?

8 A 79. Be 80, Thanksgiving Day.

9 Q Okay.

10 A If I make it.

11 Q Well, tell me why would a 79-year-old spend
12 his days delivering pizza for Pizza Hut?

13 A There's basically two reasons. One, I could
14 not be still. I have to be doing something. The other
15 two -- other is I have two grandsons in college. And
16 I'm having to help with that.

17 Q Okay.

18 What -- what was your career before being a
19 deliveryman for Pizza Hut?

20 A I have had numerous careers, if you will.
21 Because as I said before, I still want to know what I
22 want to be when I grow up. But I was -- from the farm
23 to the Marine Corps, truck driving, spent the biggest
24 portion of my time in the food service.

25 Q Okay.

1 And I know you're a Marine. Because I asked
2 you about being a former Marine and you kind of snapped
3 at me.

4 **A** No such thing, sir.

5 **Q** Okay.

6 And when -- when did you enlist in the
7 Marines?

8 **A** 4 January '61.

9 **Q** Okay.

10 And where you deployed?

11 **A** Yes, sir.

12 **Q** And you were -- what conflict was that? Was
13 that Vietnam?

14 **A** Vietnam, sir.

15 **Q** Okay.

16 And how long were you overseas, sir, in that
17 country?

18 **A** Three years and nine months.

19 **Q** Do you remember January 19, 2019?

20 **A** Yes, sir.

21 **Q** Okay.

22 Do you remember receiving a call or -- or
23 having an order placed for delivery just before
24 lunchtime on that particular day?

25 **A** Yes, sir.

1 Q And what was the location that you were to
2 deliver a pizza?

3 A 716 Zimalcrest, Apartment 1313.

4 Q Okay.

5 And what was the call -- what was the
6 delivery for? Do you recall that?

7 A It was a large what we call a "Dinner Box,"
8 which consists of two pizzas, either a chicken wing,
9 cinnamon sticks, bread sticks. I believe this
10 particular one was breadsticks and chicken wings.

11 Q Okay.

12 And what -- which Pizza Hut were you
13 delivering out of?

14 A Bush River.

15 Q Okay.

16 Anything at all unusual about that particular
17 order? Did you have any reason to be suspicious of
18 that particular morning regarding that order?

19 A No, sir.

20 Q It was just a regular order? Nothing to --

21 A 11:00 -- approximately first -- my first
22 order on that Saturday morning, approximately at
23 11:30 a.m.

24 Q Okay.

25 So that early in the day, would you

1 necessarily normally be carrying a lot of cash on you?

2 A No, sir.

3 Q Okay.

4 Then you said this was your first delivery of
5 the day?

6 A That is correct, sir.

7 Q And what happened when you got to Building
8 13? What -- what was the name of those apartments? Do
9 you remember? Was it The Grove?

10 A They have changed it so many times I honestly
11 do not remember.

12 Q Okay.

13 But is -- that's in Richland County though?

14 A Yes, sir.

15 Q 716 Zimalcrest. And the order was for
16 Building 13. What happens when you go knock on the
17 door at Building 13 and tell them, "Here's your pizza"?

18 A Gentleman opens the door, looks at the pizza,
19 says, "I did not order a pizza. But I'm hungry. If I
20 had the money, I'd buy it."

21 Q Okay.

22 And what did you do after getting that
23 response from the occupants of 1313?

24 A I get on my -- start with my telephone to
25 call the Pizza Hut store to tell them that it's

1 incorrect.

2 Q Okay.

3 A It's undeliverable to that one.

4 Q All right.

5 And -- and I assume you turn to leave at that
6 point?

7 A I backed up to that door, made a left -- made
8 a left turn to go in between the hedges to go back to
9 my vehicle. That's when that -- that's when the first
10 one walked up behind me to where I could actually feel
11 him on my back. And the defendant there was standing
12 about 6-foot out with what looked like a -- a firearm.
13 Matter of fact, I would -- I described as a large frame
14 Taurus.

15 Q Okay.

16 A Just because my son-in-law had one. And I
17 thought that it looked like exactly it.

18 Q Okay.

19 What -- what do you remember about the two
20 individuals? You said they were male?

21 A That is correct.

22 Q Younger or older?

23 A I think the one behind -- well, the one
24 behind me appeared to be older. And the only thing I
25 could actually remember about him was when I tried to

1 turn my head, I used some other words, but I'm going to
2 say a messed-up hairdo.

3 Q Okay.

4 A I mean, that just struck me as that.

5 Q Okay.

6 A The other one, is -- all I can tell you, he
7 was young and that pistol looked mighty big.

8 Q Okay..

9 So one guy behind you, kind of hemming you
10 in?

11 A Yes, sir.

12 Q And the other guy you say is about 6 feet in
13 front of you, does he immediately point the gun at you?

14 A He goes to charge the weapon. And he points
15 it at me at that time.

16 Q Okay.

17 Did he say anything?

18 A Told me to give it up.

19 Q Give it up?

20 A And that apparently was meant for the pizza.
21 And then he said, "And the money."

22 And I said, "What money?"

23 Q 'Cause you didn't -- this is your first
24 delivery. All you had was maybe some change, I guess?

25 A I had the -- what they consider a bank, 10

Sedley Entzminger Jr. - Direct Examination by Mr. Scott

1 ones and two fives. That's all we carry on us, is \$20.

2 Q Okay.

3 Let me show you real quick. This is State's
4 27. You recognize that?

5 A Yes, sir. I recognize -- I can't say it's
6 the same one, but it -- it looks a whole lot like it.

7 Q That's what it looked like --

8 A Yes, sir.

9 Q -- pointing at you?

10 MR. SCOTT: Okay. Your Honor --

11 THE WITNESS: Except it looks smaller there.

12 BY MR. SCOTT:

13 Q Do what now?

14 A It looks smaller there.

15 Q It looks smaller when it's not pointed at
16 your face?

17 A Yes, sir.

18 Q Well, continue. So he points the gun at you
19 and says, "Give it up. Give me the money."

20 You say, "What money?"

21 And let me ask you this. You -- you said you
22 had a pizza bag?

23 A Yes, sir.

24 Q This is State's No. 26. State's No. 26. Do
25 you recognize that?

1 **A** I recognize it as being a Pizza Hut large
2 pizza, what's called a Big Box -- Big Dinner Box --

3 **Q** Okay.

4 **A** -- that we carry them in.

5 **Q** And you said that you had that around your
6 shoulder?

7 **A** No. Around my -- in the crook of my arm.

8 **Q** Okay.

9 And then what was in your hand?

10 **A** Telephone.

11 **Q** Okay.

12 **A** Because I was trying to dial.

13 **Q** Okay.

14 What does the man with the gun do after you
15 tell him you don't have any money?

16 **A** That's when he told me to give it up and give
17 the money -- and the money. And I said, "What money?"
18 And then, I started hollering, "Help. I'm being
19 robbed."

20 The fellow behind me takes off running. The
21 defendant reached -- grabbed the bag. When he does, my
22 phone goes to the ground. And I guess reflex, I
23 reached for my telephone. That's when he struck me in
24 the face and knocked me to my knees. And then, he
25 grabbed the bag, the phone, and then started running

1 around the building.

2 Q Okay.

3 He hit you in the head with what?

4 A The pistol.

5 Q Okay.

6 And you said you dropped to your knees when
7 that happened?

8 A Yes, sir.

9 Q What --

10 A That's -- that's when I fell down and jammed
11 my thumb.

12 Q Okay.

13 Trying to get your cell, I guess?

14 A Yes, sir.

15 Q So the guy behind you had already taken off
16 running when you started yelling?

17 A Yes, sir.

18 Q The defendant, you say, grabs the pizza bag
19 and hits you in the head when you reached for your
20 phone?

21 A Yes, sir. And he grabbed the phone at that
22 time too.

23 Q Okay.

24 And what did he do next?

25 A He ran.

1 Q Okay.

2 What did you do?

3 A As soon as I got up, I ran between
4 Building 12 and 11. He ran around the other side of
5 11. And I ran up. When I got up to the sidewalk, I
6 saw the defendant and the red bag going up the steps
7 and made a left into the apartment.

8 Q So you chased after the two guys who -- who
9 had just robbed you at gunpoint?

10 A Yes, sir.

11 Q What do you think made you do that?

12 A I guess I could say a lot of reasons there.
13 But it was more instinct than anything else. I mean,
14 it just -- he had my phone. He had my pizza. And he
15 hadn't paid for it.

16 Q Okay. Fair enough.

17 Let me show you State's No. 16 and 17 and ask
18 if you recognize what those pictures are?

19 A Yes, sir. That's the apartment. That's
20 Building No. 13.

21 Q Okay.

22 A This is where I was at right here in the
23 cove. And I came through here. The one with the gun
24 was standing out here.

25 Q Okay.

Sedley Entzminger Jr. - Direct Examination by Mr. Scott

1 I'm going to put it on the board here just a
2 second.

3 A Okay.

4 Q But do you recognize what those are?

5 A Yes, sir.

6 Q They're both just different angles of 13; is
7 that right?

8 A I would -- I would have to guess at that one.
9 I cannot tell you. That one is 13.

10 MR. SCOTT: Okay. Let's do --

11 The state offers No. 16 for admission into
12 evidence.

13 THE COURT: Any objection?

14 MS. BREEDEN: No objection.

15 THE COURT: State 16 is admitted without
16 objection.

17 (State Exhibit No. 16 is admitted into the
18 record.)

19 MR. SCOTT: Can y'all see that?

20 BY MR. SCOTT:

21 Q All right.

22 So this is what you described as the
23 apartment that you had been called to. And this is
24 where the guy inside said, "I didn't order a pizza.
25 But I'm hungry. I wish I had some money;" is that

1 right?

2 A That is correct.

3 Q And if I walk through these hedges right here
4 and take a left, would that be --

5 A That's 1313. That's the way I had approached
6 him because I had parked in the parking space in front
7 of it.

8 Q Okay.

9 And so you described after you had that
10 interaction with the occupant you walked through the
11 hedges?

12 A I started back up that way, yes, sir, headed
13 back to the car.

14 Q So you're coming through between these hedges
15 out -- out here. And that's when you felt somebody
16 behind you; is that what you said?

17 A That is correct.

18 Q But this is where the altercation took place?

19 A Yes, sir.

20 Q And after the one with the gun took off
21 running, if we're looking at this State's Exhibit No.
22 16, does he go to the right or to the left?

23 A Yes, sir. He went around this way.

24 Q Okay. So he goes to the right. And is that
25 in the direction of Building 14 -- or no, Building 11?

1 **A** It went behind Building 11, going around it.

2 **Q** Okay.

3 You said you went to the left?

4 **A** I went straight up. From that point there,
5 you see the tree?

6 **Q** Uh-huh.

7 **A** I passed the tree to go to the parking lot up
8 there where the other one had ran. And he was running
9 to. And I was hoping to be able to either see them,
10 catch them, find out where they went, whatever.

11 **Q** Okay.

12 **A** That's when I saw him.

13 **Q** I'm going to show you State's 18. Do you
14 recognize that?

15 **A** Yes, sir. That's Building 11.

16 **Q** Okay.

17 And this State's 18, this would be -- I went
18 out to the scene with you and you were showing me the
19 apartment and where everything happened?

20 **A** That is correct, sir.

21 **MR. SCOTT:** Okay.

22 Your Honor, the state offers State's 18 for
23 admission into evidence.

24 **THE COURT:** Any objection?

25 **MS. BREEDEN:** No objection.

1 **THE COURT:** State's 18 is admitted without
2 objection.

3 (State Exhibit No. 18 is admitted into the
4 record.)

5 **MR. SCOTT:** And if I have -- I'm going to go
6 ahead and offer State's 26, the pizza bag, for
7 admission into evidence.

8 **THE COURT:** Any objection?

9 **MS. BREEDEN:** No objection.

10 **THE COURT:** State's 26 is admitted without
11 objection.

12 (State Exhibit No. 26 is admitted into the
13 record.)

14 **BY MR. SCOTT:**

15 **Q** Okay.

16 If that's the case, this is, clearly, you
17 pointing towards Building 11?

18 **A** Aye-aye, sir.

19 **Q** And so would this be generally where you were
20 standing as you saw the two individuals running up the
21 steps? Or the one with the pizza -- go ahead.

22 **A** One individual.

23 **Q** Okay.

24 And that was the individual with what?

25 **A** With the bag.

1 Q Okay.

2 A And the defendant.

3 Q Is this kind of what you see going up the
4 steps?

5 A If you put it on -- if you put it on your
6 shoulder, it would be on your back.

7 Q Okay.

8 So you see somebody kind of like that running
9 up the steps?

10 A That -- that's exactly I saw.

11 Q Okay.

12 A The side view of him and the bag.

13 Q Okay.

14 And this is the staircase right here in
15 Building 11. Were they going up the stairs or were
16 they on the first floor?

17 A He was going up the stairs.

18 Q Okay.

19 A And if you put your finger up there, go on
20 and point a little bit further, right there, you can
21 see the walkway between the two apartments. He went to
22 the left.

23 Q Okay.

24 So he goes up the steps and goes to the left.
25 You go to the right. There's another apartment?

1 **A** That is correct.

2 **Q** And -- okay.

3 So that would be 1106 on the left and 1108 on
4 the top right?

5 **A** Yes, sir.

6 **Q** Is that your recollection? Okay.

7 And as you're standing out there, after you
8 watch him go up there and you've got your eyes focused
9 on that bright red bag, what do you do next after they
10 disappear into the building?

11 **A** I watched it for a few moments to see if
12 anybody came out or anything. Anyway, I stood right
13 where -- where I'm standing there now. And the lady
14 that was in 1313 came out and handed me her phone. I
15 dialed 911. And while I was talking to them, the
16 police car pulled up. And I handed the phone back to
17 her.

18 **Q** Okay.

19 And did you stay on scene?

20 **A** I stayed right where I was at until they told
21 me to move.

22 **Q** Okay.

23 I just want to -- the big box pizza dinner,
24 you know, when I eat a pizza, specifically a round kind
25 of a pizza and you cut it into triangles, what is the

1 Big Box pizza? And how is that different?

2 A It's two rectangle pizzas.

3 Q Okay.

4 And so they're -- the slices are cut into
5 rectangular?

6 A Squares. Rectangular squares. We refer to
7 them as squares. They were actually more rectangular
8 than squares.

9 Q Okay.

10 Were you ever -- did you ever get your phone
11 back?

12 A Yes, sir.

13 Q Okay.

14 And who gave your phone back?

15 A One of the detectives.

16 Q Okay.

17 Did you see where they had gotten it from?

18 A I did not see where they had gotten it from.
19 I was told where they had got it from. I was down at
20 the office on Two Notch when they called them to tell
21 me.

22 Q Okay.

23 Did law enforcement at some point ask you to
24 attempt to identify the people who had robbed you?

25 A Yes, sir.

1 Q Okay.

2 But you were unable to do so?

3 A That is correct.

4 Q And what did you tell law enforcement that
5 made you uncomfortable picking somebody out of a
6 lineup?

7 A That I was looking at the gun more than I was
8 looking at them.

9 Q Okay.

10 That -- that was your primary focus was the
11 pistol aimed at you?

12 A Yes, sir. I wanted to know if it was cocked
13 or not.

14 Q Okay.

15 SK, am I missing anything? Is there anything
16 else about that day you remember?

17 A Only it took a long time, but Richland County
18 was there and swarmed the place. They went in one
19 apartment. Then they came -- went in the second
20 apartment and brought the people out and carried me
21 over to it. That's about it.

22 Q Do you remember how long you were out there
23 before they were able to get the four people out of the
24 Apartment 1108?

25 A All that transpired approximately at 11:30

1 and I would -- and I'm guessing now because it was a
2 long day for me. And I'm not sure. I would say
3 somewhere around 4 or 5 o'clock. I don't know. I
4 honestly do not know.

5 Q And you were there when they shot the teargas
6 up into --

7 A Yes, sir.

8 Q -- 1106?

9 A Yes, sir.

10 Q And they're calling people out with bullhorns
11 and everything, weren't they?

12 A I don't remember a bullhorn. But I remember
13 them hollering for them to open the door before they
14 shot the teargas. But I never -- I don't remember a
15 bullhorn. But when they shot the teargas and then when
16 they went in there, I told the officer standing beside
17 me, I said, "They're making me doubt my own eyes."

18 Q Because nobody was in 1106?

19 A That's correct, sir.

20 Q Okay. All right.

21 I think that's all, SK. Answer any questions
22 Ms. Breeden has for you.

23 A Okay.

24 CROSS-EXAMINATION

25 BY MS. BREEDEN:

1 Q Good morning, Mr. Entzminger.

2 A Good morning, ma'am.

3 Q So around what time did you arrive at this
4 apartment?

5 A About 11:30, somewhere close.

6 Q Okay.

7 And you said you went to Apartment 1313,
8 correct?

9 A That is correct.

10 Q Okay.

11 And about how long did it take you to get
12 from your car to Apartment 1313?

13 A Two minutes.

14 Q Okay.

15 And you indicated that when you arrived at
16 1313, the people indicated that they had not ordered
17 the pizza?

18 A That is correct.

19 Q Okay.

20 And you left the apartment?

21 A Yes, ma'am. I was leaving the apartment,
22 yes, ma'am.

23 Q Okay.

24 And you had went down the steps?

25 A No steps --

1 Q No. Okay. It was a bottom-level apartment?

2 A Yes, ma'am. I walked through the shrubbery.

3 Q Okay.

4 So where did these two people come from then?

5 A One of them came behind me.

6 Q Uh-huh.

7 A And the other one was out in front of me?

8 Q Okay.

9 A Where they came from, you'll have to ask
10 them. I don't know.

11 Q Okay.

12 A But they were there.

13 Q Okay.

14 You said one was behind you?

15 A That is correct.

16 Q And then one was in front of you?

17 A About 6, 7-foot in front of me over there.

18 Q Okay.

19 6 or 7 feet. Okay. But you weren't in a
20 walkway, were you?

21 A No, ma'am. I was on grass.

22 Q And you indicated that you talked to a lady,
23 you talked to a woman after --

24 A At the door was the man.

25 Q Uh-huh.

1 A After the incident, she -- the wife -- I say
2 the wife. I don't know. Anyway, the lady that was in
3 the apartment came out --

4 Q Uh-huh.

5 A -- and give me her phone to call.

6 Q Okay.

7 So you didn't have your eyes on the apartment
8 the entire time?

9 A 300 percent time.

10 Q But not the entire time?

11 A A split second. Just long enough to pick the
12 phone up -- reach for the phone. And while I'm still
13 looking, I'm dialing 911 with the phone held up.

14 Q But you didn't have your eye on the apartment
15 the entire time?

16 A Maybe a second or two seconds at the most.

17 Q Okay.

18 And when you -- when this happened, law
19 enforcement, you -- you were asked to give them -- give
20 law enforcement a description, correct?

21 A Yes, ma'am.

22 Q And your description was they had messed-up
23 hair?

24 A That one gentleman behind me had a messed-up
25 hairdo.

1 Q Okay.

2 Did you give any other description?

3 A No, ma'am. I couldn't.

4 Q And you were not able to pick them out in a
5 lineup?

6 A No.

7 Q Okay. Nothing further.

8 **THE COURT:** Any redirect?

9 **REDIRECT EXAMINATION**

10 **BY MR. SCOTT:**

11 Q SK, do you remember giving a statement to law
12 enforcement when you went back to the sheriff's
13 department? I just want to show you something real
14 quick to see if it refreshes your memory. Do you
15 remember giving that statement?

16 A (Reviews document.)

17 Yes, sir.

18 Q Okay.

19 And then -- let me see. Do you recall giving
20 law enforcement a description of -- of the man with the
21 gun?

22 A The only thing I told them is that he
23 appeared to be a young man in his late teens, early
24 twenties and he was black.

25 Q Okay.

1 **A** That's about all I could say.

2 **Q** Black male, late teens, early twenties, is
3 what you said?

4 **A** Yes. That's all I could say. Like I said, I
5 was looking at the weapon.

6 **Q** Okay.

7 Well, my point is, you did give them a
8 description?

9 **A** Yeah. That was at the -- that was at the
10 sheriff's office when I -- I told them that.

11 **Q** And then all you remember about the black
12 male behind you is --

13 **A** The messed-up hairdo.

14 **Q** And you testified earlier he was an older
15 black male?

16 **A** Yeah. I called him "Droopy Eye." I'm sorry.
17 I forgot that. That's my name for him.

18 **Q** What does that mean? He's just kind of --

19 **A** He just sort of had a droop on one eye.

20 **Q** Okay.

21 It was a black male with the gun, late teens,
22 early twenties?

23 **A** And black. That's all I can say.

24 **Q** Okay. All right.

25 Thank you, SK.

1 **THE COURT:** Anything further from this
2 witness, Ms. Breeden?

3 **MS. BREEDEN:** No, Your Honor.

4 **THE COURT:** Okay.

5 Thank you, sir. You may step down.

6 **THE BAILIFF:** Take your time. Watch your
7 step down. Don't fall. There is a step-off right
8 there.

9 **THE WITNESS:** Thank you, sir.

10 **THE COURT:** Call your next witness.

11 **MR. TAYLOR:** The state calls David Fairbanks.

12 **THE BAILIFF:** Good morning. Come forward and
13 be sworn.

14 Face the clerk. Place your left and on the
15 Bible and raise your right.

16 **THE CLERK:** Do you swear or affirm that the
17 testimony you give in this case will be the truth,
18 the whole truth, and nothing but the truth so help
19 you God?

20 **THE WITNESS:** I do.

21 **THE CLERK:** Thank you.

22 Please have a seat in the witness stand and
23 state your full name for the record.

24 **THE WITNESS:** David Fairbanks.

25 **THE COURT:** Wait one moment, Mr. Taylor.

1 What is that sort of chirping noise?

2 **UNIDENTIFIED MALE SPEAKER:** I believe it is
3 one of the pews, Your Honor.

4 **THE COURT:** Okay. Okay. Making sure it's
5 not a bias of any kind. I mean, it just sounds
6 like sort of a squeaky joint or something. I
7 don't know.

8 Proceed, Mr. Taylor.

9 **MR. TAYLOR:** Thank you, Your Honor.

10 **DAVID FAIRBANKS**

11 having first been duly sworn, testifies as follows:

12 **DIRECT EXAMINATION**

13 **BY MR. TAYLOR:**

14 **Q** State your name again.

15 **A** David Fairbanks.

16 **Q** How are you employed, Mr. Fairbanks?

17 **A** With the Town of Chapin Police Department.

18 **Q** Okay.

19 What you do there?

20 **A** Patrol officer.

21 **Q** What does that entail?

22 **A** I just routinely patrol through our
23 jurisdiction, the town of Chapin.

24 **Q** How long you worked for the Town of Chapin
25 Police?

1 A February. I started just a couple of months.

2 Q February of this year?

3 A This year, yes, sir.

4 Q Where'd you -- where'd you work before that?

5 A I originally started law enforcement in
6 Tennessee, Franklin Police Department. Was there about
7 a year and a half.

8 Q What years were that?

9 A 2000 -- August 2006 to January 2008.

10 Q Where did you work after that?

11 A Then, I got employed by the Richland County
12 Sheriff's Department, January 5, 2008.

13 Q And when did you leave?

14 A September 9, '21.

15 Q Okay.

16 A 2021.

17 Q Why did you leave?

18 A Personal reasons. Was getting a little
19 burned out. Missing a lot of stuff with the kids.
20 It's hard to work in Richland County. And I decided I
21 wanted to just see more soccer games and be more
22 involved with the children. So I took a break.

23 Q Okay.

24 Could you tell us some about your training as
25 a law enforcement police officer?

1 **A** Yes, sir. We go to the State Academy and
2 spend time getting trained on the laws, getting trained
3 on defensive tactics, and driving and shooting.

4 And then, every year, we have what we call
5 week-long training. Sometimes it is divided into
6 quarterly training where we go over the same thing. We
7 have are updates that come down from the state with law
8 changes. And we have scenario-based training. We
9 continue our driving and shooting, PT, all of that.

10 **Q** Okay.

11 And when you say "the state," you mean South
12 Carolina --

13 **A** South Carolina.

14 **Q** -- right?

15 **A** Right.

16 **Q** What kind of training do you -- do you
17 receive for responding to, let's say, armed robberies?

18 **A** Those situations are very fluid and very
19 dynamic situations. You don't specifically get trained
20 on the incident. It's more of experiencing it over and
21 over again, learning what to look for, look -- learning
22 what to listen for, hear what the witnesses are telling
23 you, what the victims are telling you, respond
24 accordingly, and follow the right people.

25 **Q** Okay.

1 Turning to the date of January 19, 2019, can
2 you tell us how you became involved in this matter,
3 please?

4 **A** I was a corporal at that time, which means I
5 ran a shift of -- I believe it was five deputies at
6 that time. So I was their supervisor. One of my
7 deputies got the call, responded to this incident to
8 meet with the victim who said that he had been robbed.
9 In situations like this with these type of calls,
10 everybody that's available comes running. So my whole
11 squad ended up down there relatively quickly.

12 **Q** When did you arrive?

13 **A** Moments after my first deputy.

14 **Q** How many?

15 **A** I couldn't tell you exactly. With -- within
16 five minutes.

17 **Q** Okay.

18 So when you arrived, what did you see?

19 **A** We pull up -- I pull where my officer is
20 speaking with the victim. And he gives me the quick
21 rundown of what the victim has told us. We're all
22 standing in front of Building 11. And they're pointing
23 at the -- the apartment in question, saying that they
24 went in there.

25 **Q** Can you describe the victim for us? How was

1 he?

2 **A** He was relatively calm. He, obviously,
3 was -- was frustrated with the incident. He -- he said
4 that he had been robbed, that he chased the person,
5 which was admirable and dangerous at the same time. He
6 said that he had had eyes on that apartment since he
7 saw him go up the stairs, dialed 911. He's been
8 standing there the whole time.

9 **Q** Did -- did the victim SK have any marks on
10 his face? Do you remember any?

11 **A** I can't recollect, no, sir.

12 **Q** Did you see anybody come out of the Apartment
13 1106?

14 **A** No, sir.

15 **Q** So then what happened after you arrived?

16 **A** So what we did was we set up a quick
17 perimeter, more of a semi circle in front of the
18 building with our vehicles.

19 **Q** Which building?

20 **A** Building 11. In these cases when patrol
21 officers get the call that we know that somebody went
22 in there with a weapon, it's pretty much standard
23 operating procedure not to -- for us to go do it. We
24 have teams and -- and units that are specially trained
25 to handle these situations. So what I had is, I had a

1 couple of guys standing under the staircase just to
2 hold that inner perimeter. Then I had other officers
3 with rifles on the outer perimeter. And then, I
4 started running incident command, making phone calls to
5 headquarters, requesting SRT, which is our Special
6 Response Team.

7 Q Okay.

8 What happened next?

9 A It takes a few minutes for everybody to
10 get -- get that call and for them to respond. I
11 couldn't -- probably within 20-25 minutes, we had
12 multiple SRT units on scene. They started to deploy
13 their units to replace my units on that outside
14 perimeter. We pulled my inside perimeter out to the
15 outside. They brought in their units and started their
16 incident command as well.

17 That's when my guys and I backed off to a
18 secondary outer perimeter where I took over as incident
19 commander, which is my job at that point to timestamp
20 document any type of officer coming into this scene,
21 any type of actions we were taking. At one point, I
22 got into one of the K-9 cars and got on the PA system.
23 And at the SWAT commander's request, I started making
24 call-outs to 1106, saying to the occupants please come
25 out. Occupants need to come out. That went on for a

1 while with no response.

2 Q What does "PA" mean?

3 A Public address. It's the loudspeaker.

4 Q Okay.

5 Did you see anybody come out of Apartment
6 1106?

7 A No, sir.

8 Q No one at all?

9 A No, sir.

10 Q What happened then after that?

11 A So as -- as we were making those
12 announcements, we had units also knocking on doors and
13 getting people out of the building in case there was to
14 be a shootout. Or as they were talking about deploying
15 teargas, they wanted people in the apartments next to
16 it to be safe. They started pulling people out of
17 apartments, people on the backside. We were clearing
18 out the vicinity.

19 We were not able to get to the apartment to
20 the right, which was 1108 because they share a
21 staircase. So sending an officer to go knock on that
22 door would be unsafe for them in that danger area. So
23 that was the only apartment we weren't able -- where we
24 were not able to make contact with. And then, once the
25 SRT commander decided that action was going to be

1 taken, we got approval from the sheriff, then they
2 deployed their teargas into 1106 and made entry.

3 Q Okay.

4 How loud is this PA system?

5 A It's very loud.

6 Q Pretty loud?

7 A You can hear it throughout the apartment
8 complex, I'm sure.

9 Q Okay.

10 So SRT team makes entry. What happens next?

11 A They were in there for a few minutes. They
12 come out with nobody, no suspects. The officer that
13 was in charge of the entry team came down to speak to
14 me, myself and the SWAT commander and said, "We don't
15 have anybody inside, but we are following a trail out
16 through the attic." They got a call over the radio
17 saying that we have footprints and fingerprints.
18 There's a divide into the next apartment which would be
19 1108.

20 At that point, decision was made to make
21 another entry team to make contact -- contact at 1108.
22 When they did, I believe they actually came out on
23 their own. I don't think they actually made entry.
24 There were four people that came out of the apartment.
25 And when they were brought down the stairs, they were

1 matching the description and the trail that they
2 followed into that apartment. They were placed into
3 handcuffs and turned over to investigations.

4 Q Okay.

5 Do you remember anything about the four
6 people who came out of Apartment 1108?

7 A I do not. My job at that point was to
8 coordinate and make sure the safety of -- of the 30-40
9 officers was -- that was my job. And I had no dealing
10 with the suspects, with anybody, after that. Once I
11 saw they had come out, I went back to my notes,
12 timestamping the contact time. And they were turned
13 over to the investigator.

14 Q So you didn't see them at all?

15 A Not up close, no, sir.

16 Q But you saw them far away?

17 A I saw them coming down the stairs, yes, sir.

18 Q Any -- any description you can give on that?

19 A All four were African-American. And I
20 believe one was a female.

21 Q Okay.

22 And the other three were?

23 A Males.

24 Q Males. Okay.

25 Did you have any further involvement in this

1 matter?

2 **A** No, sir.

3 **Q** Did you have any further involvement in this
4 matter? Sorry.

5 **A** Other than just writing the initial incident
6 report and doing my 201 form, which is the incident
7 command form with all of the timestamps and -- and
8 documenting everything we did, that was my involvement.

9 **Q** It ended there?

10 **A** Ended there.

11 **Q** Please answer any questions Ms. Breeden has
12 for you.

13 **MS. BREEDEN:** No questions.

14 **THE COURT:** All right.

15 Thank you, sir. You may step down.

16 **THE BAILIFF:** Watch your step down, sir.

17 **THE WITNESS:** Thank you.

18 **MR. SCOTT:** The state calls Vicki Rains.

19 **THE CLERK:** Do you swear or affirm the
20 testimony you shall give in this case will be the
21 truth, the whole truth, and nothing but the truth
22 so help you God?

23 **THE WITNESS:** Yes, I do.

24 **THE CLERK:** Thank you.

25 Please have a seat in the witness stand.

1 State your full name for the record and please
2 spell your first name.

3 THE WITNESS: Vicki Rains. V-i-c-k-i.

4 VICKI RAINS

5 having first been duly sworn, testifies as follows:

6 DIRECT EXAMINATION

7 BY MR. SCOTT:

8 Q Okay.

9 Vicki, you remember January 19, 2019?

10 A Yes.

11 Q You were contacted at 11:53 a.m. that morning
12 in regards to responding out to the Zimalcrest Road
13 apartments we're talking about?

14 A Yes. I was on-call that week. I was on-call
15 that day.

16 Q Okay.

17 And you are an investigator for Richland
18 County?

19 A Yes.

20 Q Okay.

21 When you get out there, what is the scene
22 when you arrive at the apartment complex?

23 A When I arrived out there, there was multiple
24 deputies that had a perimeter set around the apartment
25 building. There was a lot of civilians also that were

1 standing back watching. And the victim was there.

2 Q Okay.

3 And we heard about the PA system and all that
4 was at -- they were actively calling out the occupants
5 of 1106 when you got there?

6 A I got there -- initially, I had contacted the
7 staff duty officer and advised them that I needed to
8 call out SRT. So they made the calls that needed to
9 get SRT out and everything. So I arrived like as SRT
10 and everybody was arriving.

11 Q Okay.

12 And at some point, we heard there was -- a
13 decision was made to -- everybody's coming out at 1106?

14 A Correct.

15 Q And so we're going to fire teargas into the
16 window to see if anybody comes out?

17 A Yes.

18 Q And nobody came out; is that -- is that
19 right?

20 A That's correct.

21 Q Okay.

22 So -- so what happens next after nobody comes
23 out of the apartment?

24 A So they get on the PA system and they're
25 asking, you know, anyone inside to please come out.

1 There's a huge law enforcement presence. It was very
2 loud. And there were also a lot of civilians. So we
3 knew they could hear; they just weren't coming out. So
4 SRT decided to make entry into the apartment after, I
5 think, four canisters of teargas.

6 Q Okay.

7 And what was inside of Apartment 1106?

8 A When they made entry, they came out and told
9 me that it was a vacant apartment. And prior to that,
10 when I had originally called Corporal Fairbanks, I
11 asked him to find out who lived in Apartment 1106. So
12 he called the courtesy officer for those apartments.
13 And the courtesy officer told him that apartment was
14 vacant. So we knew going in that that apartment was
15 going to be a vacant apartment. We just thought that's
16 where they had went, you know, after the robbery.

17 Q Okay.

18 And when you go in and you clear it, you
19 realize there's nobody in there. At some point, was
20 there attention drawn to the attic space, the attic --

21 A Yes.

22 Q -- door?

23 A SRT noticed that there was a place that
24 looked like someone had gone into the attic. So they
25 put their cameras up to look. They didn't know if

1 someone was in the attic. It would be dangerous for
2 them to put their head up there. So they put their
3 camera up and saw there was a partition that looked
4 like it had been kicked.

5 Q Okay.

6 A Like a person could go through it. They also
7 saw the red pizza bag.

8 Q Let me show you State's 4, 5, and 6.

9 MS. BREEDEN: No objection.

10 MR. SCOTT: State's 4, 5, and 6,

11 Your Honor --

12 THE COURT: Are admitted without objection.

13 (State Exhibit Nos. 4, 5, and 6 are admitted into
14 the record.)

15 BY MR. SCOTT:

16 Q Okay.

17 So you go up into the crawl -- or the attic
18 space of 1106. And you look and the partition between
19 1106 and 1108 has been kicked through?

20 A Correct.

21 Q And then, you see the red -- bright red color
22 of the pizza bag. And what does State's 4, 5, and 6
23 depict?

24 A It shows how the pizza bag that matches the
25 one that you have there was up in the attic where the

1 base had been moved to show that someone had gone in
2 the attic.

3 Q Okay. This is State's 4. This is what
4 you're talking about?

5 A Yes.

6 Q When you guys see that, that kicked-in
7 partition and then the pizza bag up there, does your
8 focus shift at that point away from 1106 to 1108?

9 A Correct.

10 Q State's 4 and State's 5, that's just them
11 looking up into the attic and seeing the pizza --

12 A Yes.

13 Q State's 6. Okay.

14 At this point, your focus shifts to 1108?

15 A Correct.

16 Q So what do you guys do to address that?

17 A So we're trying over the PA system to get the
18 people to come out of 1108. No one's coming out. So
19 SRT decided to make entry into that apartment. But as
20 they went to the door and was getting ready to make
21 entry, the occupants opened the door.

22 Q Okay.

23 And do you remember who the occupants where
24 that came out?

25 A Yes.

1 Q Okay. Who were they?

2 A Damond Hardy, Taurus Caesar, Keyon Prophet,
3 and Journey Snell.

4 Q Okay.

5 Keyon Prophet, clearly a male. Damond Hardy?

6 A Male.

7 Q Okay.

8 Taurus Caesar?

9 A Male.

10 Q And then, Journey Snell?

11 A Female.

12 Q Okay.

13 And what race were they?

14 A They were all black males and females.

15 Q Three black males and one black female --

16 A Correct.

17 Q -- came out of the apartment?

18 And then, you mention State's No. 26 was
19 retrieved from the attic?

20 A Yes.

21 Q Okay.

22 And what -- let me do this first. State's
23 No. 25, what is that?

24 A That's the actual pizza box that the pizza
25 was in.

1 **Q** Okay.

2 And where was that found?

3 **A** That was found behind the refrigerator.

4 **MR. SCOTT:** Okay.

5 So State's No. -- Your Honor, the state
6 offers 25 for admission into evidence?

7 **THE COURT:** Any objection?

8 **MS. BREEDEN:** No objection.

9 **THE COURT:** States 25 is admitted without
10 objection.

11 (State Exhibit No. 25 is admitted into the
12 record.)

13 **BY MR. SCOTT:**

14 **Q** 26, the pizza bag found in the attic. This
15 is folded up and stuffed behind the refrigerator,
16 State's No. 25, the pizza box?

17 **A** Correct.

18 **Q** Okay.

19 Let me show you State's No. 2 and State's
20 No. 28. What are those pictures of?

21 **A** This was pictures of the pizza, the
22 breadsticks, and the chicken wings.

23 **Q** And where were they?

24 **A** In the oven.

25 **MR. SCOTT:** Okay.

1 Your Honor, the state offers State's 2 and
2 State's 28 for admission into evidence.

3 **MS. BREEDEN:** No objection.

4 **THE COURT:** 2 and 28; is that correct?

5 **MR. SCOTT:** Yes, Your Honor.

6 **THE COURT:** Are admitted without objection.

7 (State Exhibit Nos. 2 and 28 are admitted into
8 the record.)

9 **BY MR. SCOTT:**

10 **Q** I don't have them all here. But State's
11 No. 28 were just the pizza and the chicken wings that
12 were in the oven of the apartment?

13 **A** Yes.

14 **Q** What's the -- State's No. 2, you can kind of
15 see it. What is the shape of these pizza slices?

16 **A** They're square, like in a big square box.

17 **Q** Are you familiar with the Big Box? Am I the
18 only one who doesn't know what the Big Box Pizza is?
19 Because normally a pizza is round. But this is a
20 square pizza, kind of square slices?

21 **A** Correct.

22 **Q** Rectangular?

23 **A** It comes in a square, you know.

24 **Q** All right.

25 State's No. 27, let me ask you if you

1 recognize that?

2 A Yes.

3 Q And what is that?

4 A That's the gun that was retrieved from the
5 apartment.

6 Q And where was that?

7 A It was in a closet on top of the hot water
8 heater.

9 MR. SCOTT: Okay.

10 Your Honor, state offers State's No. 27 for
11 admission into evidence.

12 THE COURT: Any objection?

13 MS. BREEDEN: No objection.

14 THE COURT: No. 27 is admitted without
15 objection.

16 (State Exhibit No. 27 is admitted into the
17 record.)

18 MR. SCOTT: Thank you, Your Honor.

19 For the record, it does have a lock on it.
20 So it is unable to be fired.

21 BY MR. SCOTT:

22 Q State's 27, this pistol, it's a BB gun,
23 right?

24 A Yes.

25 Q This was found on top of the hot water heater

Vicki Rains - Direct Examination by Mr. Scott

1 in the closet?

2 A Yes.

3 Q Okay.

4 These individuals were all transported to the
5 sheriff's department; is that right?

6 A Yes.

7 Q And they were interviews; is that correct?

8 A That's correct.

9 Q Did Defendant Keyon Prophet -- he was
10 interviewed by Ty Jordan who is seated over here by
11 Mr. Taylor at the table here; is that right?

12 A Yes, that's correct.

13 Q And you sat in on some of that interview; is
14 that right?

15 A I did. I kind of went between the four
16 interviews.

17 Q Okay.

18 This -- I think I asked some -- one of the
19 other witnesses. But this apartment complex we're
20 talking about, it's 716 Zimalcrest Drive. That is in
21 Richland County?

22 A It is, yes.

23 Q Give me one second. I think that's all the
24 questions I have for you.

25 Y'all retrieved the -- Mr. Entzminger or SK's

1 cell phone from the apartment?

2 **A** We did. When we went in the apartment while
3 we were waiting on crime scene, I walked into the
4 bathroom and there was like a utility shelf in the
5 bathroom. It had a fluorescent green kind of case on
6 it. So I could recognize that behind. I moved the
7 towels and it was in that closet.

8 **Q** Okay.

9 So you returned that to Mr. SK?

10 **A** We collected it as evidence originally, yes.

11 **Q** And then later to be returned to him?

12 **A** Yes.

13 **Q** Okay.

14 Let me ask you -- this is State's 23. Let me
15 ask you if you recognize this?

16 **A** Yes.

17 **Q** What is that?

18 **A** It is a black cell phone.

19 **Q** Okay.

20 And who was that taken from?

21 **A** We got cell phones from multiple people. I
22 believe this one is the one belonging to the defendant,
23 Keyon Prophet.

24 **MR. SCOTT:** Okay. Your Honor, the state
25 offers State's 23 for admission into evidence.

1 **THE COURT:** Any objection?

2 **MS. BREEDEN:** No objection.

3 **THE COURT:** State's 23 is admitted.

4 (State Exhibit No. 23 is admitted into the
5 record.)

6 **BY MR. SCOTT:**

7 **Q** Okay.

8 And you see Keyon Prophet here is one of the
9 individuals that was taken out of 716, Unit 1108 --

10 **A** Yes.

11 **Q** -- Zimalcrest Drive? Do you see him?

12 **A** Yes, I do.

13 **Q** Where is he?

14 **A** He is in the checked bluish-green shirt at
15 the table on the left marked defendant.

16 **Q** All right.

17 I think that's all the questions I have for
18 you, Ms. Rains. Would you answer any questions
19 Ms. Breeden has?

20 **A** Yes.

21 **CROSS-EXAMINATION**

22 **BY MS. BREEDEN:**

23 **Q** Good morning.

24 **A** Good morning.

25 **Q** This BB gun, which attic was it found in?

1 A The BB gun wasn't in an attic. It was in
2 a -- in a hall closet with the hot water heater.

3 Q Okay. I'm sorry.

4 A That's okay.

5 Q The pizza bag, what attic was the pizza bag
6 found?

7 A It was between Apartment 1106 and 1108.
8 It's -- it's like just literally a wall separating
9 them. It was in that small attic space above those two
10 apartments.

11 Q And no one was found in Apartment 1106?

12 A Correct.

13 Q Okay.

14 And how quickly between entry into Apartment
15 1106 and then the teargas into 1108? How -- how long
16 of a time did that take?

17 A How long of a time did it take for the
18 teargas to make its way to 1108?

19 Q Yes.

20 A I mean, I would say they deployed four
21 canisters. They deployed one and then called for them
22 to come out.

23 Q Uh-huh.

24 A And then, two, three, four. So during that
25 time, I mean, minutes were passing as they were, you

1 know, waiting between the times they were shooting
2 teargas to give people an opportunity to come outside.

3 Q And I believe there was testimony that they
4 came out -- no one had to go inside to retrieve the
5 people from Apartment 1108; is that --

6 A They went to the door to make entry. But
7 they make announcements prior to going in. Like they
8 say, "SR -- Richland County SRT, you know, come out or
9 whatever," before they make entry. And at that point,
10 instead of having to go in with force, yes, they opened
11 the door and went inside and got the people.

12 Q Okay.

13 That's all I have. Thank you.

14 A Thank you.

15 THE COURT: Any redirect?

16 MR. SCOTT: No, Your Honor.

17 THE COURT: Thank you. You may step down.

18 THE BAILIFF: Watch your step down here.

19 THE COURT: Ladies and gentlemen of the jury,
20 let's take a short break. Please return to your
21 jury room. Don't discuss the case amongst
22 yourselves. We'll bring you back shortly.

23 THE BAILIFF: Leave your tablets in your
24 seats.

25 THE COURT: Right. Leave your notepads in

1 the courtroom in your seats. Thank you.

2 (The jury exits the courtroom at 10:48 a.m.)

3 **THE COURT:** Court will be at recess for 15
4 minutes.

5 (A short recess is taken.)

6 **THE COURT:** The state ready?

7 **MR. SCOTT:** We are, Your Honor. We've got
8 the -- an inmate who's going to testify. We might
9 just go ahead and -- she's coming out of the
10 holding cell, Your Honor. You want her to go
11 ahead and take the stand or wait until the jury
12 comes out?

13 **THE COURT:** I don't know. Does it matter?

14 **MR. SCOTT:** She's shackled and -- by her
15 ankles. If you want to go ahead and get her out.

16 **THE COURT:** No. I mean, there's no issue
17 with them knowing that she's detained.

18 **MR. SCOTT:** No. I just don't want her to
19 trip and fall in front of the jury.

20 **THE COURT:** I hope she'll be careful. No.
21 Let's bring the jury first. We'll bring the jury
22 first.

23 Bring the jurors, please.

24 (The jury enters the courtroom at 11:19 a.m.)

25 **THE BAILIFF:** Jury is seated, Your Honor.

1 **THE COURT:** Thank you.

2 All right.

3 Mr. Scott, call your next witness.

4 **MR. SCOTT:** The state calls Journey Snell.

5 **THE BAILIFF:** Place your left hand on the
6 Bible. Raise your right. Face the clerk.

7 **THE CLERK:** Do you swear or affirm the
8 testimony you give in this case will be the truth,
9 the whole truth and nothing but the truth so help
10 you God?

11 **THE WITNESS:** Yes, ma'am.

12 **THE CLERK:** Thank you.

13 Please have a seat in the witness stand and
14 state your full name for the record.

15 **THE BAILIFF:** Watch your step up. You've got
16 to talk real loud. Because she got to hear you
17 through that big, thick glass. The Judge has got
18 to hear you over there. And the last person over
19 there in that jury box have got to hear you. I
20 need you to speak up real loudly in that
21 microphone.

22 **THE COURT:** And I'm going to ask that --
23 Ms. Snell, you can take your mask off. Thank you.
24 Just makes it easier for us to hear and understand
25 you. Thank you.

1 Mr. Scott, your witness.

2 **JOURNEY SNELL**

3 having first been duly sworn, testifies as follows:

4 **DIRECT EXAMINATION**

5 **BY MR. SCOTT:**

6 **Q** Journey, January 19, 2019, where were you
7 living?

8 **A** The Grove Apartments.

9 **Q** All right.

10 She's going --

11 **THE COURT:** You're going to have to speak up.

12 **THE WITNESS:** The Grove Apartments.

13 **BY MR. SCOTT:**

14 **Q** Yeah. Just make sure you've got the mic
15 close enough. Because she's got to hear everything.
16 Grove Apartments. What unit -- or what
17 building?

18 **A** I really don't remember.

19 **Q** Okay.

20 Let me show you State's 18. Do you recognize
21 that?

22 **A** Uh-huh.

23 **Q** Which unit was it? If I go up those stairs,
24 is it to the left or the right?

25 **A** To the right.

Journey Snell - Direct Examination by Mr. Scott

1 Q 1108, does that sound --
2 A Uh-huh.
3 Q -- familiar?
4 A Uh-huh.
5 Q And who were you living in Unit 1108 with?
6 A Me and Taurus Caesar.
7 Q Okay.
8 Do you remember Damond Harding and Keyon
9 Prophet coming to stay with you guys in January?
10 A Yes, sir.
11 Q All right.
12 How long were they there?
13 A For like a night.
14 Q Just one night?
15 A Uh-huh.
16 Q Okay.
17 And was that common for y'all to have people
18 come over and stay the night?
19 A Yeah. It's common.
20 Q Okay.
21 And who was friends with Keyon Prophet?
22 A Taurus.
23 Q Okay.
24 What did y'all call Keyon Prophet?
25 A Boosie.

1 Q Boosie?

2 A Uh-huh.

3 Q Okay.

4 Is it loud enough? You've got to --

5 A Boosie.

6 Q Okay.

7 Do you remember the morning -- you said they

8 stayed about one night, January 19, 2019. I think it

9 was a Saturday. Does that sound right?

10 A Uh-huh.

11 Q Do you remember that morning?

12 A Yes, sir.

13 Q All right. What happens when everybody kind

14 of wakes up? Is there some discussion about ordering a

15 pizza?

16 A Yes, sir.

17 Q All right.

18 Tell me what you remember about that. And

19 remember to keep your volume up.

20 A Boosie wanted to order pizza. I offered to

21 pay for it. He said he was good, he got it. Pizza man

22 came. I don't know what him and Damond did. When he

23 came back, I just saw the pizza box in the bag.

24 Q Okay.

25 Let me back up. All right. So were you

1 there when the pizza was ordered?

2 **A** Uh-huh.

3 I was there when the pizza was ordered.

4 **Q** Okay.

5 And did you -- did the pizza man ever come --
6 normally they come knock on the door?

7 **A** No, he didn't come knock on the door.

8 **Q** All right.

9 **A** He -- Boosie went to go meet him.

10 **Q** Okay.

11 **A** And Damond followed him.

12 **Q** All right.

13 So that morning, there's four people in that
14 apartment. It's you, Journey Snell?

15 **A** Uh-huh.

16 **Q** It's Taurus Caesar?

17 **A** Uh-huh.

18 **Q** It's Damond Hardy?

19 **A** Uh-huh.

20 **Q** And it's Keyon Prophet?

21 **A** Yes, sir.

22 **Q** Okay.

23 And when the pizza is obtained, who leaves
24 the apartment to get it?

25 **A** Keyon and Damond.

1 Q Okay.

2 And you stayed in the apartment?

3 A Yes.

4 Q And where was Taurus at the time?

5 A In the shower.

6 Q Okay.

7 He was in the shower. And you actually --
8 you had some money at that time?

9 A I did.

10 Q And what did Boosie, Keyon Prophet, say when
11 you said, "I've got money"?

12 A He said he got it.

13 Q "I got it."

14 Let me ask you -- State's 27, do you
15 recognize that?

16 A Yes.

17 Q Where have you seen that before?

18 A On Mr. Prophet.

19 Q On Mr. Prophet? What was he doing --
20 where -- where does he usually carry it when you see it
21 on him?

22 A I'm not sure where he carry it. I just saw
23 it -- him with it that one time.

24 Q Okay.

25 That -- the day of the pizza?

1 **A** Uh-huh.

2 **THE COURT:** You have to say "yes" or "no."

3 **THE WITNESS:** Yes.

4 **BY MR. SCOTT:**

5 **Q** And what was he doing with the -- State's 27
6 at the time?

7 **A** He just had it in his possession.

8 **Q** Okay. All right.

9 So he says he's going to order pizza. He and
10 Damond Hardy leave the apartment. Let me ask you,
11 Damond Hardy, did you know him?

12 **A** That's my god-brother.

13 **Q** All right.

14 About how old is Damond?

15 **A** Thirty-four.

16 **Q** Thirty-four? Okay.

17 So a good deal older than Keyon Prophet?

18 **A** Uh-huh.

19 **THE COURT:** You've got to say "yes" or "no."

20 **THE WITNESS:** Yes, sir.

21 **BY MR. SCOTT:**

22 **Q** What do you remember? You kind of glossed
23 over it a minute ago. What do you remember when Boosie
24 and Damond come back into the apartment?

25 **A** They had -- not Damond. Damond came in

1 first.

2 Q Uh-huh.

3 A Boosie came in second with the bag of the
4 pizza. And that's when it dawned on me that he did
5 whatever he did with the pizza guy.

6 Q This is State's 26. Do you recognize that?

7 A Yes, sir.

8 Q What is that?

9 A The pizza bag.

10 Q That who had?

11 A Boosie had.

12 Q And when you say "Boosie," we're talking
13 about Keyon Prophet?

14 A Keyon Prophet.

15 Q What -- what, if anything, did you see him do
16 with the pizza?

17 A He put the pizza in the oven. And I went to
18 tell Taurus about --

19 Q Sorry. Say that again. 'Cause the court
20 reporter couldn't hear you?

21 A He put the pizza box in the oven. And I went
22 to go tell Taurus that I think he robbed the pizza man.

23 Q Okay.

24 State's No. 28 and State's No. 2, do you
25 remember that?

1 A Yes.

2 Q All right.

3 And you saw Keyon Prophet take the pizza and
4 put it in the oven?

5 A Uh-huh.

6 THE COURT: You have to say "yes" or "no."

7 THE WITNESS: Yes, sir.

8 BY MR. SCOTT:

9 Q All right.

10 What, if anything, did you see -- where did
11 you see the pizza box?

12 A The pizza box was behind the refrigerator.

13 Q And how did -- was it folded up? What --
14 what was done to it?

15 A I really don't remember.

16 Q All right.

17 State's No. 25, is that what you saw?

18 A Uh-huh.

19 THE COURT: You have to say "yes" or "no."

20 THE WITNESS: Yes, sir.

21 BY MR. SCOTT:

22 Q So she can't write "uh-huh." So say "yes" or
23 "no." Did you see what he had done with the gun?

24 A No.

25 Q You don't see -- you didn't see what he did

1 with it after he came back in?

2 A No, sir.

3 Q Did you see where he put the pizza bag?

4 A If I remember, I think it was in the attic.

5 Q Did you see him put it in there?

6 A No. I just remember that that's where Damond
7 said it was at when I asked him.

8 Q Okay.

9 What -- all right. Did Boosie talk about how
10 he got the pizza and what happened?

11 A He didn't speak on it to me. He was just
12 speaking in general that he got it. And so I wasn't
13 paying attention because I didn't want to get myself
14 involved. I was already paranoid.

15 Q What did he say he had done to the pizza man?

16 A He didn't say that he -- he just said he took
17 the pizza. He didn't say that he did anything physical
18 or nothing like that, not to me.

19 Q Okay.

20 A Not that I heard.

21 Q I know you draw a distinction between what
22 somebody says and what somebody says to you. What did
23 you hear him say, not to you, but what did you hear him
24 say he did to the pizza man?

25 A He just robbed the pizza man. That's it. He

1 said he took the pizza; he took his phone. That was
2 it.

3 Q Okay.

4 What did he say about hitting the pizza man?

5 A I don't recall him saying that he hit the
6 pizza man with the -- with the gun. But I remember
7 Damond said it.

8 Q Okay.

9 Do you remember giving an interview to law
10 enforcement?

11 A Uh-huh.

12 Q All right.

13 Would it refresh your memory if I played you
14 a portion of it?

15 A Go ahead.

16 Q All right.

17 You remember this interview room?

18 A Yes, sir.

19 Q If can you take the mask off?

20 A Yes, sir.

21 Q Okay. Listen. Okay.

22 (Exhibit is played.)

23 BY MR. SCOTT:

24 Q He said he hit the pizza man?

25 A Uh-huh.

1 Q Do you recall that?

2 A Uh-huh.

3 THE COURT: You have to say "yes" or "no."

4 THE WITNESS: I do.

5 BY MR. SCOTT:

6 Q Okay.

7 So what did you hear Boosie, Keyon Prophet,
8 say he did to the pizza man?

9 A He hit the pizza man.

10 Q Okay.

11 Do you remember that now?

12 A Yeah. I mean, it's 2018. It's 2020.

13 Q 2019?

14 A '19. Too long.

15 Q Okay.

16 And what's going on, do you remember when law
17 enforcement gets there and they're shooting canisters
18 in the apartment next door?

19 A Yes, sir.

20 Q Why didn't you guys come outside at that
21 point?

22 A Well, me and Mr. Caesar were scared.

23 Q Say it again.

24 A Me and Mr. Caesar were scared.

25 Q I can't understand you.

Journey Snell - Direct Examination by Mr. Scott

1 **A** Me and Mr. Caesar was scared.
2 **Q** Okay.
3 You and Taurus Caesar was scared?
4 **A** Yes.
5 **Q** Why were you scared?
6 **A** He's the guy with a gun.
7 **Q** Okay.
8 **THE COURT:** I'm sorry.
9 **THE WITNESS:** We feared for our life.
10 **THE COURT:** I could -- I need you to speak
11 up.
12 **THE WITNESS:** He's a guy with a gun.
13 **BY MR. SCOTT:**
14 **Q** Okay.
15 **A** We basically feared for our life.
16 **Q** Okay. What was Keyon Prophet, or Boosie,
17 what was he saying during this time or what was he
18 doing?
19 **A** He was panicking because of the situation
20 that happened.
21 **Q** Panicking?
22 **A** Yes, sir.
23 **Q** Did you see him change his clothes?
24 **A** Yes, sir.
25 **Q** Okay. All right.

1 Did -- did -- what did he say, if anything,
2 to you regarding what to tell the police?

3 A He just -- he didn't just -- just say -- just
4 say we don't know.

5 Q We don't know?

6 A Yeah.

7 Q Okay. All right. But eventually, y'all came
8 out of the apartment?

9 A They had to evacuate the apartment because of
10 the teargas.

11 Q Okay.

12 A Once they realized that next door was empty,
13 they were shooting at the wrong apartment, they
14 realized that we was all next door. They had to
15 evacuate everybody out.

16 Q Okay.

17 And you had to go to the sheriff's
18 department?

19 A Yes, sir.

20 Q And that's where you gave that statement we
21 just watched a portion of?

22 A Yes, sir.

23 Q All right.

24 I think that's everything. Journey,
25 that's -- that's -- that what you remember happening?

Journey Snell - Cross-Examination by Ms. Breeden

1 You remember anything else?

2 A That's it.

3 Q Answer any questions Ms. Breeden may have.

4 CROSS-EXAMINATION

5 BY MS. BREEDEN:

6 Q Good morning, Ms. Snell.

7 A Good morning.

8 Q You have pending charges in Richland County,
9 correct?

10 A I do.

11 Q And you have -- your charge, because you were
12 charged in this case, is still pending, right?

13 A It is.

14 Q Okay.

15 And you were charged with accessory after the
16 fact to a B felon?

17 A Yes, ma'am.

18 Q And you also have a possession of a stolen
19 vehicle more than \$10,000 pending here in Richland
20 County?

21 A Yes, ma'am.

22 Q And you're wanting to get some help with
23 those charges, aren't you?

24 A No.

25 Q No? You -- you're not expecting any sort of

1 consideration for coming in here and testifying today,
2 are you?

3 A I don't need help.

4 Q You don't need help?

5 A Huh-uh.

6 Q So it would be fine if they gave you the
7 maximum sentence on these charges --

8 A I'm not saying that.

9 Q -- that -- that you have? You're not saying
10 that?

11 A I'm not saying at all.

12 Q Okay.

13 So you didn't -- you wouldn't want them to
14 give you the maximum. You would want some
15 consideration?

16 A Yeah.

17 Q Okay. And you are friends with Damond,
18 right?

19 A That's my god-brother, correct.

20 Q And what's your relationship to Mr. Caesar?

21 A Mr. Caesar was just my roommate.

22 Q Okay.

23 And how did you meet Mr. Caesar?

24 A Me and Mr. Caesar went through a program
25 together. And we also went to school together.

Journey Snell - Cross-Examination by Ms. Breeden

1 Q Okay.

2 But you don't know Keyon?

3 A No. That is Mr. Caesar's friend.

4 Q Okay.

5 And were you present when pizza was ordered?

6 A I was. 'Cause it was my apartment.

7 Q It was your apartment?

8 A It was me and Mr. Caesar apartment. We was
9 roommates.

10 Q You didn't go to the store that day and then
11 come back?

12 A I did.

13 Q Uh-huh.

14 When was the pizza ordered?

15 A The pizza was ordered later that day. We
16 went to the store early that morning.

17 Q Around what time did you go to the store?

18 A I don't remember the time. I know it was
19 earlier.

20 Q What time was the pizza ordered?

21 A Probably shortly after that.

22 Q I don't know when that was.

23 A Like an hour maybe after that.

24 Q But you had -- you haven't given a time of
25 when the pizza was ordered because you don't know when

1 the pizza was ordered, do you?

2 A I don't remember the time it was ordered, but
3 I know it was ordered.

4 Q Yeah. But you don't know what time?

5 A Correct.

6 Q Did you eat any of the pizza?

7 A I did not.

8 Q Did you -- did anybody threaten you with a
9 gun?

10 A No.

11 Q And where did you say the gun was found?

12 A On his possession.

13 Q On his person?

14 A Uh-huh.

15 Q Who found it on him?

16 A I seen it in his possession. I don't --
17 where it was found, I'm not sure.

18 Q Okay.

19

20 A 'Cause I don't remember.

21 Q Okay.

22 Did you see a cell phone that belonged to the
23 victim?

24 A I did.

25 Q And where did you see that cell phone?

1 **A** It was put in the attic.

2 **Q** And do you know who put the cell phone in
3 that attic?

4 **A** Your client.

5 **Q** Okay.

6 So he -- the cell phone was recovered in the
7 attic?

8 **A** It was.

9 **Q** Okay.

10 And did you see the pizza bag?

11 **A** I did. When he walked in with it, that's
12 when it dawned on me that he robbed the pizza man.

13 **Q** And did you see anybody take anything out of
14 the pizza bag?

15 **A** The pizza box.

16 **Q** Okay.

17 And who took the pizza box out of the pizza
18 bag?

19 **A** Mr. Prophet.

20 **Q** And where were you at when all of this --

21 **A** I was in the -- in the dining room area.

22 **Q** Doing what? What were you doing?

23 **A** Texting my girlfriend at the time, telling
24 her what happened.

25 **Q** Okay.

1 Was anybody else there that day?

2 **A** Yes, ma'am, it was.

3 **Q** Who was that?

4 **A** Damond Hardy and Taurus Caesar.

5 **Q** What about Taurus's girlfriend? Was she
6 there?

7 **A** Taurus's girlfriend had just left.

8 **Q** But you failed to mention that she was --

9 **A** She wasn't person during the situation.

10 **Q** But she was there at the apartment?

11 **A** She was there before it happened. Yes,
12 ma'am. She was.

13 **Q** Did you see the robbery?

14 **A** No, I did not.

15 **Q** So you don't know -- you didn't see what
16 happened?

17 **A** I didn't see what happened, but I'm not slow
18 to the fact of what happened.

19 **Q** You're what?

20 **A** I'm not slow to the fact of what happened.

21 **Q** But it's a true statement that you didn't see
22 the robbery?

23 **A** I did not physically see the robbery, no. I
24 did not.

25 **Q** Okay.

1 Thank you. Nothing else.

2 THE COURT: Any redirect?

3 REDIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q The day this happen, you were arrested and
6 taken to the sheriff's department, is what you
7 testified to?

8 A Correct.

9 Q And you gave a statement that day as to what
10 happened, did you not?

11 A Correct.

12 Q Okay.

13 So we're not hearing this for the first time
14 today, you gave it that day?

15 A Correct.

16 Q And Boosie told you what he had did -- he had
17 done?

18 A Correct.

19 Q Did Damond Hardy admit to his part of it?

20 A He did.

21 Q Okay.

22 But who was the person you saw with the gun?

23 A Keyon.

24 Q Okay.

25 And who was the person who came in with the

1 red pizza bag?

2 A Keyon.

3 Q Okay.

4 And who was it that said he hit the pizza man
5 with the gun?

6 A Keyon.

7 Q And you told law enforcement that way back in
8 January 19, 2019?

9 A Yes, sir.

10 Q Okay.

11 Do you see Keyon Prophet here?

12 A I do.

13 Q Okay.

14 Has he changed his look a little bit?

15 A He has.

16 Q Okay.

17 Where is he?

18 A Right there.

19 Q Talking about this --

20 A Yes, sir.

21 Q -- guy with the plaid shirt? All right.

22 Thank you very much, Ms. Snell.

23 THE COURT: Anything further for this
24 witness?

25 MS. BREEDEN: No, Your Honor.

1 **THE COURT:** All right.

2 Thank you. You may step down.

3 **THE BAILIFF:** Take your time so you don't
4 fall.

5 **THE COURT:** And can we excuse Ms. Snell?

6 **MR. SCOTT:** We can, Your Honor.

7 **THE COURT:** Okay. All right.

8 You can take her back. Thank you.

9 **MR. SCOTT:** We have a pretty quick one if you
10 want to do that before lunch.

11 **THE COURT:** Yes, sir. Call your next
12 witness.

13 **MR. TAYLOR:** The state calls Harrison Wells.

14 **THE BAILIFF:** Place you left hand on the
15 Bible, raise your right, and face the clerk.

16 **THE CLERK:** Do you swear or affirm that the
17 testimony you shall give in this case will be the
18 truth, the whole truth and nothing but the truth
19 so help you God?

20 **THE WITNESS:** I do.

21 **THE CLERK:** Thank you.

22 Please have a seat in the witness stand and
23 state your full name for the record.

24 **THE WITNESS:** Harrison Wells.

25 **HARRISON WELLS**

1 having first been duly sworn, testifies as follows:

2 **DIRECT EXAMINATION**

3 **BY MR. TAYLOR:**

4 **Q** What's your -- what's your title? What can I
5 call you? Deputy?

6 **A** Deputy sheriff.

7 **Q** Deputy Wells okay?

8 **A** Yes, sir.

9 **Q** Perfect.

10 Where you are deputy at currently?

11 **A** Currently, at Kershaw County Sheriff's
12 Office.

13 **Q** When did you start working there?

14 **A** August 2021.

15 **Q** Where were you working at before Kershaw
16 County?

17 **A** Richland County Sheriff's Office.

18 **Q** And when did you start there?

19 **A** 2017.

20 **Q** Okay.

21 Why did you leave Richland County?

22 **A** To go back home. My parents live in Kershaw.

23 **Q** Okay.

24 What was -- what were you employed as in the
25 Richland County Sheriff's Department when you were --

Harrison Wells - Direct Examination by Mr. Taylor

1 when you were in Richland County?

2 A I was a master deputy for Richland County.

3 Q I'm sorry.

4 A That's it. I was a master deputy for
5 Richland County.

6 Q What does that job entail?

7 THE COURT: You need to speak up and into the
8 microphone.

9 THE WITNESS: I was a patrol supervisor and
10 training officer.

11 BY MR. TAYLOR:

12 Q Okay.

13 What do those roles require of you?

14 A Supervision of the deputies assigned to my
15 shift and average patrol duties, respond to 911 calls,
16 things like that.

17 Q Okay.

18 Turning to the incident we're here for today,
19 how did you become involved in this matter?

20 A I was assigned to that area, Region 4 of
21 Richland County, which is where this incident occurred
22 in. And I was contacted by Investigator Rains to check
23 for evidence in this apartment that she had become
24 aware of.

25 Q Okay.

1 Where were you told to look in that
2 apartment?

3 **A** I was instructed by Investigator Rains to go
4 to Apartment 1108 at 716 Zimalcrest Drive in Richland
5 County and look in a hallway closet that would -- that
6 contained the water heater. And there should be a
7 pistol hidden somewhere in -- in -- in that water
8 heater closet.

9 **Q** Okay.

10 Were you wearing -- were you wearing
11 body-worn camera?

12 **A** I was. And it was activated.

13 **Q** Okay.

14 And can you tell us some about where the
15 body-worn camera sits on your person?

16 **A** It generally sits in the chest, the center of
17 the chest.

18 **Q** Is that where you were wearing your body-worn
19 camera?

20 **A** It was.

21 **Q** Okay.

22 I have in my hand what's been premarked as
23 State -- as State's Exhibit 12. Do you know what this
24 is?

25 **A** That should be the video from my body-worn

1 camera.

2 Q How do you know what it is?

3 A I had a chance to review it and I signed it,
4 initialed it, that that is --

5 Q Okay.

6 A -- the video.

7 Q And that's on there?

8 A My initials are on that, yes.

9 Q And on your review of this video, did it
10 appear to have any -- any changes, any substantial
11 changes to it?

12 A No.

13 MR. TAYLOR: Okay.

14 Your Honor, the state would move to admit
15 what's been premarked as State's Exhibit 12 into
16 evidence.

17 THE COURT: Any objection?

18 MS. BREEDEN: No objection.

19 MR. TAYLOR: The state would also move to
20 publish the same.

21 THE COURT: State's 12 is admitted without
22 objection and you may publish it.

23 MR. TAYLOR: Thank you, Your Honor.

24 (State Exhibit No. 12 is admitted into the
25 record.)

1 BY MR. TAYLOR:

2 Q Can you see that?

3 A I can.

4 (State Exhibit No. 12 is played.)

5 BY MR. TAYLOR:

6 Q What are we looking at?

7 A It should be the water heater closet inside
8 of Apartment 1108.

9 Q Okay.

10 What was that in your hand?

11 A That was a black and silver pistol.

12 Q What are you doing now?

13 A Photographing the pistol.

14 Q Okay.

15 A And those photographs are being taken with
16 the Axon evidence app.

17 Q What is that?

18 A It's an app that we would use in -- at
19 Richland that would take pictures directly to
20 Evidence.com for Axon so it's not stored on the device
21 that it's taken from.

22 Q Okay.

23 A And those are also black latex gloves that
24 I'm wearing so it's not contaminating any evidence.
25 Any time handling firearms for evidence purposes, I

Harrison Wells - Direct Examination by Mr. Taylor

1 always wear latex gloves.

2 Q Okay.

3 So what did we just -- so you got gloves on?

4 A Uh-huh.

5 Q What did we just see you do at the end of the
6 video?

7 A I placed that pistol in an evidence bag and
8 sealed it.

9 Q What did you do with it?

10 A Transferred it up to Richland County
11 headquarters and met with Investigator Rains. I filled
12 out a chain of custody and transferred the pistol, as
13 well as some other items that she had of interest of me
14 being inside the apartment.

15 Q Okay. So you gave it to Investigator Rains?

16 A I did.

17 Q You also took some photographs. I have in my
18 hand what is premarked as State's Exhibit 9, State's
19 Exhibit 10, State's Exhibit 11. Do you know what these
20 are?

21 A I do.

22 Q You can hold them. How do you know what they
23 are?

24 A Because I took these photographs.

25 Q What are they photographs of?

1 **A** The first photograph is where the pistol was
2 stored on top of the water heater. And the other two
3 photographs are of both sides of the pistol.

4 **MR. TAYLOR:** Okay.

5 Your Honor, the state would move to admit
6 State's Exhibit -- what has been premarked as
7 State's Exhibits 9, 10 and 11 into evidence.

8 **MS. BREEDEN:** If I could have a chance to see
9 them?

10 **MR. TAYLOR:** Oh, of course. Sorry.

11 **MS. BREEDEN:** No objection.

12 **THE COURT:** State's 9, 10, and 11 are
13 admitted without objection.

14 (State Exhibit Nos. 9, 10, and 11 are admitted
15 into the record.)

16 **MR. TAYLOR:** Your Honor, the state would move
17 to publish the same.

18 **THE COURT:** Yes, sir.

19 **BY MR. TAYLOR:**

20 **Q** What do we see here?

21 **A** That's where the pistol was hidden on top of
22 the water heater.

23 **Q** And this is State's Exhibit 9, right?

24 **A** Yes. That was prior to me touching it or
25 anything like that.

Harrison Wells - Direct Examination by Mr. Taylor

1 Q So you're looking up at --

2 A I'm looking up. And I can see it. It's
3 toward the ceiling.

4 Q And what's this down here?

5 A That's something connected to the water
6 heater. I'm not exactly sure what that is.

7 Q State's Exhibit 10, what's that?

8 A That's the same pistol that was in the
9 previous picture. I retrieved it out, took a
10 photograph of it so that you could actually clearly see
11 it.

12 Q And this is State's Exhibit 11. What is
13 that?

14 A Same pistol. I just turned it to the
15 opposite side for any other identifying marks.

16 Q I've got in my hand State's Exhibit 27. Have
17 you seen this before?

18 A I have.

19 Q Is this what you collected?

20 A That is the pistol that I collected that day.

21 Q Okay. And this apartment is in Richland
22 County, correct?

23 A It is, sir.

24 Q Please answer any questions that Ms. Breeden
25 has for you.

1 **A** Yes, sir.

2 **MS. BREEDEN:** No question.

3 **THE COURT:** All right.

4 Thank you. You may step down.

5 All right. Ladies and gentlemen, we're going
6 to take a lunch break. It's going to be a little
7 bit of a longer lunch break just because we've got
8 a little work to do outside of your presence. So
9 we will break for lunch until 2:15.

10 Don't discuss the case amongst yourselves or
11 with anyone else. Don't do any research about the
12 case. Just have a good lunch and be back in your
13 jury room at 2:15. See you then.

14 **THE BAILIFF:** Be sure to keep the nametags at
15 all times.

16 **UNIDENTIFIED MALE SPEAKER:** Leave the
17 notepads in the seat.

18 **THE COURT:** Yeah. Leave your notepads in the
19 courtroom.

20 (The jury exits the courtroom at 11:53 a.m.)

21 **THE COURT:** Let's go ahead and do the *Denno*
22 hearing now before we break for lunch.

23 **MR. SCOTT:** Taima Jordan.

24 **THE CLERK:** Please repeat, swear, or affirm
25 the testimony that you'll give in this case will

Taima Jordan - Direct Examination by Mr. Scott

1 be the truth the whole truth and nothing but the
2 truth so help you God?

3 **THE WITNESS:** I do.

4 **THE CLERK:** Thank you. Please have a seat on
5 the witness stand and state your full name for the
6 record.

7 **THE WITNESS:** Taima Jordan.

8 **TAIMA JORDAN**

9 having first been duly sworn, testifies as follows:

10 **DIRECT EXAMINATION**

11 **BY MR. SCOTT:**

12 **Q** Okay. All right.

13 Ty, on January 19, 2019, did you have an
14 occasion to question Mr. Keyon Prophet?

15 **A** I did.

16 **Q** And where was that?

17 **A** Richland County Sheriff's Department.

18 **Q** Okay.

19 And was he under arrest at the time?

20 **A** Yes. I believe so. Yes.

21 **Q** Okay.

22 He had been detained?

23 **A** He had been detained, yes.

24 **Q** And did he appear to be under the influence
25 of anything when you spoke with him?

1 **A** He did not.

2 **Q** Okay.

3 Did he indicate that he could read and write?

4 **A** He did.

5 **Q** Did he seem to understand you? And was he
6 able to communicate with you?

7 **A** Yes, sir.

8 **Q** Okay.

9 Was this interview recorded?

10 **A** It was.

11 **Q** Okay.

12 And let me ask you. Before you asked him any
13 questions, did you have occasion to advise him of his
14 Miranda rights?

15 **A** Yes, sir.

16 **MR. SCOTT:** Okay.

17 One second.

18 Court's exhibit, Your Honor, for the waiver?

19 **THE COURT:** Has it not been premarked for the
20 trial? Okay. Go ahead.

21 **THE CLERK:** Court's 1.

22 (Court Exhibit No. 1 is marked for
23 identification.)

24 **BY MR. SCOTT:**

25 **Q** Let me show you what's been marked as Court's

Taima Jordan - Direct Examination by Mr. Scott

1 No. 1. Do you recognize that?

2 A Yes, sir.

3 Q Okay.

4 And how are you able to recognize that?

5 A It's a standard Miranda form.

6 Q Okay.

7 And that's what you read to Mr. Keyon

8 Prophet?

9 A Yes, sir. It is.

10 Q And did he, I guess, notate each one of his
11 rights as you read them to him that he understood them?

12 A Yes, sir.

13 Q Okay. What time was it that he was
14 interviewed?

15 A 3:18 p.m.

16 Q Okay. All right. Let's ...

17 Ty, I showed you a clip earlier of an
18 interview. Oh, here it is.

19 A Yes, sir.

20 Q State's No. 7. Do you recognize that?

21 A Yes, sir.

22 Q And you initialed it?

23 A I did.

24 Q All right.

25 And does this show whenever Miranda was

1 advised?

2 **A** Yes, sir. It does.

3 (State Exhibit No. 7 is played and then paused.)

4 **BY MR. SCOTT:**

5 **Q** All right.

6 Ty, that's you in the kind of the teal shirt.

7 And is that the defendant, Keyon Prophet, you're
8 speaking with?

9 **A** Yes, sir.

10 **MR. SCOTT:** Your Honor, I'll play State's
11 No. 7 that shows Miranda being given.

12 **THE COURT:** All right.

13 **BY MR. SCOTT:**

14 **Q** Was there ever a time that you recall where
15 he asked to go to the bathroom or ask for any food or
16 anything and did you deny him any drink or food or --

17 **A** No.

18 **Q** -- anything like that?

19 **A** No, sir.

20 **Q** All right.

21 Clearly, he wasn't free to leave. But at the
22 same time, you mirandized him before asking him any
23 questions that pertained to this case?

24 **A** I did.

25 (State Exhibit No. 7 is resumed and then paused.)

1 BY MR. SCOTT:

2 Q Even though he said, "I know all of my
3 rights," but you still insisted on reading them to him
4 anyway?

5 A I did.

6 (State Exhibit No. 7 is resumed.)

7 BY MR. SCOTT:

8 Q He said, "I know exactly what you're saying"?

9 A Yes, sir.

10 (State Exhibit No. 7 is stopped.)

11 BY MR. SCOTT:

12 Q Okay.

13 And then after Miranda, you began questioning
14 him?

15 A Yes, sir.

16 Q Okay.

17 And did he eventually give statements that
18 implicated him in this armed robbery?

19 A He did.

20 Q Okay. All right.

21 That's -- that's all the questions I have for
22 you, Mr. Jordan. Answer any questions Ms. Breeden may
23 have.

24 A Okay.

25

CROSS-EXAMINATION

1 BY MS. BREEDEN:

2 Q Investigator Jordan, what time did you arrive
3 at the sheriff's department with Keyon Prophet?

4 A I don't recall bringing him there. I think I
5 was on-call as well. I think someone else brought him
6 to the headquarters.

7 Q Do you know what time he arrived at the
8 sheriff's department?

9 A I don't remember. I -- I don't know that
10 time.

11 Q Okay. All right.

12 And so this interview was at 3:18 p.m.?

13 A Yes, ma'am.

14 Q Okay.

15 And did you ask him if he had consumed any
16 alcohol prior to questioning?

17 A I don't think I did.

18 Q Did you ask him if he had consumed any
19 illegal substances prior to questioning?

20 A I don't think I did.

21 Q Okay.

22 Did you have Keyon read to you the section
23 of -- of his rights?

24 A He read along with me. I told him to read
25 along with me. But out loud, no. I read them out loud

1 to him.

2 Q Okay.

3 And was he in handcuffs during this Miranda?

4 A No. I don't think so.

5 Q I think he was.

6 A Yeah. Okay. I'm sorry.

7 Q I think he was. Handcuffs, not ankle --

8 A Well, I couldn't see the -- from here, but
9 yes. Okay.

10 Q Okay. And did you ask him about any mental
11 health conditions he may have had?

12 A I don't think so. No, ma'am.

13 Q And were you aware that he had been
14 involuntarily committed in 2018?

15 A I was not.

16 Q Did you offer him -- how long was the
17 interview?

18 A I can't recall the -- the length of time.

19 Q Would it surprise you that the interview was
20 more than two hours?

21 A It would not surprise me, no.

22 Q Okay.

23 And during that time, did you offer him a
24 glass of water?

25 A Without going back and looking through the

1 interview, I couldn't.

2 Q Did you offer to take a break?

3 A Without going back through the interview, I
4 couldn't answer that question.

5 Q Okay.

6 Did you tell him that he could stop the
7 questioning at any time?

8 A That was in the Miranda rights.

9 Q Okay. All right.

10 Did -- did he ever ask for a break?

11 A Without going back through it, I can't answer
12 that.

13 MS. BREEDEN: That's all I have.

14 THE COURT: Anything further from this
15 witness?

16 MR. SCOTT: No, Your Honor. Unless the Court
17 has any questions, I don't have any further. And
18 I'm ready to offer argument, Your Honor.

19 THE COURT: Okay.

20 Investigator Jordan, you may step down.

21 Mr. Scott?

22 MR. SCOTT: Your Honor, it's clear from
23 Investigator Jordan's testimony and also the
24 video, it's clear that the statement was freely
25 and voluntarily given. It is clear in watching

Argument of Counsel

1 the video, he communicates very freely with
2 Investigator Jordan. He interjected at least
3 twice, "I understand my rights. I don't even need
4 to have them read to me." But Mr. Jordan --
5 Investigator Jordan insisted on reading them to
6 him.

7 He read along with it. He checked along as
8 each one was read, initialed beside them. He was
9 clearly not intoxicated. He clearly understands.
10 He communicates freely with Investigator Jordan.

11 He is obviously detained. But the second
12 prong, before he is interrogated, he is advised of
13 his rights. He says he understands them and then
14 agrees to voluntarily speak with Investigator
15 Jordan.

16 So based on what I see here and what the
17 testimony is, I -- I -- I would argue that any
18 statements he gives Investigator Jordan are
19 admissible and that they were freely and
20 voluntarily given, Your Honor.

21 **THE COURT:** Ms. Breeden?

22 **MS. BREEDEN:** May it please the Court,
23 Your Honor. From the testimony, we know that the
24 interview was at least two hours. Mr. Prophet was
25 not offered water; a break. He did not read --

1 Mr. Prophet did not read the rights on the form
2 that he signed. Yes, Investigator Jordan read it
3 to him. But Mr. Prophet did not read.

4 He was in handcuffs. So he, therefore, was
5 in custody. He did have mental health issues at
6 that time that were not inquired of. And
7 therefore, any statements that he made during that
8 interrogation were involuntary.

9 **THE COURT:** Okay.

10 There's been no testimony, no evidence,
11 nothing other than defense counsel's assertion
12 that Mr. Prophet had mental health issues at the
13 time to establish that he did, in fact, have
14 mental health issues at the time. That was not
15 apparent from the video. Investigator Jordan
16 didn't perceive it as such. And without evidence
17 of that, I cannot conclude that -- that
18 Mr. Prophet had mental health issues at the time.

19 The interview was two-plus hours. I believe
20 two hours 26 minutes or somewhere in that time. I
21 don't know how much of that is actual interview.
22 I know there were a couple of minutes at the
23 beginning where there was no questioning and
24 Investigator Jordan may be in the room. I don't
25 quite recall. But he's not visible on the camera.

Ruling of the Court

1 So two-plus hours, which I don't find to be
2 unreasonable, even without water break; bathroom
3 break. Frankly, court sessions last two-plus
4 hours, sometimes without any of us taking a drink
5 or having a bathroom break.

6 There is no evidence or testimony that --
7 that Mr. Prophet needed water or was thirsty, was
8 deprived of it, needed a bathroom break or -- or
9 any other kind of break and was deprived of it.

10 Although Investigator Jordan clearly reads
11 the Miranda form and the advice of rights form to
12 Mr. Prophet, I do not know whether Mr. Prophet
13 read it or not. I know that he was offered the
14 opportunity to read it. He did say that he could
15 read and write. He was given a copy of the form
16 to read along with Investigator Jordan. Whether
17 he actually read along or not, I do not know.
18 There's been no testimony about that, no evidence
19 before the Court that he, in fact, did not read
20 it. But even if he didn't, I don't know that that
21 is a requirement that he have the opportunity to
22 read it himself.

23 Not only did Mr. Prophet indicate that he
24 understood his rights, I have -- I should put on
25 the record that I have watched portions of the

1 video. And I recall that he did not only
2 indicated that he understood, but he went on to
3 discuss his past interactions with law enforcement
4 to explain -- it seemed in an effort to explain
5 why or how he understood that he's very familiar
6 with the process because he's been through it
7 before. So he offers something more than just
8 sitting there.

9 Based on the totality of the circumstances, I
10 do find the statement to have been voluntarily
11 made with the proper advice of rights. And it is,
12 therefore, admissible in the trial of this case.
13 Certainly, the weight of it will be for the jury
14 to determine. But it is, in fact, admissible
15 given that the proper foundation is laid.

16 Anything further on this issue from the
17 state?

18 **MR. SCOTT:** No, Your Honor.

19 **THE COURT:** From the defense?

20 **MS. BREEDEN:** No, Your Honor.

21 **THE COURT:** Anything else that we need to do
22 or can handle outside of the jury's presence?

23 **MR. SCOTT:** Nothing comes to mind,
24 Your Honor.

25 **THE COURT:** Okay.

Ruling of the Court

1 Good enough. I'll see y'all at 2:15.

2 Oh, I want to ask: Does the state have
3 proposed jury charges?

4 **MR. SCOTT:** I do have one.

5 **THE COURT:** If you could e-mail that --

6 **MR. SCOTT:** Okay.

7 **THE COURT:** -- over the lunch break, I would
8 appreciate it. Thank you.

9 (A lunch recess is taken.)

10 **THE COURT:** Ms. Breeden?

11 **MS. BREEDEN:** Your Honor, my client has
12 decided that he would like to enter a guilty plea
13 to the armed robbery charge.

14 **THE COURT:** Okay.

15 So then, we'll be in recess for another --

16 **MR. SCOTT:** She's on -- (inaudible) is on her
17 way to print it right now.

18 **THE COURT:** Oh, is she? Okay.

19 (Off the record briefly.)

20 **THE CLERK:** Swear in the defendant?

21 **MR. SCOTT:** Yeah. I'm ready whenever y'all
22 are.

23 **THE CLERK:** Would you raise right hand,
24 please? Would you state your full name, please?

25 **THE DEFENDANT:** Keyon Prophet.

1 **THE CLERK:** Excuse me?

2 **THE DEFENDANT:** Keyon Prophet.

3 **THE CLERK:** Do you solemnly swear the answers
4 you'll give to the questions propounded by the
5 Court will be the truth, the whole truth and
6 nothing but the truth so help you God?

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE CLERK:** Thank you.

9 **THE COURT:** Mr. Scott.

10 **MR. SCOTT:** Your Honor, he has a 2013
11 conviction, accessory before the fact to a felony
12 and a burglary second. That was a YOA plea.
13 2016, unlawful carrying of a pistol and giving
14 false information to police. He did 790 days at
15 Alvin S. Glenn before bounding out. Is that what
16 you have?

17 **MS. BREEDEN:** Yes, that's what I have.

18 **MR. SCOTT:** Okay.

19 And my notes show upon bonding out, he got
20 GPS monitoring and was ordered to undergo house
21 arrest. I would make one -- if you would be
22 willing to defer sentence until tomorrow, I'd like
23 to see what kind of compliance he has as far as
24 house arrest. 'Cause if he is in compliance,
25 Your Honor could give him as much as 777 days of

Ruling of the Court

1 credit. That's how much -- that's how long he's
2 been on house arrest.

3 **MS. BREEDEN:** That's what I have as well.

4 **MR. SCOTT:** I just want to double-check that
5 because I get a lot of notes on people's
6 movements. I see his name pop up a lot on my
7 e-mail. So Sharon has asked OMS. They said we
8 have until tomorrow to print up everything and
9 have it for Your Honor to consider. Because I
10 know it's in your discretion to award him that 777
11 days. So if we could just at least take his plea
12 and defer sentence until tomorrow or however you
13 want to do that. But it will be till tomorrow
14 before I could have the information for you.

15 Mr. Entzminger, as you heard, Your Honor,
16 just real likable guy. Just enviable. You know,
17 his answer when you say, "Well, why -- you're 80
18 years old. Why are you delivering pizzas?"

19 He says, "I don't like to sit still. I like
20 to be active. I like to do things. But I also
21 got these grandkids. And they want to go to
22 college. And if I can help, I'm wanting to do
23 that."

24 I -- I am interested in getting some justice
25 for all of our victims, especially children and

1 especially the elderly. And if it's a veteran,
2 you know, that -- that is why I kind of held onto
3 this thing so long. This is something that, as
4 you can see, 2019 is when this occurred. And --
5 and I'm happy to see a resolution. I met with
6 Mr. Entzminger at his house. I met with him
7 numerous times and assured him that I was going to
8 see it through.

9 And I am happy that Mr. Prophet -- I -- I do
10 want to acknowledge that he is accepting
11 responsibility with this plea and he's not leaving
12 the jury verdict to chance. Of course, we felt
13 very strongly about the facts of the case. And
14 here we are. I think, you know, Your Honor has a
15 wide range.

16 Mr. Entzminger, I said, "Well, what do you
17 want?"

18 He said, "I trust the judge, whatever she
19 wants to do."

20 I'm not going to throw out any number.
21 You've got a 20-year range; 20 to 30 years. And
22 you've got some criminal history to consider.
23 You've got the egregiousness of pistol whipping
24 and 80- -- 75-year-old veteran. But at the same
25 time, you know, he does credit for accepting

Ruling of the Court

1 responsibility.

2 And you've heard essentially the facts of the
3 case. What you haven't heard yet but you probably
4 could read the tea leaves, his DNA is on the pizza
5 bag; his DNA is on the pistol. We've -- we've got
6 a phone dump where he's got the pistol and he's
7 posing with it. So I felt pretty strongly that a
8 guilty verdict was coming. But you never know.

9 Those are the facts, Your Honor. I'm going
10 to stand silent as far as recommendation. But, of
11 course, he's pleading to armed robbery, 10 to 30
12 years.

13 **THE COURT:** All right.

14 Mr. Prophet -- well, Ms. Breedon.

15 **MS. BREEDON:** Yes, Your Honor.

16 **THE COURT:** Have you explained to Mr. Prophet
17 the charge against him, the possible punishment,
18 and his constitutional rights?

19 **MS. BREEDON:** I have, Your Honor.

20 **THE COURT:** Have you reviewed discovery with
21 him or at least given him a copy of the discovery?

22 **MS. BREEDON:** I -- I have, Your Honor.

23 **THE COURT:** And you've discuss with him what
24 it means to plead guilty?

25 **MS. BREEDON:** Yes, I have, along with his

1 mother who is here and has given him guidance and
2 counsel as well? Yes.

3 **THE COURT:** Do you agree with his decision to
4 plead guilty?

5 **MS. BREEDEN:** Yes, Your Honor.

6 **THE COURT:** Do you believe that if required
7 to do so, the state could prove him guilty or that
8 his conviction would be likely in this case?

9 **MS. BREEDEN:** Yes, Your Honor.

10 **THE COURT:** All right.

11 Mr. Prophet, are you currently under the
12 influence of alcohol or drugs?

13 **THE DEFENDANT:** No, ma'am.

14 **THE COURT:** Have you had any in the past 24
15 hours?

16 **THE DEFENDANT:** No, ma'am.

17 **THE COURT:** Do you take any medication?

18 **THE DEFENDANT:** Like trazodone like to help
19 me sleep. But that's it.

20 **THE COURT:** Okay.

21 Did you take it last night?

22 **THE DEFENDANT:** No, ma'am.

23 **THE COURT:** Okay.

24 **THE DEFENDANT:** I ain't have none with me for
25 like two days since I been down here.

Ruling of the Court

1 **THE COURT:** Were you able to sleep last
2 night.

3 **THE DEFENDANT:** Kind of, sort of.

4 **THE COURT:** Okay.

5 **THE DEFENDANT:** I went to sleep about four.
6 I had to get up. Was a little late. I ain't
7 want -- want y'all to think that I was just --
8 just running.

9 **THE COURT:** That's a good decision. But are
10 you clearheaded as you stand here today?

11 **THE DEFENDANT:** Yes, ma'am.

12 **THE COURT:** You know what you're doing here
13 today?

14 **THE DEFENDANT:** Yes, ma'am.

15 **THE COURT:** And you're choosing to plead
16 guilty to the charge of armed robbery; is that
17 correct?

18 **THE DEFENDANT:** Yes, ma'am.

19 **THE COURT:** Did you rob Mr. Entzminger?

20 **THE DEFENDANT:** No, ma'am. I was the one who
21 ran away when I seen it. But I did had got
22 startled when I had seen bro reach and pull it
23 out. You know what I mean? 'Cause he was coming
24 out of the breezeway.

25 **THE COURT:** Who was?

1 Mr. Entzminger?

2 **THE DEFENDANT:** Yes, ma'am.

3 **THE COURT:** Okay.

4 **THE DEFENDANT:** He was coming out the
5 breezeway. We was coming up from behind him. You
6 know what I'm saying?

7 **THE COURT:** Who is "we"? You and Damond?

8 **THE DEFENDANT:** Yes, ma'am. 'Cause I had
9 went to go get some weed just like I told the --
10 told the detective. But I ain't want to snitch on
11 bro and get beat up in the hood for snitching.
12 That's why say my brother.

13 **THE COURT:** Did you know that -- so you're
14 saying that Damond had the weapon?

15 **THE DEFENDANT:** Yes, ma'am.

16 **THE COURT:** You never had the weapon?

17 **THE DEFENDANT:** That wasn't the weapon that
18 had been used. But that was the weapon that
19 Taurus had.

20 **THE COURT:** That's what Taurus had?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE COURT:** Did you have it on
23 January 19, 2019.

24 **THE DEFENDANT:** He tried to sell it to me. I
25 did grab it and looked at it and gave it back to

Ruling of the Court

1 him.

2 **THE COURT:** Okay.

3 When Mr. Entzminger was outside though and
4 you and Damond were outside. Who had the gun?

5 **THE DEFENDANT:** Damond.

6 **THE COURT:** Did you know that Damond had the
7 gun?

8 **THE DEFENDANT:** No, ma'am.

9 All I had knew that -- that Taurus had had
10 that gun in the house. When I had went to ask him
11 who had weed, he said dude around the corner. So
12 me and him walk around the corner because she had
13 supposed to do my hair, which that you seen my
14 hair in the --

15 **THE COURT:** Yes, sir.

16 **THE DEFENDANT:** 'Cause I paid her some money
17 to do my hair. We walked around the corner and
18 came back. We seen -- we seen the pizza man. Bro
19 ran up on the pizza man. And I stood there like
20 this. And then I took off running.

21 **THE COURT:** So you --

22 **THE DEFENDANT:** I went to the house because
23 my phone was there.

24 **THE COURT:** Okay.

25 Let me ask you --

1 **THE DEFENDANT:** I went to --

2 **THE COURT:** Hold on. Hold on. Did you know
3 that Damond was going to rob the pizza man?

4 **THE DEFENDANT:** No, ma'am. I didn't.
5 Because I got dropped off. Like what she said
6 that I was there when they said something about
7 pizza, just like I told the investigators, I had a
8 food stamp card in my pocket with a receipt on it.
9 Just like I told him, Family Dollar down the
10 street. I was going to go get me something to eat
11 if y'all wanted something to eat.

12 **THE COURT:** Yes, sir.

13 **THE DEFENDANT:** What did I look like
14 robbing -- robbing the pizza man if I get SSI
15 disability every month?

16 **THE COURT:** So you didn't take the pizza?

17 **THE DEFENDANT:** No, ma'am.

18 **THE COURT:** You didn't take his cell phone?

19 **THE DEFENDANT:** No, ma'am.

20 **THE COURT:** You didn't know that Damond was
21 going to do any of that?

22 **THE DEFENDANT:** No, ma'am.

23 **THE COURT:** And you didn't participate with
24 Damond in doing it?

25 **THE DEFENDANT:** Ma'am?

Ruling of the Court

1 **THE COURT:** Did you participate with Damond
2 in doing all of that?

3 **THE DEFENDANT:** I didn't like touch the man
4 or nothing. When I seen it, I was kind of
5 startled. That's the reason I ran away. But I do
6 --

7 **THE COURT:** So you were just -- hold on. Let
8 me ask. You were just as surprised as -- as the
9 pizza man was?

10 **THE DEFENDANT:** Yes, ma'am. That's the only
11 reason why that I ran back to the house and called
12 my cousin and told her to come pick me up. When I
13 tried to walk out, the police told me to go back
14 in.

15 **THE COURT:** Okay.
16 Did you participate in the robbery in any
17 way?

18 **THE DEFENDANT:** No, ma'am. I ain't touch
19 (inaudible).

20 **THE COURT:** All right.
21 Let's continue with the trial.
22 Have a seat, Mr. Prophet.
23 State ready to proceed?

24 **MR. SCOTT:** Yes, Your Honor.

25 **THE COURT:** Is the defense ready to proceed

1 with trial?

2 MS. BREEDEN: Can I have one minute?

3 THE COURT: Yes, ma'am.

4 (Pause in proceeding.)

5 MS. BREEDEN: Your Honor, he does not want to
6 continue with the trial. He would like to go
7 forward with the plea.

8 THE COURT: Well, that's not possible at this
9 point. The only way to plead guilty as to tell me
10 that you are, in fact, guilty. And you've told me
11 twice -- I know that yesterday was not for the
12 purpose of the guilty plea so I discount
13 yesterday. But today under oath trying to get
14 through a guilty plea, you told me how you are not
15 guilty whatsoever. Not -- not as an accessory
16 before, not of the crime, not under the "hand of
17 one hand of all," not in anyway have you told me
18 under oath that you are guilty.

19 There is no magical third option. Either you
20 admit guilt or you have a trial. Those are the
21 only two options. You have not admitted guilt.
22 In fact, you told me under oath that you were not
23 guilty. Therefore, we'll proceed with the trial.

24 MS. BREEDEN: Stand up.

25 THE COURT: Yes, sir.

Ruling of the Court

1 **THE DEFENDANT:** Can I just apologize to -- to
2 him like about what happened? You feel me? It's
3 like I -- I did like -- (inaudible).

4 **THE COURT:** Well, hold on. You'll have an
5 opportunity to apologize to him about what
6 happened later.

7 **THE DEFENDANT:** No, like --

8 **THE COURT:** But right now, we need to proceed
9 with this trial. I've got 12 jurors that have
10 been sitting back there for nearly an hour waiting
11 on us.

12 **THE DEFENDANT:** I want to plead guilty
13 because I am like -- I did it, Judge. You know, I
14 just...

15 **THE COURT:** The problem is I don't know
16 whether to believe you yesterday or five minutes
17 ago or five seconds ago. All of that was under
18 oath. I'm not comfortable taking your guilty plea
19 because you've told me twice under oath that you
20 didn't do it. So we'll proceed with the trial.

21 Now, is the defense ready to proceed?

22 **MS. BREEDEN:** Yes, Your Honor.

23 **THE COURT:** Okay. Bring the jury in.

24 (The jury enters the courtroom.)

25 **THE COURT:** Okay. Thank you.

1 Welcome back, folks. We're still in the
2 state's case. If you will give Mr. Scott your
3 undivided attention, he's going to call his next
4 witness.

5 **MR. SCOTT:** Travis Holdorf, Your Honor.

6 **THE BAILIFF:** Place your left hand on the
7 Bible, raise your right, and face the clerk for
8 me.

9 **THE CLERK:** Could you state your full name,
10 please?

11 **THE WITNESS:** Travis Holdorf, H-o-l-d-o-r-f.

12 **THE CLERK:** You solemnly swear that testimony
13 you're about to give in this case will be the
14 truth, the whole truth and nothing but the truth
15 so help you God?

16 **THE WITNESS:** Yes, ma'am.

17 **THE CLERK:** Thank you. Have a seat right
18 there.

19 **THE BAILIFF:** Watch your step up, sir.

20 **THE WITNESS:** Thank you, sir.

21 **TRAVIS HOLDORF**

22 having first been duly sworn, testifies as follows:

23 **DIRECT EXAMINATION**

24 **BY MR. SCOTT:**

25 Q All right.

Travis Holdorf - Direct Examination by Mr. Scott

1 Investigate Holdorf, January 19, 2019, you
2 were employed with the Richland County Sheriff's
3 Department?

4 A I was.

5 Q Okay.

6 And you were an investigator?

7 A I was a sergeant in investigation. So I was
8 over the on-call investigators. I also had another
9 shift to run.

10 Q Okay.

11 All I really want to talk to you about is
12 this pizza bag here. Do you remember the pizza bag?

13 A I do, sir.

14 Q All right.

15 And did you have occasion to go out to 716
16 Zimalcrest, Apartment 1108?

17 A I don't know exactly which apartment it was
18 in. It was the one the defendants were found in.

19 Q Okay.

20 A And also the one that was vacant.

21 Q You went into both, the vacant one and the --

22 A Yes, sir.

23 Q All right.

24 So if I told you the vacant one was 1106 and
25 the one the defendants were in were 1108, you telling

1 me you went into both of those?

2 A Yes, sir.

3 Q And at some point -- so State's No. 4 and 5,
4 do you recognize those?

5 A Yes, sir.

6 Q And what is that?

7 A That is going to be the pizza bag which was
8 recovered in the attic crawl space.

9 Q Okay.

10 And you actually recovered that pizza bag
11 which is State's No. 26?

12 A Yes, sir.

13 Q Okay.

14 And then, did you take that and deposit that
15 into the evidence locker room at Richland County
16 Sheriff's Department?

17 A I placed inside another paper bag, large
18 paper bag. And then I would have taken it to
19 headquarters.

20 Q All right.

21 I'm going to take it out so that we can see
22 what is in it. But is this what you're talking about?

23 A Yes, sir.

24 Q You had put it in that and then taken it to
25 headquarters?

Travis Holdorf - Direct Examination by Mr. Scott

1 **A** Yes, sir.

2 **Q** And the purpose of doing that was to test it
3 for DNA later? Is that sometimes what you do with the
4 evidence you collect at the scene?

5 **A** Yes, sir.

6 **Q** All right.

7 And you conducted some interviews as well,
8 but that was your involvement as far as collection of
9 evidence?

10 **A** I was assisting Investigator Rains.

11 **Q** Okay. All right.

12 Thank you, Investigator Holbrook. Answer any
13 questions Ms. Breeden has for you?

14 **MS. BREEDEN:** I have no questions.

15 **THE COURT:** All right.

16 Thank you. You may step down.

17 **MR. SCOTT:** The state calls Ty Jordan --

18 Taima Jordan next.

19 **THE CLERK:** Would you state your full name,
20 please?

21 **THE WITNESS:** Taima Jordan.

22 **THE CLERK:** Could you spell your first name,
23 please?

24 **THE WITNESS:** T-a-i-m-a.

25 **THE CLERK:** Do you solemnly swear the

1 testimony you're about to give in this case will
2 be the truth, the whole truth, nothing but the
3 truth so help you God?

4 **THE WITNESS:** I do. I do.

5 **THE CLERK:** Thank you. You may have a seat.

6 **TAIMA JORDAN**

7 having first been duly sworn, testifies as follows:

8 **DIRECT EXAMINATION**

9 **BY MR. SCOTT:**

10 **Q** Ty, January 19, 2019, you were working with
11 the sheriff's department, right?

12 **A** Yes, sir.

13 **Q** And you still are with the sheriff's
14 department?

15 **A** Yes, sir.

16 **Q** But approximately 3:18 p.m. on that
17 particular day, did you have an occasion to interview
18 the defendant, Keyon Prophet?

19 **A** Yes, sir.

20 **Q** And where was that?

21 **A** At the sheriff's department.

22 **Q** Okay.

23 And where do you take an interviewee in the
24 sheriff's department when you're going to speak with
25 them?

Taima Jordan - Direct Examination by Mr. Scott

1 A We have an interview room that's audio and
2 video-recorded.

3 Q Okay.

4 And when you brought him in, he had been
5 detained at that point; is that correct?

6 A Yes, sir.

7 Q Okay. So he -- he is in handcuffs and he had
8 been placed under arrest by somebody else?

9 A Yes, sir.

10 Q When you -- when bring him in there and you
11 observe him, did you notice him to be under the
12 influence of anything?

13 A I did not.

14 Q Did he seem to have any trouble communicating
15 with you?

16 A No, sir.

17 Q Did he indicate that he could read and write?

18 A He did.

19 Q Did he -- do you remember did he indicate his
20 education level?

21 A I don't. But he said he can read and write.

22 Q Okay.

23 You said you could speak with him and y'all
24 had a back and forth as far as question-and-answer type
25 setting?

1 **A** We did, yes, sir.

2 **Q** Did you do anything to intimidate him at any
3 time?

4 **A** I did not.

5 **Q** Did you threaten him in any way?

6 **A** I did not.

7 **Q** Did you deny him any kind of bathroom breaks
8 or -- or food or water that he requested?

9 **A** No, I did not.

10 **Q** Okay. At some point while you're
11 interviewing him, did you have an occasion to read to
12 him his Miranda rights?

13 **A** Yes, sir.

14 **Q** And let me show you what's been marked as
15 Court's No. 1. Do you recognize what that is?

16 **A** Yes, sir. Miranda form.

17 **Q** Okay. On that Miranda form, when you read it
18 to him -- basically what are the rights that you read
19 him?

20 **A** "Before we you ask any questions, you must
21 understand your rights. You have the right to remain
22 silent. Anything you say can be used against you in
23 court. You have the right to talk to a lawyer for
24 advice before we ask you any questions and to have a
25 lawyer with you during any questioning.

Taima Jordan - Direct Examination by Mr. Scott

1 "If you can't afford a lawyer, one will be
2 appointed for any questioning if you wish. If you
3 decide to answer questions now without a lawyer
4 present, you still have the right to stop answering at
5 any time. You also have the right to stop answering at
6 any time until you talk to a lawyer."

7 Q Okay.

8 And each one of those rights as you read it,
9 how does he indicate that he understands those rights?

10 A I asked him if he understands.

11 Q Okay.

12 And then what does he do?

13 A He says yes. And then, I get him to initial
14 beside each box as I checked it off or X it off.

15 Q So he's initialed each one of those boxes to
16 indicate he understood his rights?

17 A Yes, sir.

18 Q In fact, he verbally told you, "I understand
19 my rights."

20 And you said, "Let me -- hold on. Let me
21 read them to you anyway just to make sure"?

22 A Yes, sir.

23 Q And then, he signs your advice of rights
24 form?

25 A He does.

1 Q Okay.

2 In speaking with him, you had him kind of
3 talking back and forth for a little -- little bit over
4 two hours. Does that sound right?

5 A Yes, sir.

6 Q And in the first hour and a half, generally,
7 is he -- is he admitting to knowledge as far as robbing
8 the pizza man?

9 A He denies it.

10 Q Okay.

11 At some point, it looks like around an hour
12 and 24 minutes into it because he sort of changed his
13 tune as far as his knowledge of what happened to the
14 pizza man, Sedley Entzminger?

15 A Yes, sir.

16 Q Okay. Tell us what he begins to tell you
17 after you speak with him more and more?

18 A He basically said that he was there, but that
19 Chopper was the one who committed the robbery.

20 Q Chopper. And who does he indicate Chopper
21 is?

22 A Damon Hardy.

23 Q Damond Hardy?

24 A Damond Hardy. Excuse me.

25 Q What else does he admit to you -- let's see.

Taima Jordan - Direct Examination by Mr. Scott

1 Did he at some point indicate to you that he knew that
2 Damond Hardy had planned to rob the pizza man?

3 A Yes.

4 Q But he indicated he went with Damond Hardy
5 anyway?

6 A He did.

7 Q Okay.

8 Did he eventually tell you where the gun used
9 in a robbery would be located?

10 A Yes.

11 Q Okay.

12 So essentially he's saying, "I was there. I
13 knew there was going to be a robbery. But I didn't
14 have that gun, the other guy did"?

15 A Correct.

16 Q Okay.

17 And he ultimately tells you where the pistol
18 was located?

19 A Yes, sir.

20 Q And you passed that information on to other
21 investigators?

22 A Yes, sir.

23 Q Let me ask you about State's No. 24. Do you
24 recognize that?

25 A Yes, sir. Evidence bag with a buccal swab of

1 Mr. Prophet.

2 Q Okay.

3 And were you there when that was collected?

4 A I was, yes, sir.

5 Q You obtained that buccal swab?

6 A I got consent from him first and and then
7 showed him how to do it. He took the swab out of the
8 pack and swabbed his jaw.

9 Q Okay. So --

10 A And placed it in the box.

11 Q Would you explain just briefly what a buccal
12 swab is to the jury?

13 A So it's a long Q-tip. It's in a pack. So we
14 explained we need to get consent first for DNA. Once
15 they say yes, we get -- they give consent, we have them
16 sign similar to this. I read it to them. They sign it
17 and acknowledge it. I peel it open. I have them take
18 the cotton swab out, have them rub it on their jaw and
19 their tongue for a few seconds. Then have them place
20 it in a box.

21 Get another one out. Same thing. Have them
22 do that. Place it in a box. Put their name on it, my
23 name, date, and time. Seal it up. Put it in the
24 evidence bag. Drop it in the evidence locker.

25 Q Okay.

Taima Jordan - Direct Examination by Mr. Scott

1 And that's what State's No. 24 is, it's Q-tip
2 that you get him to swab inside of his cheek to collect
3 DNA cells sample to later be tested by one of your DNA
4 analysts?

5 **A** Yes, sir.

6 **Q** And then, did you take this and enter it into
7 evidence at the sheriff's department?

8 **A** Yes, sir.

9 **MR. SCOTT:** Your Honor, the state offers
10 State's 24 for admission into evidence?

11 **THE COURT:** Any objection?

12 **MS. BREEDEN:** No objection.

13 **THE COURT:** State's 24 is admitted without
14 objection.

15 (State Exhibit No. 24 is admitted into the
16 record.)

17 **BY MR. SCOTT:**

18 **Q** Okay.

19 And that's your testimony that his interview
20 statements to you were freely and voluntarily given?

21 **A** Yes, sir.

22 **Q** And essentially, he admitted to you
23 reluctantly that, "Okay. I was there. I knew it was
24 going to happen. I knew Hardy was going to do it. But
25 he had a gun. I didn't"?

1 A Correct.

2 Q Okay.

3 Let me ask you something. Did you note an
4 age difference between Mr. Hardy and Mr. Prophet?

5 A About seven years or so.

6 Q Okay.

7 And who was the older?

8 A Mr. Hardy was.

9 Q Damond Hardy is about seven years older than
10 Keyon Prophet?

11 A Yes, sir.

12 Q Okay.

13 Answer any questions Ms. Breeden has, please.

14 **CROSS-EXAMINATION**

15 **BY MS. BREEDEN:**

16 Q Investigator Jordan, did you look for any
17 other suspects?

18 A I was only at headquarters. So I can't
19 answer that.

20 Q Okay.

21 Did you look for any others?

22 A I did not personally.

23 Q Okay.

24 And all you did was interview Mr. Prophet?

25 A Correct.

Taima Jordan - Cross-Examination by Ms. Breeden

1 **Q** Did you interview anybody else?

2 **A** No, ma'am.

3 **Q** And didn't Mr. Prophet tell you that he
4 didn't do the robbery?

5 **A** Initially, he denied any involvement at all.
6 And then, once again later on, he said he was present
7 and knew it was going to take place.

8 **Q** Did he ever say he felt like he was being
9 pressured?

10 **A** No, ma'am.

11 **Q** Did he ever ask to leave the room?

12 **A** No, ma'am.

13 **Q** Did anybody else enter the interview room
14 with you?

15 **A** Investigator Rains.

16 **Q** Was she present during this -- when you say
17 he allegedly admitted to?

18 **A** Yes. Yes, ma'am.

19 **MS. BREEDEN:** That's all I have. Nothing
20 further.

21 **THE COURT:** Any redirect?

22 **MR. SCOTT:** No, Your Honor.

23 **THE COURT:** All right.

24 Thank you. You may step down.

25 **THE WITNESS:** Thank you.

1 **MR. SCOTT:** The state calls Ricky Johnson.

2 **THE BAILIFF:** Place your left hand on the
3 Bible, raise your right, face the clerk for me,
4 please.

5 **THE CLERK:** State your full name for me,
6 please.

7 **THE WITNESS:** Ricky Johnson.

8 **THE CLERK:** You solemnly swear that the
9 testimony that you give in this case will be the
10 truth, the whole truth and nothing but the truth
11 so help you God?

12 **THE WITNESS:** I do.

13 **THE BAILIFF:** Watch your step up.

14 **RICKY JOHNSON**

15 having first been duly sworn, testifies as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. SCOTT:**

18 **Q** Okay.

19 Investigator Johnson, you work with the
20 Richland County Sheriff's Department?

21 **A** Yes, sir.

22 **Q** In what -- what department?

23 **A** Currently, I'm the captain over the tactical
24 services unit.

25 **Q** Okay. And what do you do on a day-to-day

1 basis?

2 A My unit -- well, I supervise a unit. And I
3 also preserve, analyze, and report digital evidence
4 from many things, primarily mobile devices, cell
5 phones.

6 Q Okay.

7 If cell phone is seized by your agency,
8 sometimes other agencies, you will do extractions on
9 those; is that true?

10 A Correct.

11 Q But if they seize a cell phone or other
12 electronic device, they might give it to you and see
13 you can perform what's called an extraction or a phone
14 dump?

15 A Yes.

16 Q And would that consist of you plugging it up
17 to a Cellebrite or some other machine and pulling all
18 the data off of it?

19 A Yeah. There's multiple tools that we use
20 that sort of automate the copying of the data. We try
21 and preserve the data by copying it. We do use a
22 forensic tool made by a company called Cellebrite.

23 Q Okay.

24 Where you asked to perform an extraction on
25 the case that we're here for today?

1 **A** Yes. An extraction was conducted on the
2 device.

3 **Q** Let me show you State's No. 23. Do you
4 recognize this?

5 **A** I do.

6 **Q** Okay.

7 And were you able -- what is that?

8 **A** It is a ZTE model N17 cell phone.

9 **Q** Okay.

10 Were you asked to do an extraction on that
11 phone?

12 **A** Yes. I did a manual extraction and an
13 analysis. Another individual actually did a forensic
14 extraction.

15 **Q** Okay.

16 Let me show you State's 19 and 20. Do you
17 recognize those?

18 **A** I do.

19 **Q** And where did you -- where have you seen
20 those pictures before?

21 **A** So these photos were in the -- what's called
22 the DCIM, the digital camera imaging folder, on this
23 cell phone. And what that folder is, is by default
24 when the user creates a photo either by taking it with
25 a camera on the device or by saving it, it goes into

Ricky Johnson - Direct Examination by Mr. Scott

1 this folder. And it was on this phone in that folder.

2 **Q** Okay. What about State's No. 22? Do you
3 recognize that?

4 **A** I do.

5 **Q** And what is that?

6 **A** This is just a photo of -- it appears just to
7 be just a website of a -- an order from -- it looks
8 like Pizza Hut. And it was inside of an attachment
9 folder that looked like it had been either sent or
10 received via text message.

11 **Q** Okay.
12 State's No. 21, do you recognize this?

13 **A** I do.

14 **Q** And where did you find that?

15 **A** This photo was also found in the DCIM, the
16 default folder for the cell phone.

17 **Q** All of these pictures come off of that phone?

18 **A** Yes.

19 **MR. SCOTT:** The black ZTE phone? And --
20 okay.

21 Your Honor, the state calls for State's 19,
22 20, 21, 22 for admission into evidence.

23 **MS. BREEDEN:** No objection.

24 **THE COURT:** State's 19, 20, 21 and 22 are
25 admitted without objection.

1 (State Exhibit Nos. 19, 20, 21 and 22 are
2 admitted into the record.)

3 **BY MR. SCOTT:**

4 **Q** All right.

5 This is State's 19. You said that came off
6 of this black ZTE cell phone?

7 **A** Yes.

8 **Q** State's 20, this, too, came off of the black
9 ZTE cell phone that you did the extraction on?

10 **A** It did.

11 **Q** State's 21, that picture you found on that
12 black ZTE cell phone?

13 **A** Yes. It came from that phone.

14 **Q** Taken by that phone?

15 **A** It did. It was taken by that phone.

16 **Q** State's 22 is a screenshot of something
17 called a Big Dinner Box with WingStreet breaded
18 bone-out wings and you pulled that from that cell
19 phone?

20 **A** I did.

21 **Q** Thank you.

22 That's all the questions I have you. Please
23 answer any questions Ms. Breeden may have for you.

24 **CROSS-EXAMINATION**

25 **BY MS. BREEDEN:**

1 Q Good afternoon.

2 A Good afternoon.

3 Q Were you able to tell when those photos were
4 taken?

5 A I was not. The -- the photos had metadata.
6 However, the settings in the phone were manually
7 adjusted. So whoever was using that device manually
8 set the date and time. So we had no known value to be
9 able to know exactly -- we could kind of narrow it down
10 the three days. And we did that based off of the text
11 messages. But I was unable to validate the exact time
12 the -- the -- the photos were taken. I was just able
13 to validate they were taken with that device.

14 Q That's all I have. Thank you.

15 THE COURT: Anything further from this
16 witness?

17 REDIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q Just those three days that you were able to
20 narrow it down to, do you have that information with
21 you?

22 A Yes.

23 Q All right.

24 What were the three days? You say like my --
25 I've got an iPhone. And it's Daylight Savings Time

1 or whatever it is, and it adjusts itself?

2 **A** Correct. It can -- it can adjust through the
3 network. However, in the settings, that was unchecked
4 to automatically do that, as well as there was no SIM
5 card in -- in the device to connect to a network.
6 However, the last outgoing conversations, telephone
7 calls, text messages were on the 22nd, which were three
8 days after the device was seized. Therefore, we knew
9 that it was a three-day offset with a known value.

10 **Q** Okay.

11 So that would've meant that those pictures
12 would've been taken in -- in what window of time?

13 **A** Well, some of them had the timestamp of the
14 19th. So if theoretically it was three days ahead, it
15 would've been three days prior.

16 **Q** So the 16th? January 16?

17 **A** Correct.

18 **Q** Okay.

19 Just so we're clear. You have a baseline.
20 You know he couldn't have made any outgoing calls after
21 the 19th, because that was when it was seized and
22 that's when he was arrested?

23 **A** Correct. It was in our evidence room on the
24 19th.

25 **Q** So the offset would be three days because his

1 last outgoing call shows the 22nd. We know that's not
2 possible?

3 A That's correct.

4 Q So if the picture on there says it was taken
5 on January 19, it could've been January 16, is what
6 you're saying?

7 A Theoretically, yes.

8 Q Okay.

9 All right.

10 But those phones, the pictures, just so we're
11 clear, State's 19, 20, 21, 22 were taken by that phone
12 and were found in the photograph cache in that phone?

13 A Yes.

14 Q Thank you.

15 THE COURT: Anything further, Ms. Breeden?

16 MS. BREEDEN: Briefly.

17 **RECROSS EXAMINATION**

18 **BY MS. BREEDEN:**

19 Q But we don't know the exact date that those
20 photos were taken?

21 A No. I'm unable to validate that.

22 Q Thank you.

23 THE COURT: All right. Thank you.

24 You may step down.

25 MR. SCOTT: Your Honor, the state calls

1 Ashleigh Dixon.

2 THE BAILIFF: Place your left hand on the
3 Bible. Raise your right. Face the clerk.

4 THE CLERK: Would you state your full name,
5 please?

6 THE WITNESS: Ashleigh Dixon.

7 THE CLERK: Would you spell your first name?

8 THE WITNESS: A-s-h-l-e-i-g-h.

9 THE CLERK: Do solemnly swear the testimony
10 you're about to give in this case will be the
11 truth, the whole truth, nothing but the truth so
12 help you God?

13 THE WITNESS: Yes, ma'am.

14 THE BAILIFF: Step up.

15 ASHLEIGH DIXON

16 having first been duly sworn, testifies as follows:

17 DIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q Ms. Dixon, where are you employed?

20 A The Richland County Sheriff's Department DNA
21 Lab.

22 Q How long have you been in that department?

23 A I've been with the Sheriff's Department for
24 15 years.

25 Q Okay.

1 And you work with people like Ashley Lee over
2 there?

3 **A** Yes, sir.

4 **Q** So are you a -- do you analyze DNA as well?

5 **A** I don't analyze it. I just processed the
6 evidence.

7 **Q** Process it. So if something comes in, would
8 you extract the sample for the analyst to test; is that
9 accurate?

10 **A** Yes, sir.

11 **Q** Okay.

12 In this particular case, were you asked to do
13 that on several items?

14 **A** Yes, sir.

15 **Q** Okay.

16 Specifically, I want to talk about the BB
17 gun, State's 27; the pizza bag, State's 26; and then --
18 well, I think that's everything. You didn't have
19 anything to do with the buccal swab, did you?

20 **A** Let me refer to my notes.

21 **Q** Okay.

22 **A** Yes, sir. I processed some buccal swabs.

23 **Q** Okay.

24 Let me ask you this before I get to what you
25 did with those samples. The pizza bag, State's 26,

1 Travis Holdorf just testified he was the one that
2 collected it. My notes show from there, went to Joshua
3 Fabel to Melody Galinski and then to you; is that
4 correct?

5 A Yes, sir. That's correct.

6 Q Who is Joshua Fabel and Melody Galinski?

7 A They are individuals that work in the
8 property and evidence room at the sheriff's department.

9 Q And their jobs are what? To help transfer --

10 A They -- they bring in evidence that's put in
11 a locker or an investigator brings it to them. And
12 they put it into the evidence room. And then they will
13 check it out to individuals if it's requested.

14 Q They aren't responsible for testing or
15 anything like that?

16 A No, sir.

17 Q So Holdorf collects it, Fabel receives it at
18 evidence room in your office, and Melody Galinski
19 checks it out and transfers it to you?

20 A That's correct. Yes, sir.

21 Q So when you get State's 26, what you do with
22 it?

23 A So for this case, I scraped and swabbed the
24 handles of the pizza bag. And -- so scraping is a --
25 we take a sterile blade and I scrape the handles,

1 trying to like get cells that may be there. Then I
2 take a sterile swab and put distilled water on it and
3 swab the areas that I scraped.

4 Q Okay.

5 And so you're looking for touch DNA?

6 A Yes, sir.

7 Q Or --

8 A Any skin cells that may be on there.

9 Q Okay.

10 So theoretically, if I grab this bag and I'm
11 running with that and I'm sweating and everything, I
12 could potentially be leaving my touch DNA on that bag?

13 A You could.

14 Q And that's what you're looking for. And
15 then, I guess, the goal is for somebody like Ashley Lee
16 is to test that unknown against the known sample?

17 A Correct.

18 Q And the known sample might be something like
19 this buccal swab?

20 A Correct.

21 Q Okay.

22 So that's what you did here. And then, you
23 transferred your swabs or your collection, whatever it
24 was, to Ashley Lee?

25 A Yes, sir. We consider it work product.

1 At that point, I'm done with it. And then
2 Ashley Lee would do the other analysis on it.

3 Q Okay.

4 State's No. 27, this is a BB gun pistol?

5 A Uh-huh.

6 Q This was testified -- Harrison Wells said he
7 found it up over a hot water heater in a closet. He
8 collected it. Then, let's see, it looks like one just
9 went from the sheriff's department to Melody Galinski
10 and then to you. Is that what you have?

11 A I have that Travis Holdorf put it into
12 evidence.

13 Q Okay.

14 A And Melody gave it to me when it was
15 requested.

16 Q Okay. Okay.

17 And then what sort of attempts to get DNA
18 samples from this pistol did you perform?

19 A So for that pistol, I took a sterile swab,
20 put distilled water on it and I swabbed the slide, the
21 trigger, and the grip.

22 Q Okay. And that particular sample, you
23 transferred to whom?

24 A To Analyst Ashley Lee.

25 Q Okay.

1 State's No. 24, this buccal swab, we just
2 heard Investigator Taima Jordan say he collected that
3 swabbing the inside of the defendant Keyon Prophet's
4 mouth?

5 **A** Uh-huh.

6 **Q** And he took it to the evidence room. Where
7 was it before it got to you or how was it transmitted
8 to you?

9 **A** Our property and evidence technician, Melody
10 Galinski, transferred it to me on 5/11/2020.

11 **Q** Okay.

12 And what do you do with that buccal swab?

13 **A** We take a cutting. So I use sterile
14 scissors, take a cutting of the buccal swab, put it in
15 a tube. And I do extractions and quantification. And
16 then that goes to Ashley Lee so that she can do further
17 analysis.

18 **Q** Okay. Investigator Jordan testified that the
19 buccal swab or the collection is really just kind of
20 like a long Q-tip?

21 **A** Correct.

22 **Q** So you say you just take a cutting, just
23 cutting the cotton portion of the Q-tip?

24 **A** Correct.

25 **Q** That would contain, I guess, the saliva or

1 cheek cells of the individual who had the buccal swab
2 performed on them?

3 **A** Correct.

4 **Q** Okay.

5 So you did that in that case. And you
6 transferred it to Ashley Lee. Was that the extent of
7 your involvement?

8 **A** Yes, sir.

9 **Q** Answer any questions Ms. Breeden has, please.

10 **A** Okay.

11 **MS. BREEDEN:** No questions.

12 **THE COURT:** Okay. All right.

13 Thank you. You may step down.

14 Call your next witness.

15 **MR. SCOTT:** Your Honor, the state calls

16 Ashley Lee.

17 **THE BAILIFF:** All right.

18 Place your left hand on the Bible, raise your
19 right, and face the clerk for me.

20 **THE CLERK:** State your full name, please.

21 **THE WITNESS:** Ashley Lee.

22 **THE CLERK:** Spell your first name, please.

23 **THE WITNESS:** A-s-h-l-e-y.

24 **THE CLERK:** You solemnly swear the testimony
25 you're about to give in this case will be the

Ashley Lee - Direct Examination by Mr. Scott

1 truth, the whole truth, and nothing but the truth
2 so help you God?

3 THE WITNESS: Yes, ma'am. I do.

4 MR. SCOTT: Thank you.

5 ASHLEY LEE

6 having first been duly sworn, testifies as follows:

7 DIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Ashley, you -- you had a long drive to be
10 here today. You drove here from Tennessee?

11 A Yes, sir.

12 Q Knoxville, Tennessee, this morning?

13 A Yes, sir.

14 Q And what are you doing in Knoxville,
15 Tennessee?

16 A I work for the Tennessee Bureau of
17 Investigation, in their crime lab in the forensic
18 biology unit.

19 Q Okay. Is that kind of like our state police,
20 SLED here? Is that --

21 A It is. Yeah. Same idea.

22 Q Tennessee State Police. And you said you
23 work in their forensic department?

24 A Yes, sir. In the biology unit.

25 Q Okay.

1 Back in 2019, January 2019, where were you
2 working?

3 **A** I was working for the Richland County
4 Sheriff's Department in the DNA lab.

5 **Q** So you're doing kind of the same thing in
6 Tennessee that you used to do here in Richland County?

7 **A** Yes, sir. That's correct.

8 **Q** Okay. And what is it that you -- what did
9 you do when you were at Richland County? What was your
10 job?

11 **A** I was a DNA analyst. So we processed
12 evidence, looking for DNA and analyze that and compare
13 it to known standards.

14 **Q** Okay.

15 How long had you been with Richland County at
16 that time?

17 **A** I started in 2018.

18 **Q** Okay.

19 So your day-to-day activities were testing
20 unknown standards against known standards as far as
21 DNA?

22 **A** Yes, sir.

23 **Q** Okay.

24 And what kind of training do you have to have
25 to do this?

Ashley Lee - Direct Examination by Mr. Scott

1 **A** So I have a Bachelor's of Science in
2 Biochemistry from the University of Tennessee. And I
3 also completed an in-house training program at Richland
4 County under the supervision of three court-qualified
5 analysts.

6 **Q** Okay.

7 And then you have to do any continuing
8 education annually, anything like that?

9 **A** I do. We are required to have at least eight
10 hours of continuing education every year.

11 **Q** Okay.

12 And I understand you've been qualified as an
13 expert in this very courthouse; is that correct?

14 **A** Yes, sir. That's correct.

15 **Q** And an expert in what?

16 **A** DNA analysis, I believe.

17 **MR. SCOTT:** Okay.

18 Your Honor, the state offers Ashley Lee as an
19 expert in DNA analysis.

20 **MS. BREEDEN:** No objection.

21 **THE COURT:** All right.

22 Ladies and gentlemen of the jury, normally a
23 witness may testify as to their personal
24 knowledge, what they saw, smell, touch, taste,
25 heard, etc. However, when a person by virtue of

1 their education training and experience has become
2 an expert in some field, they are permitted to
3 give you opinion testimony within the field of
4 expertise and the reasons for those opinions.
5 Ms. Lee is an expert the field of DNA analysis and
6 will be permitted to give you opinion testimony
7 within the field of DNA analysis. However, like
8 any other witness, you give her testimony the
9 weight and credibility you think it deserves.

10 You may proceed.

11 **MR. SCOTT:** Thank you, Your Honor.

12 **BY MR. SCOTT:**

13 **Q** All right.

14 Ashley, I'm going to first start with State's
15 27. I believe that's your Item 1?

16 **A** Yes, sir. It's Item 1 for us.

17 **Q** Okay.

18 And so when you get something like that, I
19 guess we just heard Ashleigh Dixon say she swabbed it,
20 the gun, and then transferred it to you. When you test
21 it, what are you testing that unknown sample against?

22 **A** So we test the unknown and see if we can
23 develop a DNA profile from that. And then, I would
24 also -- if there any standards collected in the case
25 from known individuals, those would be compared to that

1 unknown profile to see if that person matches or does
2 not.

3 Q Okay. So step one, can we -- can we develop
4 any DNA profile at all?

5 A Correct.

6 Q Okay.

7 And were you able to develop a DNA profile on
8 that pistol?

9 A Yes, sir.

10 Q Or swabs taken from the pistol?

11 And then what you do, I guess? And after you
12 do that, you say I do have a valid sample profile, you
13 tested against 24; is that accurate?

14 A Yes, sir. If that's a standard, yeah. We
15 would run that as well and look at the profile from
16 that and the profile that we got from the evidence and
17 see if that profile is also any evidence.

18 Q Okay.

19 So is it accurate to say, State's 24, we know
20 contains Keyon Prophet's DNA. So we're interested in
21 seeing does it match the DNA that's pulled off the
22 pistol, State 27; is that accurate?

23 A Yes, sir.

24 Q And were you able to make comparison buccal
25 swab, DNA obtained from Keyon Prophet's mouth compared

1 to the DNA pulled off of this pistol, State's No. 27?

2 A I was. Would you like me to read the result?

3 Q Yes, please.

4 A So I said the DNA result from Item 1, the
5 firearm, matches Keyon Prophet. Based on the most
6 recent population data available and the genetic
7 results obtained, Keyon Prophet is greater than 1.4
8 octillion times more likely to be the source of this
9 DNA than a random unrelated individual.

10 Q Okay.

11 I just had Keith look it up. An octillion is
12 27 zeros; is that right?

13 A Yes, sir. 27 zeros.

14 Q So we can say Keyon Prophet's DNA was on that
15 gun?

16 A Yes, sir.

17 Q The chances of it not being his DNA is one in
18 1.4 octillion?

19 A Yeah. He is 1.4 octillion times more likely
20 to be the source and a random unrelated individual.

21 Q How many people on earth right now? Is
22 it 8 billion?

23 A Approximately 8 billion.

24 Q Okay. all right.

25 It looks to me just reading your report -- I

1 see a lot of these things. Sometimes there's a
2 mixture, right? Don't you get some results that's a
3 mixture between individuals, sometimes known; sometimes
4 unknown?

5 A Yes, we can get a profile that has DNA from
6 more than one person, which would be a mixture.

7 Q Was a mixture on the sample that you found?

8 A Not from this item, no, sir.

9 Q Okay.

10 So it's single-source DNA profile, and it's
11 Keyon Prophet's?

12 A Yes, sir. It's a match to him.

13 Q Okay.

14 We talked about the pizza bag, State's
15 No. 26. And Ashleigh Dixon, you were in here, of
16 course. She said she scraped the handle, which is
17 probably where most people would hold onto the bags and
18 carry it. SK Entzminger said, "That was the pizza bag
19 I was carrying around that day." It would probably be
20 fair to say we expect some of his DNA on it, wouldn't
21 it?

22 A Correct. Yeah. Anybody that touched it
23 could've left DNA behind.

24 Q Okay.

25 Did you test to see if there were any other

1 mixtures, any other -- anybody else's DNA on this pizza
2 bag?

3 **A** Yes. The result from that pizza bag was a
4 mixture.

5 **Q** Okay. It was a mixture.

6 Could you -- did you find any evidence of
7 Keyon Prophet's DNA on that bag?

8 **A** Yes. So my result is DNA result developed
9 from Item 6, the pizza bag, is a mixture. Keyon
10 Prophet cannot be excluded from this mixture. Based on
11 the most recent population data available and the
12 genetic results obtained, Keyon Prophet is
13 approximately 109 million times more likely to be a
14 source of this DNA than a random unrelated individual.

15 **Q** Okay.

16 So it's not as strong of a profile. That's
17 109 million times more likely that it's him.

18 **A** Yes.

19 **Q** It's not an octillion, but it's 109 million?

20 **A** Correct.

21 **Q** Okay.

22 So in your professional opinion, can you say
23 based on scientific study and the practice you --
24 you've used that Keyon Prophet's DNA was found on this
25 pizza bag handle?

1 **A** Yes. That he was a contributor to the
2 mixture found.

3 **Q** Damond Hardy, that's been a name that's come
4 up as -- as one of his codefendants. What, if any, DNA
5 was found on the pizza bag belonging to Damond Hardy?

6 **A** For the pizza bag, Damond Hardy was excluded
7 from this mixture.

8 **Q** No evidence of Damond Hardy's DNA being on
9 this pizza bag?

10 **A** Correct. He was excluded.

11 **Q** Okay.

12 But Keyon Prophet's DNA is on the pizza bag?

13 **A** That is correct.

14 **Q** Okay.

15 Thank you, Ms. Lee. Answer any questions
16 Ms. Breeden has for you, please.

17 **A** Yes, sir.

18 **CROSS-EXAMINATION**

19 **BY MS. BREEDEN:**

20 **Q** Good afternoon, Ms. Lee.

21 **A** Good afternoon.

22 **Q** Let's start with the pizza bag?

23 **A** All right.

24 **Q** Was Taurus Caesar excluded from the pizza
25 bag? Was his DNA excluded?

1 **A** He could not be conclusively included or
2 excluded due to insufficient data quality for this
3 sample.

4 **Q** And what does that mean in layman's terms?

5 **A** Yeah. So basically, this mixture had more
6 than one person in it.

7 **Q** Uh-huh.

8 **A** So if somebody contributes more DNA to that
9 mixture, it may be easier to see their profile present.
10 Whereas, in this case, there was -- the data wasn't as
11 good. So it was insufficient data quality. So that
12 lower contributor. So it was unable to include or
13 exclude Mr. Caesar.

14 **Q** Okay.

15 In Item 23.1, which was a swab of the cell
16 phone?

17 **A** Yes, ma'am.

18 **Q** What were the results of that?

19 **A** So the DNA result developed from Item 23.1 is
20 a mixture. Keyon Prophet cannot be conclusively
21 included or excluded due to nonconcordant data.

22 **Q** Translation?

23 **A** Yeah. So for a profile that has a mixture
24 developed, a lot of times I will use a software that
25 can look at that mixture and see what profiles might be

1 present. So when there is a lower-level mixture or the
2 mixture just is too much for the software, it won't
3 agree with itself. I run everything triplicate so I
4 can see if the software agrees consistently. So when
5 it's nonconcordant data, it just means that the
6 software couldn't reach a conclusion to include or
7 exclude.

8 Q Okay. So we don't know if his DNA was or was
9 not on that --

10 A Correct.

11 Q -- cell phone?

12 A That's correct.

13 Q And with regard to the gun, did you have any
14 other sample to test DNA against?

15 A From the gun?

16 Q From the gun.

17 A It was swabbed and then compared -- yeah, it
18 was compared to all the standards.

19 Q Uh-huh.

20 A But it was a single-source profile, so it
21 only matched the one person.

22 Q Okay.

23 Was any -- was any DNA of Mr. Entzminger
24 found on the gun?

25 A I did not have a standard for Mr. Entzminger,

1 so it wasn't compared to the profiles developed.

2 Q Okay.

3 And so on the pizza bag, you didn't have his
4 DNA to perform a sample of either?

5 A No. I did not have his DNA to compare to
6 anything.

7 Q So you don't know if his is there or not?

8 A Correct.

9 Q That's all I have. Thank you.

10 A Yes, ma'am.

11 THE COURT: Anything further, Mr. Scott?

12 REDIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q You've mentioned a cell phone. That's 23.1.
15 Keyon Prophet cannot -- there's not enough data to see
16 if Keyon Prophet was on it?

17 A Right. The mixture was too complex. And it
18 couldn't -- the software I used couldn't agree with
19 itself, whether he was included or excluded.

20 Q But I see that you were able to conclusively
21 exclude Damond Hardy and Taurus Caesar?

22 A Yes.

23 Q Not enough information to rule him in or out,
24 but you can say Damond Hardy's DNA is not on this
25 phone; Taurus Caesar's DNA is not on this phone?

Motion for Directed Verdict

1 **A** That's correct.

2 **Q** Okay. Thank you, Ms. Lee.

3 **THE COURT:** Anything further, Ms. Breedon?

4 **MS. BREEDON:** No, Your Honor.

5 **THE COURT:** Thank you. You may step down.

6 Call your next witness.

7 **MR. SCOTT:** Your Honor, briefly may we
8 approach?

9 **THE COURT:** Yes, sir.

10 (A sidebar conference is held off the record.)

11 **MR. SCOTT:** All right.

12 Your Honor, at this time, the state rest.

13 **THE COURT:** All right. Ladies and gentlemen
14 of the jury, there are some matters I need to
15 discuss with the attorneys outside of your
16 presence. Please return to your jury room and do
17 not discuss the case.

18 (The jury exits the courtroom at 3:49 p.m.)

19 **THE COURT:** Any motions?

20 **MS. BREEDON:** Your Honor, we would -- the
21 defense would move for directed verdict. Viewing
22 the evidence in the light most favorable --
23 favorable to the state, there is not any credible
24 evidence to find that Mr. Prophet is guilty of an
25 armed robbery. Thank you.

1 **THE COURT:** Respectfully denied. All right.

2 Mr. Prophet, if you would stand. Come to
3 this microphone again. I've already placed you
4 under oath. I know that was for purposes of
5 guilty plea, but you are still under oath.

6 Do you understand?

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE COURT:** Okay. All right.

9 Mr. Prophet, at this time, I'm going to
10 explain to you certain of your rights. If you do
11 not understand anything I say, please let me know.
12 Or if you want me to explain anything in more
13 detail, please let me know.

14 Do you understand?

15 **THE DEFENDANT:** Yes, ma'am.

16 **THE COURT:** All right.

17 We've now reached a stage in the trial where
18 you may present your defense. You have a right to
19 claim the protections given to you by the Fifth
20 Amendment to the Constitution of the United
21 States. This Amendment states in part, "no person
22 shall be compelled in any criminal case to be a
23 witness against himself." This means that you
24 cannot be required to testify in this case. You
25 have the right to testify on your own behalf.

Court Remarks to Defendant

1 However, no one can make you testify. This is a
2 personal right and no one can waive this right
3 except you.

4 If you decide to testify, you will be subject
5 to the same rules that govern other witnesses.
6 And you -- you may be examined and cross-examined
7 on any relevant issue in this case.

8 In addition, if you have any convictions
9 involving dishonesty or false statement or for
10 crimes punishable by imprisonment for more than
11 one year and this Court determines that the
12 probative value of admitting that evidence
13 outweighs its prejudicial effect to you, the
14 solicitor will be able to introduce your criminal
15 record to attack your credibility.

16 If you decide to testify, this decision on
17 your part must be freely, voluntarily, and
18 intelligently made with knowledge of the
19 protections given to you by the Fifth Amendment
20 and the consequences of your decision to testify.
21 If you decide not to testify, I will instruct the
22 jurors that they cannot give the fact that you did
23 not testify any consideration whatsoever and that
24 there is to be absolutely no prejudice to you
25 because you did not testify. It is left entirely

1 up to you whether or not you testify.

2 You may talk with your attorney, your family
3 and friends, or anyone else. But the final
4 decision will be left entirely up to you.

5 Do you understand what I have explained to
6 you?

7 **THE DEFENDANT:** Yes, ma'am.

8 **THE COURT:** Do you have any questions about
9 what I've explained to you?

10 **THE DEFENDANT:** No, ma'am.

11 **THE COURT:** Have you discussed with your
12 lawyer whether or not you should testify?

13 **THE DEFENDANT:** Yes, ma'am.

14 **THE COURT:** Do you wish to talk to your
15 lawyer anymore about whether you should testify?

16 **THE DEFENDANT:** (No audible response.)

17 **THE COURT:** Or your friends or family or
18 anyone? Do you need some more time?

19 **THE DEFENDANT:** Yes, ma'am.

20 **THE COURT:** You do. Who -- generally who do
21 you plan to talk to? Your family?

22 **THE DEFENDANT:** Yes, ma'am.

23 **THE CLERK:** How long do you think you need,
24 just ballpark?

25 **THE DEFENDANT:** Probably about minutes.

Court Remarks to Defendant

1 **THE COURT:** Okay.

2 So we'll just take a 15-minute break. I
3 don't want to rush. If you need -- I'll come back
4 in 15 or so minutes. And I'll ask you if you need
5 more time, because I want you to have all the time
6 that you need. I mean, obviously, we can't take
7 days or weeks. But if it's going to be more than
8 15 minutes, you just let me know at that time.
9 And we'll figure it out. I'm just trying to
10 figure it out for planning purposes. But we'll
11 take just a 15-minute break for you to talk to
12 your family, friends, whoever. Okay?

13 **THE DEFENDANT:** Yes, ma'am.

14 **THE COURT:** All right.

15 Court will be in recess 15 minutes.

16 (A recess is taken.)

17 **THE COURT:** All right.

18 Mr. Prophet, have you had time to discuss
19 with everyone you wanted to discuss with whether
20 you should testify?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE COURT:** Do you plan to testify?

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** Okay.

25 Do we need to talk about anything before he

1 testifies? Any convictions?

2 **MR. SCOTT:** Your Honor, he's got a giving
3 false information to police, which is a crime of
4 dishonesty. He's got an accessory before the fact
5 to a felony. That is -- well, let me first -- let
6 me tell you, the conviction date for the false
7 information is September 21, 2016. Accessory
8 before the fact to a burglary carries zero to 10
9 years. And that was June 6, 2013. And a burglary
10 second, June 6, 2013. That burglary second
11 nonviolent, that, too, carries zero to 10 years.

12 **THE COURT:** What was the date on that?

13 **MR. SCOTT:** June 6, 2013.

14 **MS. BREEDEN:** And the accessory?

15 **MR. SCOTT:** The accessory and the burglary
16 both have that June 6, 2013.

17 **THE COURT:** Okay.

18 Thank you. So you plan to introduce all
19 three of those that you just mentioned?

20 **MR. SCOTT:** I do, Your Honor.

21 **THE COURT:** Any objection, Ms. Breeden?

22 **MS. BREEDEN:** No, Your Honor.

23 **THE COURT:** Okay.

24 Bring the jurors in.

25 (The jury enters the courtroom at 4:22 p.m.)

Court Remarks to Defendant

1 **THE BAILIFF:** The jury is seated, Your Honor.

2 **THE COURT:** Thank you.

3 Ladies and gentlemen, as you've heard, the
4 state's rested its case before you stepped out of
5 the courtroom. Now it's, time for the defense to
6 present their case. Please give Ms. Breeden your
7 attention.

8 Call your first witness.

9 **MS. BREEDEN:** Thank you, Your Honor.

10 The defense calls Keyon Prophet.

11 **THE BAILIFF:** Come forward and be sworn.
12 Please your left hand on the Bible and raise your
13 right and face the clerk. Right there. The
14 clerk. Okay.

15 **THE CLERK:** State your full name, please.

16 **THE DEFENDANT:** Keyon Prophet.

17 **THE CLERK:** Do you solemnly swear the
18 testimony you are about to give in this case will
19 be the truth, the whole truth, and nothing but the
20 truth so help you God?

21 **THE DEFENDANT:** Yes, ma'am.

22 **THE CLERK:** Thank you. You can have a seat
23 right there.

24 **THE BAILIFF:** Watch your step up.

25 You need to speak loud enough for this lady

1 between this class here. You've got to speak loud
2 enough so she can hear you. The judge has got to
3 hear you. She's behind glass. And that last
4 person down up there on the end has got to hear
5 you. That's what this microphone is for. Okay?

6 **THE DEFENDANT:** Yes, sir.

7 **THE BAILIFF:** All right.

8 **KEYON PROPHET**

9 having first been duly sworn, testifies as follows:

10 **DIRECT EXAMINATION**

11 **BY MS. BREEDEN:**

12 **Q** Keyon, tell of the jury where you reside.
13 What's your address?

14 **A** My address is 18 Bent Oak.

15 **Q** Can you speak up?

16 **THE BAILIFF:** Speak into the microphone.

17 **THE WITNESS:** My address is 18 Bent Oak,
18 Beaufort, South Carolina 29907.

19 **BY MS. BREEDEN:**

20 **Q** Okay.

21 And where did you grow up at?

22 **A** In Columbia, South Carolina.

23 **Q** And did you go to school here?

24 **A** Yes, ma'am.

25 **Q** And what school did you go to?

Keyon Prophet - Direct Examination by Ms. Breeden

1 **A** Carver-Lyon, W.A. Perry, and Eau Claire High
2 School.

3 **Q** Okay.

4 And did you graduate from Eau Claire?

5 **A** Yes, ma'am.

6 **Q** Okay.

7 Tell us a little bit about your family.

8 **A** My dad, he was military. Strict, discipline.
9 My mom, she was there. It was like always like -- we
10 always used to take trips to go out of town and stuff
11 like that.

12 **Q** Uh-huh.

13 **A** So it was like -- he was like a mentor to me
14 to go rake a yard or cut a grass or something --

15 **Q** Uh-huh.

16 **A** -- to make a hard-earned dollar.

17 **Q** And are you married?

18 **A** Yes, ma'am.

19 **Q** And do you have children?

20 **A** Yes, ma'am.

21 **Q** And how many children do you have?

22 **A** Two and one on the way.

23 **Q** All right.

24 Keyon, let -- let me turn your attention to
25 your prior record. Let's just go ahead and get that

1 out of the way. You have been convicted previously,
2 yes?

3 A Yes, ma'am.

4 Q And you were convicted of accessory before
5 the fact of a felony and burglary second degree in --
6 on June 6 of 2013?

7 A Yes, ma'am.

8 Q Okay.

9 And you have also been convicted of giving
10 false information to -- convicted of giving false
11 information; is that correct?

12 A Yes, ma'am.

13 Q And that was in September -- on September
14 21 of 2016, correct?

15 A Yes, ma'am, when I had my probation.

16 Q Okay.

17 So Keyon, tell me where you were on
18 January 19, 2019?

19 A That whole day or just that?

20 Q Well, you can start with your day. Start
21 with what you did that day?

22 A Well, that morning, I was at my auntie house
23 in Allen Benedict Court. Because I was staying with my
24 auntie. My mom called me. She had asked me could I
25 come over. And then, I had told my mama that I was

Keyon Prophet - Direct Examination by Ms. Breeden

1 about to go get my hair done. And she asked me where.
2 Why won't I go to my cousin? And I had told her
3 because -- because my ride is going -- is going to the
4 girl who's going to do my hair.

5 Q Where was this girl at that was going do your
6 hair?

7 A Journey.

8 Q That was who was going to do your hair?

9 A Yes, ma'am.

10 Q Journey Snell?

11 A Yes, ma'am.

12 Q The young lady that testified earlier today;
13 is that correct?

14 A Yes, ma'am.

15 Q Okay.

16 A She had -- she has supposed to do my hair
17 because I was going to give her \$40 cash to do my hair.
18 So when I got there, I gave her the money.

19 Q And did she do your hair?

20 A She was starting it. That's why you seen the
21 little parts in my head.

22 Q Can you speak up, please?

23 A She was starting to do my hair.

24 Q Uh-huh.

25 A She was halfway between my head before the

1 incident occurred.

2 Q Okay.

3 And while she was doing your hair, what
4 happened next?

5 A Well, she was doing my hair. All of us was
6 sitting in the house.

7 Q Who is "all of us"?

8 A It was me -- it was me, her girlfriend,
9 Taurus, and Taurus girlfriend was there first.

10 Q Okay.

11 A It was all of us. And then, I had end up
12 leaving.

13 Q Where did you go?

14 A I had went across the street to the gas
15 station.

16 Q Why did you go -- got to the gas station?

17 A To go get a cigar. Smoke a blunt.

18 Q Okay.

19 A And I came back. And then, when my friend
20 dropped me back off, Damond was standing outside.

21 Q Who was your friend that dropped you off?

22 A She my wife now, Haley.

23 Q Okay.

24 A But I had been messing with my baby mama,
25 Jamila, like at first. So I ended up like saying her

Keyon Prophet - Direct Examination by Ms. Breeden

1 name because I didn't want to get caught up with my
2 wife. 'Cause me and Jamila was staying together with
3 my auntie. And a girl who I was messing around with
4 who came to pick me up and drop me off over there.

5 Q So Haley -- Haley is the person that picked
6 you up?

7 A Yes, ma'am.

8 Q And drop you off?

9 A Yes, ma'am. On Broad -- on Broad River.

10 Q On Broad River?

11 A To the Grove.

12 Q To the -- to the Grove. The Grove is
13 located -- do you mean the apartment complex where this
14 incident occurred?

15 A Yes, ma'am.

16 Q Okay.

17 So you refer to that as The Grove?

18 A Yes, ma'am.

19 Q And your girlfriend dropped you off at The
20 Grove?

21 A She's my wife now.

22 Q But at the time, she was your girlfriend?

23 A She was just somebody who I was dealing with.
24 'Cause I was already in a relationship.

25 Q Okay.

1 So let's just call her Haley for simplicity
2 sake. So Haley dropped you off at The Grove. Okay.

3 You were getting your hair done, correct?

4 **A** Yes, ma'am.

5 **Q** You went across the street to get a cigar?

6 **A** I called Haley back.

7 **Q** Okay.

8 **A** 'Cause Haley had asked me for some money.

9 **Q** Uh-huh.

10 **A** For some gas money. Because she wanted to go
11 with her friends. So I told her, "Yeah. Come take me
12 to the store."

13 She came through, picked me up, and took me
14 to the store. Okay.

15 We came back.

16 **Q** Wait a minute. Speak up, please. Speak up.

17 **A** She pull up. She came and picked me up and
18 took me to the store. We came back.

19 **Q** Uh-huh.

20 **A** When we came back, I seen Damond outside.
21 But I didn't know him. But he said, "What's up. Do
22 you have a light?"

23 And then, I went like, Nah. I walked
24 upstairs. He started asking me questions.

25 **Q** Hold on a second. When you walked upstairs,

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1 where did you go?

2 A I was going to Taurus's house.

3 Q Did you ever make it inside Taurus's house?

4 A Yes, ma'am.

5 Q Okay.

6 So you went inside Taurus's house. And then
7 what happened?

8 A I just had left Taurus's house. So I went
9 back to Taurus's house.

10 So when I went back to Taurus's house, Damond
11 came in. She was like, "Bro, what's up?"

12 And bro went like, "What's up?"

13 So you know, all of us in there chillin'.

14 And I had asked Taurus did he know somebody who sold
15 weed. He said yeah. Bro around the corner, but I'm
16 about to go hop in the shower. Have bro to take you.

17 Q I'm sorry. He had a what?

18 A He told me to take -- have Damond take me --

19 Q Okay.

20 A -- to go get the weed.

21 Q And did you go get the weed?

22 A Yes, ma'am. We walked around the corner to
23 the weed man --

24 Q Okay.

25 A -- and got the weed.

1 Q Uh-huh.

2 And then what happened?

3 A We was on the way back --

4 Q Uh-huh.

5 A -- to the apartment. On the way back to the

6 apartment, we seen -- we seen the victim, the pizza

7 man.

8 Q Okay.

9 A Okay.

10 When we seen the pizza man, when he ran up on

11 him, I stood --

12 Q Who ran up on him?

13 A Damond. When Damond ran up on him, I had got

14 in shock a little bit. 'Cause I was like, Damn, for

15 real, bro. And then, I took off running. So when I

16 ran to Taurus's house, I went to go get my phone and

17 call my cousin. That's who -- that's who's back there.

18 She still had -- she still had the same number. So --

19 Q So when you got into Taurus's house?

20 A I grabbed my phone to call my cousin. Told

21 my cousin, "This dude just robbed the pizza man, cuz.

22 Come get me."

23 Q Uh-huh.

24 A "I ain't trying to be around this."

25 Damond come in the house. Okay. He come in

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1 the house.

2 Q Did he come in the house with a pizza?

3 A With the whole thing.

4 Q What do you mean "the whole thing"?

5 A He came in there with just the whole bag and
6 all. Like he came running in the house.

7 Q Okay.

8 A So --

9 Q Did -- did Damond give any indication of how
10 he got this pizza, the whole thing?

11 A Okay. Let me go back so that you can get
12 that.

13 When we was late, he was asking like, I mean,
14 "You think Pizza Hut open?" And I been like I don't
15 know. You know what I mean? 'Cause I really don't
16 like Pizza Hut. 'Cause I worked at Pizza Hut behind
17 the -- behind the hospital right there on Sumter
18 Street. I done worked there.

19 So, you know, he had been like, "Do you want
20 some Pizza Hut?" And I been like no. 'Cause I had --
21 had a food stamp card in my pocket, which that was my
22 mother's food stamp card which she had gave me the
23 night before. Because she told me if you need any
24 groceries that you can use my food stamp card. And I
25 was like okay. So the receipt was wrapped up on it.

1 We went there. We was chillin'. He asked me
2 what time did they open. I told him 11. He told me
3 10. I showed him. I said, Bro, look, it's at 11.
4 'Cause I worked there.

5 Okay. We was chillin'. We left. No. We
6 was chillin'. We left. And then we came back.

7 Q Who is the "we"? When you say "we left,"
8 who is "we"?

9 A Oh, it was me and Taurus. 'Cause we had went
10 outside on the porch to smoke a cigarette.

11 Q Okay.

12 A Taurus don't smoke cigarettes in his house;
13 he smoke weed in his house.

14 Q Okay.

15 A So me and Taurus left. We went outside on
16 the balcony and smoked a cigarette.

17 Q Uh-huh.

18 A Came back in. Damond was in there. And
19 then, that's when -- that's when it had occurred. When
20 I came back from the store -- right after we smoked a
21 cigarette, my girl called me. Because she had asked me
22 for some money.

23 Q Uh-huh.

24 A When she asked me for the money, I told her
25 to pull up. Left. Came back. When I came back, I

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1 seen Damond. But Damond already was like -- he was
2 already in there. Like but he been back there in the
3 room with a girl. 'Cause Taurus had told me when I
4 first came there, "My homeboy back there in the room
5 with a female. You can't go back there in the room
6 right now." So that's the only reason why that I ain't
7 want to call my friend over there. That's what
8 everybody go to Taurus's house to do. Kick it. Chill,
9 smoke. You know what I'm saying? Have fun.

10 Q Uh-huh.

11 A Like that's what we do. Well, all of a
12 sudden, this day, when we -- like when we came over
13 there -- he might have a picture of me with that gun,
14 yes. Because I took a picture of it. He might -- he
15 might have me with a picture of a gun, yes. You know
16 what I'm saying? 'Cause I took a picture of it.
17 'Cause I signed the gun (inaudible) when I was with my
18 wife so that I already knew that, that I ain't supposed
19 to be around no weapons. So I took a little picture
20 with it and stuff like that. But this --

21 Q But it was a BB gun?

22 A Yeah. Know what I mean? But he tried to
23 sell it to me.

24 Q Who is the "he"?

25 A Taurus.

1 Q Okay.

2 A Taurus tried to sell me the gun for \$150. I
3 told Taurus that I ain't want it because the gun
4 will -- will get you killed. 'Cause it looks real, but
5 it's fake.

6 Q Uh-huh.

7 A If you go out there in the neighborhood and
8 pull that out on somebody, they're going to end up
9 shooting at you. You can't shoot back with that. So
10 it's pointless to buy that? So I took a couple of
11 pictures with it.

12 Q Okay.

13 A I ain't -- I ain't -- go ahead.

14 Q Okay.

15 You took pictures with the gun.

16 Now, did you call to order a Pizza Hut Big
17 Box?

18 A No, ma'am. I ain't call Pizza Hut.

19 Q Did you ask anyone to call Pizza Hut for a
20 Big Box?

21 A No, ma'am. I didn't tell no one to call
22 Pizza Hut for anything.

23 Q Okay.

24 A 'Cause if it was that, I would've walked down
25 the street to Family Dollar with my mama food stamp

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1 card and got everybody something to eat if that was the
2 problem. My whole family will tell you, when it come
3 to food, we do not -- like we will feed you. But
4 you -- but you can't stay with any type things going
5 on.

6 Q Okay.

7 Keyon, did you rob Mr. Entzminger?

8 A No, ma'am. I would never put my hands on an
9 elderly person, ma'am. I've been raised way better
10 than that.

11 Q Did you hit him in the head?

12 A No, ma'am. I didn't hit him at all.

13 Q Okay.

14 Did you have a discussion with Damond about
15 robbing the Pizza Hut guy?

16 A No, ma'am. I did not talk to Damond about
17 the Pizza Hut guy. Damond had -- Damond had asked
18 me -- Damond had been like, "Do y'all want Pizza Hut?
19 What time Pizza Hut close?" Like I told him, "I don't
20 want that, bro."

21 Q Okay.

22 A 'Cause I don't eat Pizza Hut. 'Cause I eat
23 Papa John's. My mama will tell you. My girls will
24 tell you. My girls like Dominoes. And I like Papa
25 John's. I don't even eat Pizza Hut. The only thing I

1 eat from Pizza Hut is the cheese sticks and the chicken
2 wings. But anything else, man.

3 Q Okay. All right.

4 You heard Investigator Jordan say that you
5 admitted to him that you participated in this robbery?

6 A Okay. Okay.

7 You have to look at it like this. If
8 somebody tell you, "Yo, bro, what y'all want?" and
9 everybody calling out what they want, "Oh, get this.
10 Get that. Get that" --

11 Q When you say everybody calling out what they
12 want, are you talking about -- what are you talking
13 about?

14 A Oh, Taurus telling him what he want.

15 Q What is it that he's wanting?

16 A I think Terry -- I think Taurus told him that
17 he had wanted like a Meat Lover or something.

18 Q Okay.

19 So the people are telling him what type of
20 pizza they want?

21 A Yeah.

22 Q Okay.

23 Go ahead.

24 A So Damond -- they telling Damond what kind of
25 pizza they want. Meat Lover -- oh, they was telling

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1 Damond what kind of pizza they want, Meat Lover or
2 cheese pizza or this or that. But me, I was already
3 good. So my auntie who that I was staying with, she
4 wake quick up every morning and cook a big breakfast.

5 Q Uh-huh.

6 A So therefore, I wasn't even hungry.

7 Q Uh-huh. Okay. My question was, you heard
8 the investigators say you confessed to him to
9 participate in a robbery. So what do you have to say
10 about that? Did you confess to him?

11 A If he saying confess like in me telling him,
12 well, yeah -- if I see you run up on somebody and pull
13 out a gun and -- and run away, if you call that a
14 confession that I know that I had -- okay. He -- he
15 asking everybody, "What do you want?" I told
16 investigators what I knew. So whatever I knew was like
17 a confession, then like that's what it is. But as for
18 me like being the type of person to put my hands on an
19 elderly person, like my granddaddy his age. Like
20 literally. I don't not play no disrespect.

21 But anything else, like I just can't see
22 myself going down for nothing that I really didn't do.
23 My fingerprints on that gun, yes, 'cause I touched
24 that. I admit that I touched that. Because bro tried
25 to sell me that. Taurus tried to sell me that.

1 But that bag, I don't remember touching it.
2 I didn't grab it. Like I'm just telling the truth. I
3 don't remember anything at the moment 'cause when bro
4 came in the house --

5 **Q** Who is "bro"? You said bro. Who is "bro"?

6 **A** When Damond -- when Damond ran in the house,
7 everybody -- everybody moving and running. You see
8 what I'm saying? They like, "Oh. What's going on?
9 Put this there. Put that there." And knowing me, I'm
10 like, Look, bro. I ain't touching nothing. You know
11 what I'm saying? I just don't see myself like -- I
12 understand the gun, yeah. But the bag, I don't
13 remember none of that, me touching no bag. 'Cause I
14 ran away when Damond ran on that elderly dude over
15 there.

16 **Q** Uh-huh.

17 **A** If I could have -- if I could have -- when I
18 seen him outside during -- during break earlier, I
19 would've walked up to him and apologized about the
20 whole situation, about how did it happened. But I
21 couldn't do that because I know what I'm doing. So,
22 you know, I just left it alone or whatever.

23 **Q** Okay.

24 **A** If that's me confessing, telling him what had
25 had happened with Damond and the pizza situation, then

1 if that's what you want to call a confession. But yes,
2 I did tell him everything, where everything was, what
3 had had happened, what did I see, what did I know.

4 Q Uh-huh.

5 A Yes, I told him that to save me. 'Cause I
6 know that I didn't do it. That's why I told him
7 everything.

8 Q Uh-huh.

9 A 'Cause I wanted to save me. 'Cause I know I
10 ain't that. 'Cause I know that I had two babies
11 already. So why would I jeopardize myself and my
12 family for a pizza? The man had said that he had \$20.
13 They said \$40 yesterday. I'm not about to risk my life
14 over no pizza and no \$40.

15 Q All right.

16 A That's all I'm saying. I can't do that.
17 'Cause like if it was that, I would have just ran.
18 'Cause I knew that I ain't did it. You hear me? If I
19 knew I had did it, I would've just ran. Just got on
20 through. Bump trial. Bump coming to trial. That's
21 what I would've did. I'm think about my kids, my
22 marriage, my family, my house, like everything what I
23 got going on right now.

24 Q Uh-huh.

25 A Like my welding job on hold right now because

1 I'm on an ankle monitor. They won't hire me 'cause the
2 fire might hit my ankle monitor --

3 **MR. SCOTT:** Your Honor, I'm just objecting to
4 the narrative at this point. I don't think he's
5 answering any questions.

6 **THE COURT:** Sustained.
7 You can only respond to questions that
8 someone asks.

9 **THE WITNESS:** Yes, ma'am.

10 **BY MS. BREEDEN:**

11 **Q** Keyon, let me ask this: Did you see Damond
12 hide these items? Items being the pizza box. Did you
13 see him hide in the pizza box?

14 **A** Yes, ma'am.

15 **Q** And where did you see him hide it at?

16 **A** When Damond -- when Damond ran in the house,
17 he went in the kitchen. He -- he called me and Taurus.
18 He told us to help him. I tried to walk out. Oh,
19 well, I ain't going to even go there. I'm going to
20 answer your question.

21 **Q** Okay.

22 **A** But he had -- he took it out the box. He put
23 it in oven. And then, he pulled the refrigerator back
24 and put it behind a refrigerator and pushed it back.

25 **Q** What did he put behind the refrigerator?

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1 A The pizza box.

2 Q Okay.

3 A He put the pizza box behind the refrigerator.
4 He ran to Taurus's room. He -- he had end up telling
5 Taurus to get on his knees. And then he called me.
6 And then he had been like, "Man, look out the window.
7 See where the police at." 'Cause all of them had
8 rifles.

9 Q Did you see Damond do anything with the red
10 Pizza Hut bag?

11 A Yes, ma'am. Tossing it at Taurus -- Taurus
12 and us, telling us to put it up. And we kicking it,
13 telling him no, we don't want it.

14 Q Uh-huh.

15 A But yeah. Talking about, "Hide this. Hide
16 this."

17 Q Okay.

18 A And like I told him, I ain't touching that.
19 I ain't putting my fingerprints on that.

20 Q Okay.

21 And did you see Damond do something with the
22 gun?

23 A When Damond came in the house, he didn't --
24 he didn't have no gun.

25 Q Okay.

1 **A** The only gun in there was Taurus's BB gun.

2 **Q** Uh-huh. Okay.

3 **A** Like when I seen the police outside because I
4 had ended up putting it on top of the hot water heater.
5 But Damond did have a chrome and black gun too.

6 **Q** Why did you put the gun on the hot water
7 heater?

8 **A** 'Cause the simple fact was -- was like -- if
9 you look at this situation, he got -- now -- now -- all
10 right now.

11 **Q** The question was, Why did you put the gun on
12 the hot water heater?

13 **A** With me thinking -- with me thinking, All
14 right. Damond already got a gun. Why not go ahead on
15 and, you know what I'm saying, move that from out the
16 way so like when they come in and catch him, he go down
17 for his part. Like everything match up. 'Cause I
18 already had knew that I touched that gun and Taurus
19 tried to sell it to me 30 minutes before and the gun is
20 sitting on the counter soon as you walk in -- in the
21 living room where the stove area, it's a little counter
22 right there. The gun was sitting right there on the
23 counter.

24 So when Damond ran in the house, ran and
25 started putting stuff up, my first reaction was, "Damn,

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1 if they come in here, they're going to swear that
2 whoever close by it, that's who gun it is. Let me move
3 this shit."

4 Q Okay.

5 A Oh, wait. Wait. Wait. Excuse me. Excuse
6 me. I apologize.

7 Q Did you see Damond hit Mr. Entzminger?

8 A No, ma'am. I didn't. 'Cause I took off
9 running.

10 Q All right.

11 A When he did like this and put it in his face
12 and had told him to give it up --

13 Q Uh-huh.

14 A -- I just took off running. I went straight
15 to the house and grabbed my phone and called my cousin.

16 Q Okay. All right.

17 Please answer any questions that Mr. Scott
18 has for you.

19 **CROSS-EXAMINATION**

20 **BY MR. SCOTT:**

21 Q I just noticed something. I don't know if it
22 was a slip of the tongue. But you said, "Damond put my
23 box behind the refrigerator"?

24 A "My box"?

25 Q Why are you referring to the pizza box as

1 yours?

2 A "My box"? I didn't say "my box."

3 Q "Damond took my box and put it behind
4 refrigerator."

5 A "My box"? I ain't say "my box." I literally
6 said that Damond took the pizza box and put it behind
7 the refrigerator. I didn't say "my box" 'cause that
8 ain't my box.

9 Q All right.

10 So we're at Zimalcrest Road that morning to
11 get our hair done?

12 A Yeah.

13 Q That's right. You got \$40 and that's what
14 the going rate is to braid your hair?

15 A I had more than \$40.

16 Q How much did you have?

17 A I had about like \$80, \$90 on me at the most.
18 'Cause I just had left Allen Benedict Court.

19 Q Okay.

20 Where's that money now?

21 A Where is that money now? Journey had 40. My
22 girl came through, took me to the store for some
23 cigars. I went to by some weed and gave her \$30.

24 Q Your girl was Jamila or Haley?

25 A The girl was Haley. But I ended up using

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1 Jamila because that's who I been with. Haley was my
2 side girl. So with me telling on myself with me
3 getting locked up, cheating on my girl and not having
4 my girl by my side like while I'm locked up, that's
5 messed up 'cause I don't have no type of support.

6 Q Who took you to the store Jamila or Haley?

7 A Haley. Haley took me to the store.

8 Q Where was Jamila?

9 A Jamila was at Allen Benedict Court.

10 Q Okay.

11 A She was at my auntie house.

12 Q Where's Haley right now?

13 A Haley is in Beaufort with me. We married.

14 Q Okay.

15 Is she not here today?

16 A No, sir. 'Cause she had court for her baby
17 daddy.

18 Q All right.

19 Haley took you to the store to get a blunt.
20 And you had already got half your hair done to this
21 point? Or tell me how that went. I'm just trying to
22 get the timeline.

23 A Okay.

24 Q All right. So you got to go over there to
25 get Journey to do your hair?

1 A Haley came and picked me up from Allen
2 Benedict Court.
3 Q All right.
4 We'll get there.
5 A Haley took me to The Grove on Broad River.
6 Q Okay.
7 We're calling it Zimalcrest --
8 A Oh.
9 Q -- 'cause that's actually what the address
10 is.
11 A Okay. I'm sorry.
12 We went to Zimalcrest.
13 Q All right.
14 A I sat there.
15 Q Sat where?
16 A I sat there at Zimalcrest at Taurus house.
17 Q All right.
18 Where did Haley go?
19 A Haley left.
20 Q Why didn't she stay with you?
21 A 'Cause she went with her homegirl.
22 Q All right.
23 A She don't like to be around like a lot of
24 people type.
25 Q Okay. All right. Understood.

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1 Haley takes you to the store --

2 **A** She has friends too.

3 **Q** -- to get a blunt. Then she takes you back.

4 Okay.

5 And had Journey started doing your hair yet?

6 **A** When I got there, Journey started doing my
7 hair because I gave Journey the \$40.

8 **Q** Okay.

9 **A** Okay.

10 **Q** I'm with you.

11 **A** My baby, my wife called me, my baby mama now.

12 **Q** Jamila?

13 **A** No. My --

14 **Q** Haley?

15 **A** Haley. My wife.

16 **Q** Got you.

17 **A** She called me and told me could she get some
18 gas money.

19 **Q** All right.

20 **A** Could she get some money. I already knew
21 what the money was for gas.

22 **Q** She had already left and she was coming back
23 now because she realized after she left, "I need gas
24 money"?

25 **A** She was gone about like 30 minutes.

1 Q Okay.

2 A So she called me. She asked me for some
3 money. I told her to pull up.

4 Q All right.

5 A She pulled back up on Zimalcrest.

6 Q Okay.

7 A And I asked her could you take me to the
8 store to get some cigars.

9 Q All right.

10 A She took me to the store. We came back.

11 Q Okay.

12 A Damond was outside.

13 Q Had you started getting your hair done yet?

14 A Yeah. My hair was halfway like that. 'Cause
15 she was going to put them in like little -- little
16 patches and braid them up, right, like (inaudible).

17 Q Okay. So half of your head is done; the
18 other half is not done?

19 A My head was parted.

20 Q Okay.

21 A My head wasn't all the way done.

22 Q Was it going to be a lot more --

23 A Yeah.

24 Q -- work to be done? How much longer did you
25 think it was going to take?

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1 A It was going to take like about -- it was
2 probably going to take her about an hour and a half.
3 'Cause we was going to smoke, smoke a little weed.

4 Q Why couldn't Haley -- all right. She was
5 going to the store anyway to get gas. Why couldn't she
6 have gotten your blunt for you?

7 A Because Haley didn't have no money. She
8 called and asked me for money.

9 Q Did you give it to her?

10 A Yeah.

11 Q Okay.

12 She did have money?

13 A When I got in the car and rode with her to
14 the store and got what I wanted. 'Cause she smoke
15 flavor cigars and I don't.

16 Q My point is, you're getting your hair done.
17 You're here to get your hair done because Journey Snell
18 does your hair?

19 A She don't does my hair; she do hair. So --

20 Q Haley --

21 A -- she was going to do my hair.

22 Q All right.

23 Haley comes back after she had already been
24 gone and said, "I need some gas money." Why didn't you
25 say, "Here's some money. Go get gas. While you're at

1 it, get me a blunt 'cause I'm getting my hair done and
2 it's going to take a while"? You didn't think about
3 that?

4 A No. I just hopped in the car and went to the
5 store.

6 Q And did Journey say, "I don't have all
7 day" --

8 A No.

9 Q -- "when you coming back"?

10 A No. She ain't say nothing.

11 Q Okay.

12 So you come back. And all of a sudden,
13 Damond Hardy is there. You'd never seen him before in
14 your life?

15 A I ain't never seen Damond.

16 Q All right.

17 A But when I went to Taurus's house the first
18 time, he told me that his friend been in the back room
19 with a girl. 'Cause Journey was parting my hair, doing
20 my hair at first before I left.

21 Q Who was the girl Damond Hardy was in the room
22 with?

23 A I don't know.

24 Q You don't know who she was?

25 A I don't know who she is.

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1 Q She left I guess before all of this started
2 going down?

3 A Probably so. When I came back, he was
4 outside.

5 Q All right.
6 And he asked for a light. I heard you say
7 that?

8 A Yes.

9 Q You give him one?

10 A No. I walked upstairs to Taurus though. And
11 he was following behind me. And then, when he walked
12 in, Taurus was like, Bro, what's good.

13 Q All right.
14 Then what happened?

15 A Then bro had asked everybody, "Do y'all want
16 some pizza? What time pizza open up?"

17 Q All right.
18 I thought you went to go get some weed?

19 A Bro, listen, bro.

20 Q I'm trying to. I'm trying, man. Help me
21 out. Look. Most people when they tell a story, it
22 goes from Point A to B to C?

23 A I'm not lying to you, bro.

24 Q I'm not -- help us with the timeline. Okay?
25 Damond Hardy --

1 A When I came back from the store --

2 Q All right.

3 A -- Damond asked everybody what they want from
4 Pizza Hut.

5 Q All right.

6 A He asked me what time Pizza Hut open. I told
7 him 11. He told me 10. I pulled it up to show him
8 'cause I worked at Pizza Hut right there --

9 Q I heard that?

10 A -- behind Baptist Hospital. You can pull it
11 up and look. I was a cook. I know what a delivery
12 driver go out with.

13 Q Uh-huh.

14 A I'm not about to waste my time with that. So
15 therefore, okay, the man -- Taurus was in the shower.
16 And I had asked Taurus where -- where to get some weed
17 from 'round here.

18 Q You talking to him while he was in the
19 shower?

20 A Like yeah. Like at the bathroom door where
21 the crack. 'Cause like the shower was like back here,
22 but the door right here. So --

23 Q Is Journey sitting there saying, "Fool, sit
24 down and let me finish your hair, man"?

25 A No. No.

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1 Q Your hair is halfway done. Now you need some
2 weed. And you're yelling at the guy in the shower?

3 A I walked to the bathroom door and cracked the
4 door --

5 Q All right.

6 A -- and had asked him.

7 Q "Taurus, where is some weed? I need some
8 immediately"?

9 A "Do you know where to get some weed from
10 around here Taurus?"

11 Q And he said yes?

12 A He said yeah. The dude, Scooter, around the
13 corner. Take Chop. I walked out and then said, "Yo,
14 Chop, do you know somebody would some weed?" He was on
15 Journey phone.

16 Q Why you calling him "Chop" now? Because you
17 said you didn't know the guy.

18 A That was his name at first when I first met
19 him. Chop. When I got my motion, that's when I seen
20 his name, Damond Hardy.

21 Q Okay.

22 He introduced himself as Chop?

23 A Taurus's name was Caesar, Taurus Caesar. I
24 thought his street name was just Taurus. But I found
25 out that his name was Taurus Caesar.

1 Q I thought this was a place you hung out all
2 the time. That's where everybody goes to kick it?

3 A All right.

4 Look. Taurus was homeless. Taurus --

5 Q That was his apartment.

6 A Listen.

7 Q Okay.

8 I'm about to tell you how Taurus got the
9 apartment.

10 Q I -- that doesn't matter. That doesn't
11 matter.

12 A All right. Okay.

13 Q Just talk about the weed and talk about the
14 guy in the shower. Did it occur to you --

15 A Taurus my friend.

16 Q Hold on. Did it occur to you to let Taurus
17 finish with his shower, he lives in the neighborhood,
18 he knows the weed man, let him go get the weed man
19 instead of you going with Chop who you don't even know?
20 Did that ever occur to you?

21 A They just had beat Taurus up the other day
22 when he walked to the store. They busted lip. They
23 beat Taurus up. 'Cause Taurus, he threw a --

24 Q Wait a minute.

25 A He -- all right.

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1 Q But he's directing you to go to the weed man
2 who just beat him up?

3 A When he told me the dude name, then I knew
4 the dude. When he said the dude, Scooter, I didn't
5 know where he stay. So when he said to take bro with
6 me -- Chop with me, me and chop 'round there -- went
7 'round there to scooter. I went 'round there to
8 Scooter and spent \$15 on some weed. The police even
9 said when they came in the house, the house smell like
10 a pound of weed. 'Cause we was smoking weed.

11 Q Chop doesn't live there. How does he know
12 where the apartment is?

13 A Come to find out, Chop people stay around the
14 corner. That's where he said, "Oh, my sister stay
15 around the corner. Journey my sister." He was
16 explaining to me like who everybody was. I didn't know
17 this man when I first went there.

18 Q All right.

19 A That was their guest.

20 Q All right.

21 A I even --

22 Q So tell me -- you were going to say
23 something?

24 A Yeah, I mean.

25 Q Go ahead.

1 A Like I said, before I left, my mama called
2 me. And then, she had asked me where was I going that
3 morning. And then I told her where I was going.

4 Q You told your mama you were going to get some
5 weed?

6 A I told my mama that I was going to get my
7 hair done.

8 Q All right.

9 You're backing up now. We're back -- we're
10 going back to when you first got there?

11 A Yes.

12 Q Remember how we talked about telling a story?
13 Let's move it along. You want to go back to when you
14 first went there?

15 A Man, bro, just go ahead, bro.

16 Q All right.

17 A I'm just trying to let you know that ain't
18 no -- you know what I mean? Ain't nobody ain't up here
19 playing. You know what I mean?

20 Q You're not playing?

21 A No. I'm not playing. 'Cause my life at
22 stake right now.

23 Q You're telling --

24 A But something --

25 Q You're telling the truth right now, is what

Keyon Prophet - Cross-Examination by Mr. Scott

1 you're saying?

2 **A** Yes, sir. I am.

3 **Q** And you're the same guy who's been convicted
4 of lying?

5 **A** To the police?

6 **Q** Yeah.

7 **A** Yes, sir.

8 **Q** Okay.

9 **A** Probation violation hold that I had had on me
10 when I had got caught with -- when I had got caught
11 with that pistol in Beaufort.

12 **Q** You got caught with a pistol? Tell me about
13 that.

14 **A** Oh, 2016 --

15 **MS. BREEDEN:** Objection.

16 **THE COURT:** Overruled.

17 **BY MR. SCOTT:**

18 **Q** Tell me more about getting caught with the
19 pistol.

20 **A** Okay. 2016, when I moved down to Beaufort
21 with my brother.

22 **Q** Uh-huh.

23 **A** To get out of trouble. I was walking with
24 one of my friends. And, you know, we was walking
25 together. We was coming from a party.

1 Q Yeah. And where did you get that pistol,
2 though, that you had?

3 A I had bought it -- bought it from somebody
4 out of Beaufort.

5 Q Bought it and you weren't supposed to have
6 it?

7 A No. I ain't supposed to have it. But I
8 bought it from somebody. And then I was walking home.

9 Q So you're not supposed to have a pistol and
10 you got caught with one?

11 A Yeah.

12 Q You got convicted of that?

13 A Yes, sir. So when the police stop me --

14 Q And fast forward to our little thing here and
15 you've got a pistol you're taking pictures with and
16 posting with.

17 A Aye, man. I'm keeping it real, bro. I was
18 young at the time. You feel me? That's my past. I
19 was young. Yes, I did some crazy things when I was
20 young. Like I said, my daddy and stuff was in the
21 military. He hold everything together.

22 Q We're talking about you, not your dad. Your
23 dad's not on the stand.

24 A Yeah.

25 Q Damond Hardy is a good bit older than you,

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1 right?

2 A Yeah.

3 Q Seven years older?

4 A That's right.

5 Q Okay.

6 He looks at good bit older than you too?

7 A A little bit.

8 Q Yeah. We heard the older guy was the one
9 behind the pizza man. The younger one was the one with
10 the pistol pointing at his face?

11 A No.

12 Q I heard about that.

13 A Well, then --

14 Q Let the testimony stand on its own.

15 A If you look at Damond picture and look at my
16 picture, like -- well, okay, then. Okay, then. Put it
17 like this. If he had said that it was the older guy or
18 the younger guy, but he had -- could not identify
19 nobody, how does he know that it was a younger or older
20 if he can't identify nobody? You see what I'm saying?

21 Q Nah.

22 A That really ain't making no sense. Like,
23 okay. He was looking at a gun.

24 Q All right. So --

25 A He wasn't looking at a face.

1 Q Tell us what -- all right.

2 He goes down. From what I understand, y'all
3 just stumble across the pizza man who had just gone to
4 a house that said they didn't order pizza. Y'all just
5 happened upon him. Is that what happened?

6 A We left Taurus's apartment. When we left
7 Taurus's apartment, we went to Scooter house. I bought
8 the weed. On the way back through the cut, bro seen an
9 old man. Damond Hardy -- Harvey seen an old man.

10 Q Uh-huh.

11 A He was turning around from their door walking
12 off.

13 Q Right.

14 A I was behind the man. 'Cause Damond came
15 from behind the bushes. So when he came from behind
16 the bushes and ran in front the dude, I was behind the
17 old man.

18 Q Okay. Keep going.

19 A When I seen what I've seen, I froze up, yeah.
20 But I took off running. Cause I went to the house to
21 grab my phone, called me a ride to get away from the
22 scene because I did not wanted nothing to do with that.

23 Q Why not call the police?

24 A Why do not call the police? What that look
25 like? Me calling the police sitting in a house with

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1 somebody just ran in the house with a pizza bag who got
2 a gun? When I -- when I tried to walk out, the police
3 told me to stay in.

4 Q Why didn't you call them and say a robbery
5 just happened, y'all get down here, I know what
6 happened, I had nothing to do with it, let me tell
7 y'all what happened?

8 A Okay.

9 Q Is this going to be an answer or a question?
10 'Cause you're going to ask me the questions. I'm
11 asking you to answer mine.

12 A Okay.

13 Q Do you want to -- you want to question me?

14 A Why didn't I do that?

15 Q Why didn't you?

16 A I didn't do that because like where I'm from
17 like not saying that -- not saying that -- not saying
18 that that what I had supposed to do. That's what I had
19 supposed to do was call the police. But I was in a
20 state of just like dang, bro, everything happened so
21 fast. Bro robbed dude. Ran in the house. I grabbed
22 my phone. Called a ride. Called somebody to come get
23 me.

24 Q Well, that brings up another question. This
25 is the first time I've talked with you.

1 A Yeah.

2 Q Why didn't you call Haley? Why did you call
3 your cousin?

4 A Why did I call my cousin?

5 Q Yeah.

6 A 'Cause --

7 Q Haley was right down the street.

8 A 'Cause my --

9 Q Haley is the one who was back and forth
10 giving you rides and everything?

11 A Haley wasn't down the street. Haley left
12 once she got my money. She wanted to go hang with her
13 homegirls. My cousin was on the way to come see me
14 already anyway.

15 Q All right.

16 A So that's why I called my cousin. Because
17 she was coming off Monticello on the highway.

18 Q How did you know that?

19 A Because she texted me. She been like, "Yo,
20 cuz, where you at?"

21 I told her, "I'm in The Grove."

22 She said, "I'm leaving Monticello."

23 Q All right.

24 You stumble upon pizza man. You were the one
25 behind him. You were just -- you just happened to be

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1 there, right?

2 You just have -- listen. I'm asking a
3 question. You just happened to see the pizza man,
4 right?

5 A Both of us seen him.

6 Q All right.

7 A Not just me.

8 Q Why were you in the breezeway? What kind of
9 cut-through is that?

10 A I wasn't in that breezeway.

11 Q Okay.

12 A Like I say --

13 Q Mr. Entzminger --

14 A If you go around that corner right there --

15 Q Uh-huh.

16 A If you go around that corner, there's another
17 building right there.

18 Q Okay.

19 A If you go on the side of that picture,
20 there's another building where you can walk around the
21 corner. I don't know why you trying to make me look
22 like the bad guy, bro. I did not do that, bro, like
23 for real.

24 Q That is not my job.

25 A But yeah.

1 **Q** My job is to ask you questions and present a
2 case.

3 **A** Okay.

4 **Q** Listen. I don't get to make the evidence,
5 right?

6 **A** Okay.

7 **Q** This is the evidence you saw that particular
8 day, right?

9 **A** Yeah. I seen it.

10 **Q** You saw that pizza bag. You been to this
11 apartment complex. You're the one who got your cheek
12 buccal swabbed.

13 **A** I didn't been to that --

14 **MS. BREEDEN:** Objection.

15 **THE WITNESS:** -- apartment complex. I didn't
16 never been to that apartment complex.

17 **THE COURT:** Hold -- hold on. Hold on.

18 **THE WITNESS:** I didn't never been to that
19 apartment complex.

20 **THE COURT:** Mr. Prophet, hold on. You got to
21 stop talking when somebody does objection.

22 **THE WITNESS:** Okay.

23 **THE COURT:** Overruled.

24 But let's move on.

25 **MR. SCOTT:** Yes, ma'am. Yes, Your Honor.

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1 BY MR. SCOTT:

2 Q All right.

3 The pizza man, SK Entzminger, this was the
4 apartment he had gotten the call to deliver to. They
5 said --

6 A I don't know.

7 Q Listen to me. Okay. You don't, right? But
8 you heard them testify, right?

9 A Yes, sir.

10 Q Were you listening?

11 A Yes, sir. I heard everything.

12 Q He said that was the door right at that
13 corner. The guy said I didn't order pizza. So he
14 turns to walk between these bushes when a man comes
15 behind him and one comes in front of him. If you're
16 the man behind him, what are you doing in that
17 breezeway?

18 A Bro, bro was coming out that way where you --
19 where you walk out there, like where the little steps
20 and little shit was.

21 Q Where were you? Tell me where you were in
22 this picture.

23 A Bro, look. Well --

24 Q Here. I got your picture. I got you. Where
25 were you?

1 **A** Hold up. All right.

2 **Q** You show me and I'll show them on the screen.

3 **A** I'm about to show both of you. So all right.

4 Okay.

5 If you come from this way from back here, you
6 see how -- how long that building is over there on that
7 side from this side with the picture where it look
8 short. This building is long. So you're telling me --

9 **Q** I'm just asking you. Where were you? You
10 said you came up behind him.

11 **A** He was coming out towards this way. All of
12 that was trimmed. You got an old picture. If you
13 would've took the right picture, then you wouldn't have
14 what you have. Yeah.

15 So therefore, he was coming out this way.
16 And me and bro was walking that way. When he was
17 coming out, bro ran up on him. That's the way I was
18 standing. Right there. The gun was pointed in his
19 face. Bro, he was standing over there by the tree.

20 When I ran, bro screamed help. I ran in the
21 house, grabbed my phone, called my cousin and told her
22 to come get me 'cause I don't know what they got going
23 on. I'm not about to go down for this.

24 **Q** You didn't help the man who was screaming for
25 help?

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1 **A** Why would I turn around? He think I'm going
2 to have something to do with that.

3 **Q** Listen. One more time.

4 **A** That's crazy.

5 **Q** The pizza man --

6 **A** Yeah.

7 **Q** -- SK Entzminger said he was walking out of
8 these bushes. Okay? Do you see this cut-through? Do
9 you see it? Yes or no?

10 **A** Bro --

11 **Q** Do you see it? Yes or no?

12 **A** Like what I just showed you.

13 **Q** Do you see the cut-through? Yes or no?

14 **A** But there's two cut-throughs too.

15 **Q** I'm pointing very clearly --

16 **A** Okay.

17 **Q** -- at a cut-through between hedges?

18 **A** Okay.

19 **Q** Do you see that?

20 **A** Yeah.

21 **Q** Okay.

22 **A** Just like I told you, the other side of this
23 building is longer too.

24 **Q** We understand that.

25 **A** That is more bushes too.

1 Q Let's focus --

2 A Yeah. You got to look at that too.

3 Q Let's focus on these bushes right here.

4 A Yeah.

5 Q Are you able to do that?

6 A He probably came out -- those bushes.

7 **THE COURT:** Mr. Prophet, Mr. Scott's trying
8 to ask you a question. First, you must let him
9 finish the question. But also answer the
10 question. You can't just say whatever you want to
11 say. You've got to answer questions. Do you
12 understand?

13 **THE WITNESS:** Yes, ma'am.

14 **THE COURT:** Do you -- okay.

15 **BY MR. SCOTT:**

16 Q Is there a reason you don't want to answer
17 this question?

18 A It's a reason I want to answer it. Go ahead.

19 Q Okay.

20 Do you see this cut-through between these
21 hedges --

22 A Yes, sir.

23 Q -- that I'm pointing to?

24 A I see it.

25 Q Okay.

1 Did you hear Mr. Entzminger say he walked out
2 of this breezeway as he was going through this
3 cut-through that I'm pointing to still for you, a man
4 came from behind him in the breezeway? Did you hear
5 him say that?

6 **A** A man came behind him in the breezeway?

7 **Q** All right.

8 Let's move on.

9 **A** Yeah.

10 **Q** You just don't want to answer that question?

11 **A** I wasn't in no breezeway.

12 **Q** This is your chance to answer the question.

13 **A** I was going around the corner. Just like I
14 said, I was leaving the dude Scooter house walking
15 around the corner. I was not in no breezeway. If I
16 was in the breezeway, the people would have seen me
17 from their door running up on him, right?

18 **Q** Fair enough. Fair enough.

19 We're not going to be able to hear the answer
20 to that question --

21 **A** Okay.

22 **Q** -- because he refuses to answer it.

23 **A** I don't refuse to answer. I'm telling you
24 the truth.

25 **Q** You telling me the truth just like you told

1 the police when you got convicted of --

2 **A** When I had got caught -- when I had had a
3 probation violation hold when I was in Beaufort with my
4 daughter when she just been born when I ain't want to
5 go to jail. Of course, I told the police my brother
6 name.

7 **Q** Okay.

8 **A** If you want to convict me for that, yes, I
9 did. 'Cause I wanted to see my daughter. But my
10 brother had a child support charge. Then I ended up
11 telling them my name and turned myself in. Yes. If
12 that's what you want to keep bringing up, talking about
13 false information, yes, sir. I did do that.

14 **Q** Okay.

15 **A** Yeah.

16 **Q** All right.

17 So Damond Hardy comes in with this bag. You
18 saw it. You have nothing to do with it.

19 **A** I ain't had nothing.

20 **Q** There's no reason your DNA should be on this
21 bag, right?

22 **A** If a person coming in the house --

23 **Q** Listen. Answer a question. You can't ask me
24 questions.

25 **A** Yes, sir.

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1 Q All right?

2 A Yes, sir.

3 Q There's no reason your DNA should be on this
4 bag, correct?

5 A Correct.

6 Q Okay.

7 We heard the lady get up here and -- and she
8 gave a giant number and it's your DNA on the handle?

9 A Okay. All right.

10 Q Is this going to be an answer or a question?

11 A An answer.

12 Q Okay.

13 A Damond --

14 Q Think about it.

15 A Okay.

16 Damond came in the house, throwing around the
17 bag. Tell Taurus, "Hey, bro, put this up."

18 Taurus throw it to me. "Bro, put this up."
19 I'm like -- and I'm like, "No, bro. I don't want
20 nothing to do with that. What you going to think? You
21 think your stuff ain't going be on there when you don't
22 want nothing to do with that? Come on, man."

23 Q Did you answer the question or are you done?

24 A I answered it. I probably did touch it.

25 When Damond threw it around in the house, I probably

1 did touch it because I ain't want nothing to do with
2 that.

3 Q Okay.

4 A Probably did. I'm not sure. 'Cause I was
5 smoking that day.

6 Q All right.

7 You must have been really high then, huh?

8 A The whole house smelled like a pound a weed,
9 the police say. So probably was.

10 Q So maybe you don't remember you holding onto
11 the bag and taking it from the pizza man?

12 A Like I said -- who? Me taking what from what
13 man? I ain't took nothing from nobody. We ain't
14 fixing to play those games. Bro, look --

15 Q Help explain this one --

16 A Like I said, when Damond came in there
17 throwing the bag around, Taurus touched the bag and I
18 picked that bag up and moved it and told him, "No, bro.
19 I'm not touching that. Get that away from me."

20 Q You picked it up and moved it and said "No,
21 I'm not going to touch it"?

22 A I threw it at him like, "Nah, bro. I don't
23 want that."

24 Q All right.

25 Help me with this. I got another question

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1 for you.

2 A Okay.

3 Q Damond is the one that ripped this out of
4 Sedley Entzminger's hands and ran with it and started
5 throwing it around, right?

6 A Yeah.

7 Q How come there's not a shred of his DNA on
8 it? It's all you, man?

9 A It's all me, right?

10 Q Yes.

11 A What about his phone? So my DNA not on his
12 phone if I took his phone, too, if I robbed him?

13 Q Well, that's another interesting thing.

14 A Yeah.

15 Q Did hear the chemist?

16 A Yeah.

17 Q She said there wasn't enough data in her
18 software to exclude you or include you. Wait a minute.
19 She said Damond Hardy and Taurus Caesar, she could
20 exclude them. Their DNA isn't on it.

21 A I know my DNA wasn't on that phone. I'll
22 tell you that. If it was, she could've made.

23 Q Well, there's no testimony about that.

24 A She could've made some room for that to
25 happen if she really wanted that to happen. I'm just

1 saying --

2 Q You saying she could've lied about it if she
3 wanted to? Is that how you -- is that your answer to
4 everything? Just lie about it if you want --

5 A I ain't lying about nothing. I have a
6 family, sir.

7 Q Listen. Listen. That's irrelevant.

8 A I have a house that I just paid for.

9 Q We've all got families, man.

10 A Like yeah.

11 Q Listen --

12 A I'm not about to throw my life away for
13 nothing that I didn't do. You know what I'm saying?

14 Q Okay. All right.

15 Well --

16 A I understand what you're saying. My
17 fingerprints are on the BB gun, yes, sir. 'Cause
18 Taurus tried to sell it to me.

19 Q Okay.

20 A You do got pictures of it. Let me see the
21 phone. Is that the right phone? Is it red on the --
22 is it red on the other side? Because like if it is,
23 that's my phone. A ZTE touchscreen phone, I didn't
24 have. Because my mama, she had got me an Obama food
25 stamp phone from off the side of the street. That was

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1 the only cell phone that I had at that time.

2 Q Where is that?

3 A The police took it.

4 Q Okay.

5 A They took everything I had when I got locked
6 up. I had to get a new social when I got out of jail,
7 new ID, all of that, new phone, all of that. I ain't
8 have nothing.

9 Q This is the phone they found on you?

10 A Oh, phone that they found on me.

11 Q So it's got a bunch of pictures of you on it.
12 That's not your phone is what you're going to say now?

13 A Oh, talking about the ZTE phone.

14 Q It's got your e-mail address in it?

15 A Oh, yeah.

16 Q That is?

17 A That's mine.

18 Q Okay.

19 A What about -- what about my food stamp phone,
20 the one that been on. That phone that been on. That
21 phone wasn't on.

22 Q What are we going to find on your food stamp
23 phone?

24 A Oh.

25 Q That's a good question.

1 **A** What you going to find on my food stamp
2 phone? People and stuff like who I was calling to
3 talking to off free minutes.

4 **Q** Okay.

5 **A** That phone right there just only worked
6 around Wi-Fi.

7 **Q** That's just the one you take pictures of guns
8 on?

9 **A** That's the one that I take pictures with, be
10 around Wi-Fi with, can get on the Internet with.
11 That's what type of phone that is.

12 **Q** And you don't like Pizza Hut, right?

13 **A** I eat Dominoes. I worked at Pizza Hut.

14 **Q** Do you know how many screenshots and Internet
15 searches for Pizza Hut are in this phone?

16 **A** Do you know where I bought that phone from?

17 **Q** I don't.

18 **A** Yeah. I bought it off the street.

19 **Q** So you didn't erase that?

20 **A** Nah.

21 **Q** So somebody else was looking up -- somebody
22 else was looking up Pizza Hut on this phone before you
23 bought it?

24 **A** I just told you Damond asked me what time
25 Pizza Hut opened. I told him 11 o'clock. He told me

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1 10. Then I pulled it up and showed him.

2 Q Okay.

3 A I'm not about to sit here and lie to you.

4 Q What if I told you there were
5 thirty-something images of Pizza Hut in here?

6 A Oh, that's crazy.

7 Q What your explanation for that?

8 A Yeah, bro. That's crazy. 'Cause I ain't
9 pull up no Pizza Hut no 30 times. 'Cause I don't eat
10 Pizza Hut like that.

11 Q All right.

12 THE COURT: You need to lean into the
13 microphone, Mr. Prophet.

14 BY MR. SCOTT:

15 Q What if I told you this phone called Pizza
16 Hut on several occasions on the morning of January 19?
17 Who did that? You just let somebody else borrow it and
18 they called Pizza Hut?

19 A That phone wasn't even on, sir. My red food
20 stamp phone I had --

21 Q You sure about?

22 A I'm positive about that. That phone wasn't
23 even on. That phone had only worked around Wi-Fi. And
24 Taurus didn't have no Wi-Fi. Journey had a hotspot.

25 Q All right. All right.

1 Now, that brings up another question. You
2 said you were using that phone to look up Pizza Hut.
3 And I guess that's your explanation for this. Now,
4 you're saying it wasn't even on?

5 A The phone wasn't on. If I can use someone
6 hotspot to connect to get on the Internet and look at
7 something, yeah.

8 Q All right.
9 Help me with the phone. Taurus had been
10 trying to sell this to you?

11 A Yes, sir.

12 Q Okay.

13 A If you look at those pictures --

14 Q Uh-huh.

15 A -- the pictures that you have me with the gun
16 in my hand, that was at Taurus's house. If you look at
17 the whole house and at the whole background, that's
18 Taurus's house.

19 Q Did you hear the analyst say it was
20 single-source DNA?

21 A Single-source DNA?

22 Q Did you hear her say that?

23 A Yeah.

24 Q All right.

25 Do you know what that means?

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1 **A** No.

2 **Q** It was yours and yours only as far as DNA on
3 it.

4 **A** Oh, yeah.

5 **Q** No Taurus -- no Caesar Taurus or Taurus
6 Caesar. None of his DNA is on it.

7 **A** I wish I had a camera, bro. Damond touched
8 that -- bro, Damond -- all right.

9 Taurus had it. He (inaudible) on Taurus.
10 'Cause he told Taurus to let him see. Then he cocked
11 it back. And then, that little metal piece came in the
12 middle. He was like, "Man, Taurus. Stop playing.
13 This fake."

14 **Q** All right.

15 **A** Everybody touched that gun. Everybody in
16 that house touched that gun. But all of a sudden, it
17 had my DNA on that gun. 'Cause I was the last person
18 to touch it. I ain't gonna lie. I did. I was the
19 last person that touched that gun.

20 **Q** Did you hear her talk about mixtures, that
21 there could be more than one person DNA on it?

22 **A** Yeah.

23 **Q** This was no mixture. It was just yours. Can
24 you explain that?

25 **A** Yeah.

1 Q How would you explain that, then?

2 A 'Cause I was the last person who was holding
3 it in my hand, cocking it back, checking to see whether
4 it real.

5 Q So you magically erased all of their DNA from
6 it?

7 A Okay. If somebody hand you a gun, if you was
8 the last person that touched it with your hands all
9 over it, you think your DNA ain't going to be on it
10 more than his DNA.

11 Q I'm telling you there's nobody else's DNA.

12 A Okay.

13 Q There's no mixture on the gun.

14 A All right.

15 Q Were you not listening when the chemist was
16 testifying?

17 A Yeah. I was listening.

18 Q Okay. All right.

19 This right here is -- you say (inaudible)?

20 A Yeah. That's the investigator.

21 Q You remember him? You remember speaking with
22 him?

23 A Yes, sir.

24 Q All right.

25 And I know you lie to police, but why would

Keyon Prophet - Cross-Examination by Mr. Scott

1 you tell him that Chopper said he was going to go rob
2 the pizza man before it happened?

3 A All right.

4 Q Why -- why would you tell him that?

5 A Okay.

6 Q Okay.

7 A If you sit down and listen --

8 Q I will?

9 A -- to what Chopper said, "What do y'all
10 want?" And then, boom. We leave. You running up on
11 the pizza man? What is that? You basically was
12 saying, "Hey. Y'all want some pizza? I'm about to go
13 rob this man."

14 Q Okay.

15 Why would you go with him if you knew he was
16 going to rob the man?

17 A I didn't see him call the man. I didn't know
18 that he was going to rob the man. I went around the
19 corner literally for weed, go back to get my hair done,
20 go back to my mama. My mama was waiting on me. I
21 literally went to go get my hair done. Got tied up all
22 up to this.

23 Q Listen. Let me see if I can break this down.
24 Why would you tell the investigator that before he went
25 out there, Chopper said he was going to go rob the

1 pizza man and you knew it was going to happen? Why
2 would you have told him that?

3 A I just told you. If somebody sit in the
4 house and ask you, "What do y'all guys want" --

5 Q Uh-huh.

6 A -- we leave, go to the pizza -- I mean, we
7 leave, go to Chopper house -- not Chop, but go to
8 Scooter house and come back around the corner, you see
9 a pizza man and run up on the pizza man, what is your
10 intentions to rob this pizza man? You had to order a
11 pizza for you to rob a pizza man. When I seen it, I
12 ran. If I would have wanted to participate in it, I
13 would have grabbed him, "Yo, bro. What's in your
14 pockets? Empty me your pockets. Give me that." But I
15 didn't. I ran. Got on about my business, thinking
16 about my kids.

17 Q All right. Listen. Why would you tell the
18 investigator --

19 A I just told you why.

20 Q All right.

21 Here. You remember doing the interview?

22 A No.

23 Q All right.

24 A Really don't.

25 Q Maybe I could refresh your memory.

Keyon Prophet - Cross-Examination by Mr. Scott

1 **A** Yeah. I probably was high -- so high up in
2 there.

3 **Q** Yeah.

4 **A** When they came and got us out of the house,
5 we was high.

6 **Q** Okay. So -- so maybe -- maybe you don't
7 remember things -- maybe you don't remember things the
8 way they happened. You're now testifying that's how
9 high you were?

10 **A** Nah.

11 **Q** What are you saying?

12 **A** I remember what I told the investigator about
13 who did it and where stuff was and all of that.

14 **Q** Let's clear up what you did tell --

15 **A** Do you know how long ago that was though?

16 **Q** I know exactly how long ago it was.

17 **A** Almost five years.

18 **Q** Okay.

19 What I'm asking you is, Ty Jordan right
20 here --

21 **A** Yeah.

22 **Q** -- sitting right there. I don't have to play
23 this if you'll explain it. Why were you telling him
24 that Chopper said he was going to rob the pizza man
25 before it happened?

1 **A** Because -- okay. Just like I said, if
2 Chopper in the house asking everybody what you -- just
3 like I said, if Chopper in the house asking everybody
4 what you want, you already knew your intentions. You
5 thought this out. If you sitting here asking everybody
6 what you want -- all right. Now, this is me sitting at
7 the police station summing everything up. Me
8 thinking, all right, boom. When we got back in the
9 house, he did say, boom, "Dang, bro. I feel bad for
10 hitting that man."

11 And I been like, "Bro, what? Then, right
12 after that, then I knew that. "Come on, bro. You done
13 robbed this man? You basically done told me that you
14 done robbed him because you said that you hit him."

15 **Q** I'm not talking about after the fact; I'm
16 talking about before it happened.

17 **A** That's what I'm saying.

18 **Q** All right. Listen --

19 **A** That's what I told him because I ain't had
20 wanted to like -- like get all up in the mix. Just to
21 keep me from all of this because I know I ain't did
22 it --

23 **Q** All right.

24 **A** -- of course, I'm going to say, "Well, okay.
25 He told me what he know he was going to do."

Keyon Prophet - Cross-Examination by Mr. Scott

1 Q Keyon, listen. Listen. Okay. So you can
2 hear this.

3 A All right.

4 Q You recognize that guy right there?

5 A Yeah. You see my hair, right?

6 Q Yeah. I saw it yesterday too. You got a
7 haircut overnight.

8 A Yeah.

9 Q What made you do that?

10 A My appearance. My mom told me to cut my
11 hair.

12 (Exhibit is played.)

13 **BY MR. SCOTT:**

14 Q "You knew he was going to rob him?

15 "Yeah. Because he told me."

16 Why did you tell him that?

17 A Because just like I just said, when he came
18 in the house, like, "I feel bad for slapping bro."

19 Q Listen, man. You keep trying to talk about
20 after the event. We're talking about before. You told
21 Jordan that he said he was going to rob the pizza man.

22 A Did you heard what Jordan just had -- had
23 just had asked me? Did he tell you anything before he
24 did it?

25 Q He told you he was going to rob.

1 A To rob him.

2 Q Yes. Not did rob; going to rob.

3 A Rob. Rob him.

4 Q Yes.

5 A And I said, yes, right?

6 Q So you did know he was going to rob him?

7 A Bro, just like I just said, I told him yes.

8 Because the dude told me he felt bad for slapping him.

9 That's why that I told the investigator yes. I didn't
10 know the intentions of robbing this man.

11 Q How did you --

12 A I wouldn't have walked around the corner with
13 him and go get no weed if I knew that the intentions --
14 the intentions of him robbing a pizza man.

15 Q Listen --

16 A That ain't even my category.

17 Q Did you hear him ask you, "So you knew he was
18 going to rob the pizza man?"

19 You said, "Yes. He told me."

20 You just heard that, right?

21 A Yeah.

22 Q Okay.

23 So that's what you told Ty Jordan on this
24 occasion. You didn't say anything about just walking
25 up and there's a pizza man and then he goes and robs

1 him?

2 **A** If you keep playing the whole thing, you will
3 hear me say, "Yeah. We did walk around the corner for
4 weed. We did went to go get that. On the way coming
5 back, he seen bro. And I took off running when he
6 robbed him." I did say that in the interrogation room.

7 I did pull out a food stamp card and a cell
8 phone out of my pocket telling him to look through my
9 phone, check and see who called Pizza Hut. Look at it.
10 I ain't fitting to sit here and lie. I have kids, bro.
11 I'm not trying have no other man raise my kids.

12 **Q** All right.

13 **A** I wouldn't waste my time --

14 **Q** That's not part of the question. I know you
15 keep wanting to talk about that, but that's really not
16 the question.

17 **A** I wouldn't waste my time to come up here and
18 do all of this.

19 **Q** Are you lying today or were you lying in the
20 interview room?

21 **A** I was lying in there.

22 **Q** All right.

23 **A** Just to get everything thrown off of me --

24 **Q** Okay.

25 That's --

1 **A** -- just so that I could go home. Do you feel
2 me?

3 **Q** I think I'm with you now.

4 **A** Yeah.

5 **Q** You were lying in the interview with Ty?

6 **A** Because I ain't want to get no charge of
7 this. Of course, I --

8 **Q** All right.

9 Let me ask you this: How can we tell when
10 you're lying and when you're telling the truth?

11 **A** Oh.

12 **Q** What's the way to do that? Should we ignore
13 all of this evidence and just --

14 **A** Like my mom can tell you. She know when I'm
15 lying and when I'm telling the truth.

16 **Q** Okay.

17 How can -- how can we in this courtroom
18 tell -- because you got a rap sheet where you lied, you
19 just said you were lying during this interview --

20 **A** I just have one charge saying false
21 information. 'Cause I have probation violation hold
22 and my baby been born.

23 **Q** Help us to understand the code, you know, the
24 Keyon Prophet code, when is he lying and when is he
25 telling the truth?

Keyon Prophet - Cross-Examination by Mr. Scott

1 A Well, look --

2 Q Are you telling the truth now? Is that what
3 you're going to say?

4 A Bro, look. I'm not lying. I have too much
5 to lose. I have too much to lose. I'm not lying. I
6 wish my wife was here. She got my same number in that
7 phone, the same phone number I had to that phone, she
8 has that same number.

9 Q Was she here yesterday?

10 A No. She wasn't here yesterday. She was in
11 court with her baby daddy yesterday.

12 Q Today and yesterday she was in court?

13 A Yeah. 'Cause they had continued her child
14 support. And then I have court up there tomorrow for
15 me to get this -- this thing thrown out with my baby
16 mama with her writing a false report on me.

17 Q All right.

18 So I guess, in closing, Keyon, we don't know
19 why your DNA's on that bag?

20 A I just told you why it was on there. When
21 Damond came in the house throwing it around, Taurus
22 grabbed it. He threw it toward me. I grabbed it and
23 threw towards him and told him, "Bro, get that away
24 from me. I don't want nothing to do with that."

25 Q Okay. Now how come Taurus's DNA isn't it?

1 How come Damond Hardy's DNA is not on it?

2 A I don't know.

3 Q Okay. Fair enough.

4 A Do you know how many people -- I done worked
5 at Pizza Hut before. Do you know how many people touch
6 a pizza bag? When I got my evidence -- when I got my
7 motion in jail, my motion say a mixture of DNA was on
8 the cell phone and pizza bag. Now, all of a sudden
9 when I get here, my DNA on the pizza bag and on the
10 gun. But when I was locked up, they said 90 percent of
11 my DNA was on the gun, a mixture of DNA was on the bag,
12 and a mixture of DNA was on the cell phone. Now, all
13 of a sudden, you don't have my DNA like on no cell
14 phone now. But all of a sudden now, you have my DNA on
15 the pizza bag. That ain't adding up.

16 'Cause I can go upstairs and go get my motion
17 and come back and pinpoint this stuff I'm talking about
18 to you. I just didn't have enough time yesterday.

19 'Cause I left here yesterday to go get my ID for me to
20 go do that and go over my motion with my family and let
21 them know what I was going through.

22 Q Okay.

23 Tell me when you're done. Are you done?

24 A Oh, yeah. I'm done.

25 Q All right.

Keyon Prophet - Cross-Examination by Mr. Scott

1 'Cause I've got to get through these
2 questions or we're going to be here all day.

3 **A** Okay. Come on.

4 **Q** Okay.

5 All right.

6 No -- no DNA from Taurus on that bag. No DNA
7 of Damond Hardy, but your DNA is on it.

8 **A** Okay.

9 **Q** Do you agree? You heard the chemist testify.
10 You agree to that?

11 **A** Yeah.

12 **Q** Pistol, only one source of DNA, no mixture,
13 and it's all you?

14 **A** Yeah.

15 **Q** You heard that?

16 **A** Yeah.

17 **Q** All right.

18 **A** It do look kind of ugly. And I feel you.

19 **Q** Are you answering or is this a -- listen.
20 Answer the question, man.

21 **A** Okay.

22 **Q** I know you want to talk. But just answer my
23 question. And when your lawyer questions you, you can
24 answer hers too?

25 **A** Okay.

1 Q The pictures of the gun are with you posing,
2 taking pictures of it, right?

3 A Yeah.

4 Q There's a screenshot of a Big Box Dinner and
5 all kinds of Pizza Hut searches on your phone. Agree?
6 yes or no? Do you agree with me?

7 A There's a screenshot of Big Box pizza on my
8 phone?

9 Q Is that -- is something funny?

10 A Yeah, man.

11 Q It is? You having any good time?

12 State's No. 22, what is that?

13 A Talking about when you pull up Pizza Hut --
14 when you pull up Pizza Hut online, you see how much --

15 Q Here. Let me show the jury while you're
16 trying to explain this.

17 A They be having deals and specials when you
18 pull it up online.

19 Q All right.

20 Just happened to be the exact order that
21 Mr. Entzminger was delivering that day to you?

22 A Bro, like I told you --

23 Q What, bro?

24 A Like I told -- okay. Well, I
25 apologize -- excuse me, sir.

1 Like I said, I don't even eat Pizza Hut.

2 Q Okay.

3 Says the guy with a bunch of Pizza Hut
4 searches on his phone, right?

5 A With a bunch of Pizza Hut searches on my
6 phone? 'Cause I pulled up Pizza Hut to show somebody
7 what time Pizza Hut open up, now all of a sudden, then
8 I'm searching Pizza Hut to rob a Pizza Hut when I was
9 working at a Pizza Hut at that time?

10 Q All right.

11 A Man, that's crazy.

12 Q Now, you told Mr. Jordan where the gun was
13 hidden, right?

14 A Yeah.

15 Q How did you know where it was hidden? Think
16 about it.

17 A How did I know where it was hidden?

18 Q You didn't?

19 A You said how did I know where it was hidden?

20 Q How'd you know?

21 A All right.

22 'Cause everybody (inaudible). Damond
23 (inaudible). So the first thing that come to my mind,
24 "Okay, Damond got a gun. Let me move this." 'Cause
25 Damond did have a gun on him that day. That's the only

1 reason why that I moved it. 'Cause like if the police
2 would've came in the house, they would've found two
3 guns, then what? Somebody else about to get charged
4 with that other gun. And it sure wasn't me. Of
5 course, I'm going to protect myself and try to go. But
6 I couldn't --

7 Q So you hid the gun?

8 A Damond put a gun up too. And the gun that he
9 had -- the gun that he had had -- he had had went
10 towards the hot water heater. And I had had went with
11 Taurus's shit 'cause -- 'cause Taurus had told him,
12 Taurus screamed on him when he walked toward the hot
13 water heater. Taurus told him, "No, bro. No, bro.
14 Don't put that there, bro. 'Cause they going to find
15 that there."

16 Q Who put the gun on top of the hot water
17 heater?

18 A Me.

19 Q You did?

20 A Yeah.

21 Q Why did you do that?

22 A To move it out of the way. The police was
23 outside. What you mean?

24 Q All right.

25 A When I tried to walk out the door, the police

Keyon Prophet - Redirect Examination by Ms. Breedon

1 told me to go back inside when I tried to separate
2 myself from the crime. They told me to go back in the
3 house. It's a crime scene going on outside. So what I
4 supposed to do? (inaudible) for them to run in there.

5 Q Thank you, Mr. Prophet.

6 A Okay.

7 MS. BREEDEN: I've got -- I've got a couple
8 of questions.

9 REDIRECT EXAMINATION

10 BY MS. BREEDEN:

11 Q Do you know if anyone cleaned this gun that
12 was on the water heater before you touched it?

13 A No, ma'am.

14 Q All right.

15 Did you rob Mr. Entzminger?

16 A No, ma'am.

17 Q Did you hit Mr. Entzminger?

18 A No, ma'am.

19 Q Did you have knowledge beforehand about this
20 robbery?

21 A I mean, like no. I really didn't.

22 Q Uh-huh.

23 A Talking about when he had asked us about what
24 we wanted to eat --

25 Q Uh-huh.

1 **A** Like people was just thinking, like, oh, know
2 what I mean? He about to get some pizza.

3 **Q** Uh-huh.

4 **A** But I didn't want a pizza because I already
5 had ate.

6 **Q** So you didn't tell him anything about --

7 **A** I didn't tell --

8 **Q** -- what you -- order me Meat Lover's or
9 Supreme or anything like that?

10 **A** Nothing.

11 **Q** Okay.

12 **A** Because I just had had ate. And then, I had
13 a food stamp card inside my pocket.

14 **Q** Okay. That's all I have. Thank you.

15 **THE COURT:** Anything further from this
16 witness, Mr. Scott?

17 **MR. SCOTT:** No, Your Honor.

18 **THE COURT:** All right.

19 Thank you. You may step down.

20 **THE WITNESS:** Your Honor --

21 **THE BAILIFF:** No, you can't talk to the
22 judge.

23 **THE WITNESS:** Yeah. But they need to show
24 that food stamp card.

25 **THE COURT:** I can talk to your lawyer.

Motions

1 **THE WITNESS:** All right.

2 **THE COURT:** Ms. Breedon?

3 **MS. BREEDON:** No further witnesses.

4 **THE COURT:** Okay.

5 Defense rest?

6 **MS. BREEDON:** The defense rests.

7 **THE COURT:** All right.

8 Ladies and gentlemen, that concludes the
9 defense's case. There's certain matters of law
10 that I need to discuss with the attorneys outside
11 of your presence. But also it's after 5:30. So
12 we will finish this case tomorrow. Be back in
13 your jury room tomorrow morning at 10 o'clock --
14 10:15. Make it 10:15.

15 Don't discuss the case amongst yourselves nor
16 anyone else. Don't do any research about this
17 case. Leave your notepads in your chairs. Be
18 back in your room tomorrow at 10:15. Have a good
19 night.

20 (The jury exits the courtroom at 5:34 p.m.)

21 **THE COURT:** Any motions?

22 **MS. BREEDON:** Yes, Your Honor, we would renew
23 our previous objections and motions for directed
24 verdict. Again, viewing the evidence and the
25 inferences in the light most favorable to the

1 prosecution, the state has failed to prove armed
2 robbery on my client's part. The state's failed
3 to put forth evidence which a reasonable jury
4 could conclude that Keyon committed the offense of
5 armed robbery. Thank you.

6 **THE COURT:** My rulings on the motions and
7 objections remain the same. Directed verdict is
8 respectfully denied.

9 As to -- just for purposes of the record, as
10 to the objection regarding the discussion of a
11 pistol or the charge of unlawful carrying of a
12 pistol, that objection was overruled because your
13 client, Ms. Breeden, in fact, opened the door to
14 that. Had he not mentioned being in Beaufort with
15 a pistol, then certainly the state would not have
16 been permitted to go there. But because the
17 accused opened the door to it, any examination
18 about it was fair game in this courtroom.

19 Anything else for this evening? We can
20 discuss jury charges first thing in the morning.

21 **MS. BREEDEN:** I submitted my --

22 **THE COURT:** I do have yours, miss Breeden.

23 And I have hand of one hand of all --

24 **MR. SCOTT:** Yeah.

25 **THE COURT:** -- Mr. Scott.

Motions

1 **MR. SCOTT:** I -- I just figured you have one.
2 And whatever you got is fine with me.

3 **THE COURT:** I do.

4 Any objection to the charging "hand of one is
5 hand of all," Ms. Breeden?

6 **MS. BREEDEN:** No.

7 **THE COURT:** Okay.

8 Mr. Scott, have you had the opportunity to
9 review Ms. Breeden's requested charges?

10 **MR. SCOTT:** No. I'm going to --

11 **MS. BREEDEN:** But you acknowledge you
12 received them?

13 **MR. SCOTT:** Let me check. I haven't been
14 around my laptop little bit.

15 **THE COURT:** Last week. Friday maybe?

16 **MR. SCOTT:** Oh, oh, oh, okay. Yeah. I was
17 probably doing something else last week. But I
18 can -- I'll look. And I'll call her if I don't
19 have it.

20 **THE COURT:** Okay.

21 **MR. SCOTT:** Judge --

22 **THE COURT:** Yes, sir.

23 **MR. SCOTT:** -- would you consider revoking
24 bond for the night? We're at the stage now where
25 the case is over, the jury gets it tomorrow. The

1 defendant was late today. Everything at this
2 point -- I think it is good practice when you're
3 at the very end of the trial right before it's
4 going to -- you're to see the end of it to just
5 one night have him bond revoked. Have him
6 somewhere where we know exactly where he is just
7 to avoid any kind of issues tomorrow. Again, we
8 understand he's facing 10 to 30. And I would make
9 that request just for the night, Your Honor.

10 **THE COURT:** Ms. Breeden?

11 **MS. BREEDEN:** Of course, we would ask that
12 Mr. Prophet be allowed to remain on bond. He has
13 an ankle monitor. He has not failed to appear for
14 any court date over the last four-plus years.
15 Although he was late this morning, he arrived.
16 And when called, he answered the phone and said,
17 "I'm five minutes away."

18 **THE COURT:** Mr. Scott, any reply to that?

19 **MR. SCOTT:** It's just -- I just think it's
20 good practice, Your Honor. I mean, his phone --
21 his ankle monitor, I don't have it in front of me
22 right now. We were checking yesterday when we
23 were looking for him. It was dead. So the ankle
24 monitor is only as good as the charge on it.
25 Again, we're so late in the trial at this point.

Motions

1 **THE COURT:** That was -- that -- that was my
2 recollection of what you said. I'm glad that you
3 reminded me of that or verified that you had at
4 least contended that the battery of the ankle
5 monitor died at some point.

6 **MS. BREEDEN:** The ankle monitor is charged
7 today. Fully charge. We have not had -- again,
8 if he were going to run, he had plenty of
9 opportunity to do so. But he never did. He's
10 always appeared for court dates, always appeared
11 when properly noticed and summoned to come to the
12 Court. There's not a concern of him running.

13 **THE COURT:** I share Mr. Scott's concern.
14 This is a critical stage of the trial. And
15 considering the recent dead battery, I'm going to
16 go ahead and revoke bond at this time and take
17 Mr. Prophet into custody this evening.

18 **THE DEFENDANT:** Ms. Newman, can I please say
19 something?

20 **THE COURT:** You can call me Judge Newman and
21 you can stand up when you speak. Yes, sir.

22 **THE DEFENDANT:** Judge Newman, my mom -- my
23 mom, like, you know, she just had had back
24 surgery. I've been like staying at her house.
25 Like my charger from Beaufort, my charger wasn't

1 charging. So, you know, when I plugged it up, my
2 charger would say on the charge for like 10 or 15
3 minutes and then the light would turn green. As
4 soon as I take it off, it kept vibrating. That's
5 what it was on the dead.

6 If I wanted to -- to run or go on the run or
7 anything, I wouldn't have even showed up here this
8 morning. Because I had got caught in traffic
9 right here on North Main. When she called me, I
10 told her I'm pulling in. I don't have no need to
11 run.

12 I have my daughter down here. I would like
13 to see her for one last time. In case like if I
14 do have just go -- go do some time, I really want
15 to be around my family.

16 **THE COURT:** Yes, sir, I understand. But
17 I'm -- I'm concerned about your --

18 **THE DEFENDANT:** I'll be with my mom.

19 **THE COURT:** Well, it's not a debate.

20 And mom in the back, I see your hand raised.
21 But this is not a debate. This is not --
22 everybody don't get to weigh in on this.

23 **THE DEFENDANT:** Yes, ma'am.

24 **THE COURT:** I hear from presented people or
25 their representatives. I've given you a chance to

Motions

1 speak, Mr. Prophet, because, of course, it's your
2 liberty that's at stake. I hear what you say, but
3 I maintain my concern. So bond is revoked at this
4 time. You'll spend the night in the county jail.

5 **THE DEFENDANT:** Then come back in the
6 morning?

7 **THE COURT:** Yeah. They'll bring you back in
8 the morning. Yes, sir.

9 **THE DEFENDANT:** Can I make a phone call to
10 call my wife to let her know?

11 **THE COURT:** To let her know?

12 **THE DEFENDANT:** Yes, ma'am. Real quick out
13 my phone real quick?

14 **THE COURT:** Real quick in the courtroom.

15 **THE DEFENDANT:** Yes, ma'am.

16 **THE COURT:** Right now.

17 Counsel, we will discuss jury charges in the
18 morning. We will start at 9:30 tomorrow morning
19 so that we have time to make any adjustments. So
20 okay. 9:30 tomorrow. Thank you.

21 You can let Mr. Prophet make a phone call.
22 And then, you can take him into custody.

23 (The Court recesses for the day.)
24
25

CERTIFICATE

1
2 I, the undersigned, Teresa B. Johnson, Official
3 Court Reporter, do hereby certify that I transcribed
4 the electronic recording of the remote hearing in this
5 matter; and that the foregoing is a true transcript of
6 said electronic recording.

7 I do further certify that I am not a relative,
8 employee, attorney, or counsel of any of the parties
9 connected with the action, nor am I financially
10 interested in the action.

11
12 Dated: October 27, 2023

13
14 /s/Teresa B. Johnson

15 Teresa B. Johnson

16 Official Court Reporter
17
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21
22
23
24
25

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF RICHLAND	)	Case No.: 2019-GS-40-3845
	)	
State of South Carolina,	)	
	)	
vs.	)	
	)	
Keyon Edsel Devonta Prophet,	)	
	)	
Defendant.	)	April 26, 2023

TRANSCRIPT OF TRIAL - DAY 3 OF 3

BEFORE THE HONORABLE JOCELYN NEWMAN
Circuit Court Judge, presiding

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

For State: C. Dale Scott, Esquire
R. Keith Taylor Jr., Esquire
Fifth Judicial Circuit
Solicitor's Office
P.O. Box 192
Columbia, SC 29201

For Defendant: Connie D. Breeden, Esquire
The Law Office of Connie D. Breeden
P.O. Box 4475
Columbia, SC 29240-4475

Recorded by:	Elizabeth Harris
Transcribed by:	Teresa B. Johnson
	CVR-M-CM, RVR, RVR-M
	P.O. Box 2812
	Greenville, SC 29602

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P R O C E E D I N G S

(Proceedings begin on the 26th day of April 2023,
at 9:51 a.m.)

THE COURT: Good morning, folks.

MR. SCOTT: Good morning.

MS. BREEDEN: Good morning.

THE COURT: You should each have a copy of my jury charge. I hope that you've had a chance to review it and are ready to discuss any objections, corrections, suggestions, starting with the state.

MR. SCOTT: Looks all good to me.

THE COURT: Defense?

MS. BREEDEN: Your Honor, I would object to the "hand of one, hand of all" charge. There has not been any testimony that there was a meeting of the minds between Mr. Prophet and Damond Hardy. And so for that reason, we would object to the instruction for "hand of one, hand of all."

THE COURT: Mr. Scott.

MR. SCOTT: Mr. Entzminger -- I hate to keep calling him "the victim." Probably the first time he's ever been referred to as a victim in his life.

But Mr. Entzminger testified that two men acting in conjunction, confederates of one

1 another. One, that being Demond Hardy hemmed him
2 from behind leaving him no exit, no escape route
3 or Keyon Prophet as the one in front of him, armed
4 with a gun, robbing him at gunpoint. Clearly,
5 that would be in conjunction according to him.

6 If we listen to, and we did listen to some of
7 it yesterday, Keyon Prophet's interview with Ty
8 Jordan, he indicated beforehand Demond Hardy
9 indicated he was going to rob the pizza man. And
10 then he went along with him. That indicates
11 something that was being planned in the future.
12 And having known that, he goes along with him on
13 it.

14 Journey Snell, of course, indicates that Mr.
15 -- Mr. Prophet here beforehand had indicated he
16 was going to rob the pizza man. And after saying
17 that to (inaudible), of course, Taurus was in the
18 shower. But she heard it, Demond Hardy would've
19 heard it, that he was going to rob the pizza man.
20 Shortly thereafter, Damond Hardy and Keyon Prophet
21 exited the apartment where she says Keyon Prophet
22 come back with the pizza bag and the box and
23 the -- and the phone.

24 So ample evidence, Your Honor, I think is
25 going to exist in the evidence that there was a

1 meeting of the mind that they did act in
2 conjunction with one another.

3 **THE COURT:** Yes, sir.

4 So based on that, there is evidence from
5 which the jury could conclude that the two
6 gentlemen acted in concert with one another. So I
7 will charge "hand of one, hand of all" over
8 defendant's objection.

9 Anything else, Ms. Breedon?

10 **MS. BREEDEN:** No, Your Honor.

11 **THE COURT:** Okay.

12 Then, we'll be in recess while we wait for
13 the jury to arrive.

14 (A recess is taken.)

15 **THE COURT:** All right.

16 Good morning, again. I understand all of the
17 jurors are present.

18 The state ready for closing argument?

19 **MR. SCOTT:** We are, Judge.

20 **THE COURT:** Defense ready?

21 **MS. BREEDEN:** Yes.

22 **THE COURT:** Bring the jury, please.

23 (The jury enters the courtroom at 10:20 a.m.)

24 **THE BAILIFF:** The jurors are seated,
25 Your Honor.

1 **THE COURT:** Good morning, ladies and
2 gentlemen. I hope you've had a good night. I'm
3 not sure how y'all how are you -- maybe y'all have
4 enjoyed Lonnie in the jury room.

5 I'm having to select a foreperson. Juror
6 No. 210. 210 will be the foreperson. There you
7 are. If you will switch seats with the gentleman
8 in front of you. That's sort of the anchor seat,
9 the foreperson seat. And so you will be the one
10 to preside over the jury's deliberation and
11 actually write the verdict. But we'll get to
12 that.

13 It's now time for closing argument because
14 you've heard all the evidence you will hear and
15 we've received all the exhibits there will be. So
16 if you will give the state your undivided
17 attention, Mr. Scott is going to begin with his
18 closing argument.

19 **MR. SCOTT:** Thank you, Your Honor. May it
20 please the Court?

21 **THE COURT:** Yes, sir.

22 **MR. SCOTT:** Pizza and wings. If you got it,
23 I want it. And I'm going to take it. That's the
24 mentality of somebody like Keyon Prophet. For
25 something as trivial as pizza and chicken wings,

1 Keyon Prophet is more than happy to stick a pistol
2 in the face and hit you in the head with it,
3 pistol-whipped you.

4 On January 19, 2019, Keyon Prophet was
5 apparently crashing at an apartment rented by
6 Taurus Caesar and Journey Snell. You heard he had
7 stayed there overnight and spent most of the day
8 smoking weed and just sort of hanging out. He
9 said that was the place where everybody goes to
10 kick it, I think is what he said. He had been
11 seen throughout the day with the black-in-chrome
12 pistol that you-all are familiar with at this
13 point. And it looks like he had bad intentions on
14 that particular day.

15 He decided he was going to get money the easy
16 way. He was going to ambush the pizza man at
17 gunpoint and take the money. The problem was, it
18 was about 11 o'clock. And so there wasn't a lot
19 of time for a pizza delivery man to have
20 accumulated any significant amount of cash. It
21 was deliveryman Mr. Entzminger's first call of the
22 day.

23 His other real problem was SK Entzminger was
24 no ordinary pizza delivery man. And that's --
25 that's the thing that Keyon Prophet has found out

1 the hard way.

2 Mr. Entzminger is a 79-year-old jack-of-all
3 trades, it seems. It seems like he's kind of
4 worked in just about every kind of facet. Been
5 working since he was 14. He joined the Marines,
6 was deployed, served in Vietnam. Sounds like the
7 man has worked and really served his entire life.

8 That's why on January 19, 2019, he was
9 delivering pizzas for Pizza Hut. That's what a
10 lot of people asked him, "What's a man your age
11 doing delivering pizzas?"

12 He says, "Well, the reason is twofold,
13 really. I can't sit still. I've got to be
14 working. I need to be productive. And the other
15 reason, I've got these grand kids, you see. Nd
16 they're college age. They'd like to go to
17 college. And I'd like to help them."

18 So here, we have a 79-year-old man who has
19 worked for everything he's ever gotten, but feels
20 the need to work some more so he can give to
21 others. And that's why he was out delivering
22 pizzas on January 19, 2019.

23 SK got the call to deliver a Big Dinner Box
24 meal with boneless chicken wings. And again, that
25 was the first call of the day. The call was to go

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1 from 1313 -- Apartment 1313, The Grove Apartments
2 out there on 716 Zimalcrest Drive is the address
3 of that apartment complex. Called The Grove back
4 then.

5 We heard the testimony. Mr. Entzminger goes
6 to Apartment 1313. Knocks on the door. The man
7 comes out. SK says, "Here's your pizza."

8 The guy says, "I didn't order a pizza. Wish
9 I had, because I'm hungry. But I don't have the
10 money. You've got the wrong address."

11 Mr. Entzminger turns to walk away. And the
12 events that happened next are why we are here.
13 Here's a picture. We tried to go over a good bit
14 yesterday. Rather comical results. Had
15 Mr. Prophet on the stand. But Mr. Entzminger
16 described it very clearly.

17 This was Apartment 1313. You go into the
18 breezeway and take a left, the door is just right
19 there. As he leaves, after finding out that
20 nobody ordered pizza there, he goes through this
21 little cut-through between the edges. He's got
22 his phone in his hand because he's about to call
23 and indicate to the people back at Pizza Hut that
24 nobody here ordered pizza. What do I do now?

25 He feels somebody come from behind him. He

1 turns around. The man is in this breezeway, he
2 says. It's a black male. And as he turns back
3 forward, there's a younger black male in front of
4 him with that chrome-in-black pistol pointed right
5 at him, telling him to give it up.

6 He says, "Give what up?"

7 They said, "The money."

8 He said, "What money? I got \$20."

9 The man telling him to give it up, the man
10 pointing the gun at him, was Keyon Prophet.
11 Mr. Entzminger said that it happened approximately
12 right here. The man behind him was older than the
13 one in front of him. Damond Hardy, as we heard,
14 is seven years older than Keyon Prophet.

15 Keyon Prophet pointed the gun at him, told
16 him to give it up. When Mr. Entzminger hesitated
17 and mentioned he didn't have any money, our
18 defendant over here, Mr. Prophet, jerked that bag
19 out of his arm so violently it made him drop his
20 phone. When Mr. Entzminger dropped the phone, he
21 reached down instinctively to pick it up. In
22 return, he got pistol-whipped across the face with
23 that BB gun pistol that we've seen so much.

24 The two men took off running. The one in --
25 in back, which was Damond Hardy, the older one,

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1 took off running first. Keyon Prophet, of course,
2 grabbed the phone, pizza bag, and took off running
3 as well. And this is where it's really
4 remarkable.

5 I don't -- I think about these things. I
6 think I would sit there stunned. You know,
7 just -- and scared as anybody would be and
8 probably drop to my knees like a kid and cry. But
9 the man goes off running after these two guys. He
10 doesn't know that's a BB gun. You understand?
11 And y'all are going to have that gun back there to
12 examine. For all the world, that looks like a
13 pistol. When you get ambushed and you getting
14 that thing stuck in your face with no warning,
15 that's exactly what Mr. SK Entzminger thought that
16 was, a loaded pistol pointed at him.

17 But he gave chase. Said he was mad. Said he
18 acted on instinct. I mean, again, he is a Marine.
19 I don't know that that ever really leaves your
20 blood. He chased the guys. And he watched them.
21 He watched this bright red bag, that we now know
22 was carried by Keyon Prophet, going up that
23 stairwell and go into what he believed was Room
24 1106. Sat there. Maintained a line of vision on
25 that apartment until law enforcement to get there.

1 There was luckily a passerby who let him borrow
2 their phone so he could call 911.

3 They show up. And they spent hours trying to
4 call people out. They eventually have to fire
5 tear gas into the apartment. Go in the apartment
6 and realize it's vacant.

7 And then there's that attic. And that
8 catches their eye. And they look up in there and
9 they notice that the partition between 1106 and
10 1108 had been kicked in enough for someone to pass
11 through the attic from one apartment to the next
12 and then drop down from that attic space into the
13 next apartment. There, their attention shifted to
14 the occupants in Apartment 1108. Called them out.

15 And of course, there were four occupants,
16 we've heard. Three males; one female. Journey
17 Snell who you've heard from yesterday was a female
18 tenant. Okay? She lived in that apartment with
19 Taurus Caesar who was another male tenant. Two
20 male visitors. That being Damond Hardy that we
21 heard about and our defendant, Keyon Prophet.
22 Okay? Those are the four occupants. And those
23 are -- that is the apartment Mr. Entzminger
24 watched these two individuals run into.

25 Okay? So we've got two black males who

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1 robbed him and we have three black males who come
2 out of the apartment. Taurus Caesar is a tenant
3 of that apartment. All right?

4 Evidence found an Apartment 1108. We've got
5 the pizza and the wings in the oven. We've got
6 the pizza box behind the refrigerator, pizza bag
7 in the attic, BB gun pistol on top of a hot water
8 heater in the closet, and then Mr. Entzminger's
9 cell phone found in the apartment. All right.

10 Pizza bag, the conversation yesterday, you
11 know, "Mr. Prophet, why is your DNA on that bag?"

12 "It wasn't. It wouldn't be on the bag. I
13 didn't touch it."

14 "You heard that, you know, the forensic
15 analyst. Your DNA is on it."

16 "No, it's not. It's not. It's not. Well,
17 okay. Well, maybe -- you know, I do remember
18 Damond Hardy." Cause see, what he's doing is
19 trying to push it off on Hardy. That's clearly
20 what he's trying to do. "I had nothing to do with
21 it. It's all Damond Hardy," right?

22 But you're going to hear when two people act
23 in concert with one another to commit a crime,
24 both are guilty of that crime. Right? So even
25 his defense has no real bearing. But anyway,

1 that's what he's trying to say. We know he's the
2 one with the gun. We know he's the one that took
3 the bag from Mr. Entzminger.

4 But what he's saying is, you're not going to
5 find my DNA on that bag. And then, he kind of
6 backtracks and said, "Oh, well, come to think of
7 it, Damond Hardy came in there and was asking
8 us to hide -- he started throwing the bag around.
9 And I'm pushing it away from him. And you know, I
10 don't want to touch it. And so maybe that -- that
11 could be the reason."

12 Well, the problem is, you heard that expert
13 analyst yesterday. She scrapes the handles of the
14 bag to obtain a DNA profile, right? I guess if we
15 scraped it now, there should be a mixture and some
16 of it should be my DNA. Because I'm holding it
17 right here.

18 She scraped that handle. What didn't she
19 find? No evidence of DNA for Taurus Caesar or
20 Damond Hardy. She found no evidence of any of
21 their DNA on there. But what did she find?

22 Keyon Prophet is approximately 109 million
23 times more likely to be the source of the DNA on
24 there than a random individual. She testified in
25 her expert opinion Keyon Prophet's DNA is on the

1 handle of that pizza bag. Nobody else's there. A
2 mixture. None of the other males in that
3 apartment have any DNA found on that pizza bag.

4 What about the BB gun pistol? He says, "Oh,
5 that -- that's not my gun. That's -- I don't
6 really know a lot about that gun. But that's
7 Taurus's gun, Taurus Caesar. And he had been
8 trying to sell it to me for 150 bucks." That's an
9 expensive BB gun. That's what he testified to.
10 Taurus was trying to sell it to me.

11 But the thing is, it was Keyon Prophet's
12 single source DNA. It wasn't a shred of Taurus
13 Caesar's DNA on the gun. There was no DNA from
14 anybody else. It's a single source DNA profile.
15 And she testified Keyon Prophet is greater than
16 1.4 octillion times more likely to be the source
17 of the DNA than a random individual. Her expert
18 opinion, there's only one source of DNA on the
19 pistol they found hidden in the apartment that
20 matches the description of the one that they used
21 to hold up Mr. Entzminger and pop him across his
22 eyebrow. It only has Keyon Prophet's DNA on it.

23 Victim's cell phone. Keyon Prophet cannot be
24 included or excluded due to limited data. But
25 guess what? He could conclusively say there was

1 no evidence of Damond Hardy or Taurus Caesar's DNA
2 on that phone. So she had limited data, not
3 enough data to have an expert opinion one way or
4 the other as to Mr. Prophet. But what she could
5 say in her expert opinion, Damond Hardy's DNA
6 isn't on there. Taurus Caesar's DNA isn't on
7 there.

8 Keyon Prophet's cell phone, black ZTE cell
9 phone that they got off of him, it had some
10 pictures on it. Him posing with the pistol that
11 was used to rob Mr. Entzminger. For the world,
12 that looks like a fully-functioning firearm.
13 It -- it's a BB gun. But when you look at it, you
14 can't tell the difference. Here it is, a close-up
15 that he's got. He's posing with it. That's
16 clearly the same gun that we found in the
17 apartment.

18 This is just -- you know, I'm not saying he's
19 a mastermind criminal by any means. But the
20 evidence is just so overwhelming. It's some --
21 somewhat humorous. I mean, it's not a funny
22 situation. We're here for an armed robbery of an
23 elderly veteran. But, I mean, look at what we
24 find on his phone. Okay?

25 The order comes out for a Big Dinner Box with

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1 boneless chicken wings. That is why Mr. SK
2 Entzminger finds himself at The Grove at about
3 11 o'clock on January 19. What do we find on
4 Keyon Prophet's phone? A screenshot of an order
5 for the Big Dinner Box with WingStreet breaded
6 bone-out chicken wings. Exactly what they found
7 in the oven when they finally go into the
8 apartment. There's trademark rectangular-cut
9 pizza slices and the boneless chicken wings in the
10 oven. Pizza box folded up behind the
11 refrigerator.

12 Journey Snell's testimony. She was a tenant
13 there. No evidence of any female. There was two
14 males that robbed Mr. Entzminger. She testified
15 to what happened that day. She said Damond Hardy
16 and Keyon Prophet had stayed overnight. She said
17 it wasn't uncommon for visitors to spend the night
18 over there. That apparently was kind of the spot
19 to hang out and party. They had stayed overnight.

20 It was Keyon Prophet's idea to order pizza.
21 Keyon Prophet had the pistol that day. And she
22 had seen him with it, playing around with it at
23 various points during the day. Keyon Prophet and
24 Damond Hardy where the ones that left the
25 apartment together. She said Damond Hardy

1 returned first empty-handed. She said Keyon
2 Prophet returned with the pizza bag and the
3 victim's cell phone.

4 Later on, Keyon admitted to hitting the pizza
5 man and taking the pizza. Keyon Prophet changed
6 clothes. Keyon Prophet hid the pizza box and the
7 pizza bag was her sworn testimony. And in fact,
8 her exact testimony she gave the day they were all
9 arrested and pulled out of that apartment when she
10 called law enforcement.

11 Keyon Prophet spent the first hour and a half
12 talking to Ty Jordan. And to hear him talk, he
13 didn't know anything about anything. I got no
14 clue what you're talking about as far as armed
15 robbery, for the first hour and a half. Little by
16 little, Mr. Jordan is -- is able to get him to
17 concede to various points. Later, he admits to
18 being there. And later, he tells Investigator
19 Jordan that Damond Hardy had said he was going to
20 rob the pizza man and went along with it.

21 Okay. Now, yesterday, he had grave
22 difficulty asking him that question. You remember
23 it was -- I had asked him, you know, "Why didn't
24 you tell Investigator Jordan that you knew that
25 Hardy had planned on doing this and you went with

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1 it?" Instead of answering the question, he would
2 pose a question for me, which is -- is unique.
3 That's not how the system really works. It's the
4 defense attorney or the prosecutor who asks the
5 questions. And then the witness answers.

6 But he was dead set on posing questions for
7 me and just did not want to answer that question
8 because he now knows that when he admitted that to
9 Mr. Jordan, he wanted to minimize his involvement
10 and put it on Hardy. But what he had done was, in
11 fact, incriminated himself. Because if he knows
12 Hardy's going to rob the guy and goes along with
13 him, he's just as guilty as Mr. Hardy.

14 Now, again, we know it wasn't Mr. Hardy's
15 idea. We know it wasn't Mr. Hardy with the gun.
16 We know it wasn't Mr. Hardy who took the pizza
17 bag. But even that version that he told Jordan
18 would incriminate him.

19 So yesterday, he was dead set on distancing
20 himself from that to the extent he finally said,
21 "Okay. I was lying to Investigator Jordan." Just
22 like he had lied and been convicted of before.
23 And, you know, it -- it -- sometimes it's
24 difficult to cross-examine a witness like
25 Mr. Prophet who doesn't want to answer questions.

1 I probably shouldn't have let him talk so much
2 yesterday. But sometimes they can give you gems
3 when you let them talk.

4 And he went ahead and told you guys that he
5 had gotten in trouble with weapons before. This
6 isn't the first time. He talked about his
7 burglary conviction. He talked about his
8 accessory before the fact to a felony conviction.
9 Then, he wanted to tell y'all about getting in
10 trouble with a pistol, getting convicted of that.
11 So he knows he's not supposed to have a pistol.
12 And he can't help himself.

13 And that's why we have somebody like SK being
14 a victim. I said it today, I hate calling the guy
15 a victim. I don't think he's used to being called
16 a victim. I don't think he's probably ever been
17 called that in his life. He probably doesn't
18 consider himself that. But in armed robbery case,
19 there is a perpetrator and there is a victim.
20 That certainly was Keyon Prophet's intent on that
21 date to victimize SK Entzminger.

22 Armed robbery. This -- this is a crime. You
23 know, we have different definitions, legal
24 definitions of crime that may be different from
25 the common understanding of -- of what the crime

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1 is. But armed robbery is pretty much the way you
2 all know it to be, what you understand it to be.
3 It's taking by force, using a deadly weapon or the
4 representation of a deadly weapon, right? So if I
5 go into the gas station with a wooden gun that
6 I've painted to make look real and the clerk truly
7 believes that's a deadly weapon, I'm guilty of
8 armed robbery.

9 It doesn't have to be a functioning firearm.
10 It doesn't have to be a real knife. As long as it
11 is a representation of a deadly weapon and one
12 that a reasonable person would truly believe was a
13 deadly weapon, then that's an armed robbery.
14 That's what we have here. We have the taking by
15 force using a deadly weapon, the taking by force
16 of a cell phone, taking by force of the pizza bag.
17 That's what armed robbery is and that's what I
18 expect Judge Newman will -- will instruct you.

19 Just the legalese of the statute talks about
20 if you have a pistol, dirt, slingshot, metal
21 knuckles, or razor, or other deadly weapon. But
22 none of that really applies. We're talking about
23 the representation of a firearm, a pistol. A
24 person who commits robbery while armed with a
25 pistol or other deadly weapon or while alleging

1 either by actions or words he was armed while
2 using a representation of a deadly weapon or any
3 object which a person present during the
4 commission of robbery reasonably believed to be a
5 deadly weapon is guilty of armed robbery.

6 Beyond a reasonable doubt. Cocounsel Keith
7 Taylor talked about that a little bit in his
8 opening. What does that mean? Anybody who's been
9 convicted of any crime from Miami to Portland,
10 Oregon, was convicted beyond a reasonable doubt.
11 That is just clear across the board in the United
12 States. If any citizen is to be convicted of a
13 crime, he must be proven unless he pleads
14 "guilty," at the trial, if he is convicted, he has
15 to be convicted beyond a reasonable doubt. The
16 state is responsible for proving beyond a
17 reasonable doubt that that person is guilty of the
18 crime that's been alleged. Does that mean beyond
19 all doubt?

20 No. It means that you have a doubt that is
21 reasonable and based on logic you have that doubt
22 that's reasonable. It's based on logic. You
23 should find the defendant "not guilty." In other
24 words, if you say, "Yeah. Mr. Scott, I -- I
25 understand you're saying his DNA is on the pizza

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1 bag. I understand Journey Snell said he was the
2 one who did it. I understand it's his DNA on that
3 pistol. I understand -- I heard him testify. It
4 didn't make any sense to me either, but I have
5 this reasonable doubt that he didn't do it." You
6 cut him loose. You know?

7 All I can do is try to put jurors in the
8 stand that I think are reasonable, logical people
9 who brings their everyday experience, bring their
10 background into the courtroom. They don't leave
11 their logic back at home. They don't try to jump
12 to conclusions. They don't try to speculate.
13 They don't try to use outside information. They
14 just look at the facts and listen to the testimony
15 and look at the evidence. That's all I can hope
16 for in a jury. You know, if I have that and they
17 use their reason and logic, that's all I can ask
18 for. And if y'all do that and y'all don't think
19 there's enough evidence, I go to sleep and I sleep
20 well tonight. You find him not guilty. If
21 evidence doesn't pass muster, if it doesn't meet
22 the test, you find him not guilty.

23 This isn't a contest. My job, as he said, is
24 not to make him look like the bad guy. My job is
25 to present evidence. And that comes in the form

1 of physical evidence. It comes in the form of
2 testimony. If it doesn't pass muster, I'm telling
3 you, find him not guilty.

4 But if your doubt is not reasonable or your
5 doubt is not really logical, you should find the
6 defendant guilty. The judge swore you in earlier.
7 And you-all took an oath that you would try this
8 case based on the evidence and render a verdict
9 based on the evidence and the facts presented at
10 trial.

11 So if you do not have a reasonable doubt, you
12 must find him guilty. Do you have to be
13 100 percent certain? The Judge is going to give
14 you the instruction on reasonable doubt. I
15 suspect it will be similar to what I'm telling you
16 now. But whatever she tells you is what you
17 follow. I'm just giving you my understanding of
18 the law. Do you have to be 100 percent certain?
19 No.

20 I think this is going to be her wording:
21 There are a few things in the world we know with
22 absolute certainty. In criminal cases, the law
23 does not require proof that overcomes every
24 possible doubt. If based on your consideration of
25 the evidence, you are firmly convinced the

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1 defendant is guilty of the crime, you may -- it's
2 not you may find him guilty; it's you must find
3 him guilty.

4 This is the best way I know to define
5 reasonable doubt. I put in bold lettering here
6 "firmly convinced." Judge Newman, when she talks
7 about beyond a reasonable doubt, she's going to
8 say that term twice. Firmly convinced. That's
9 the best way for me to describe beyond a
10 reasonable doubt. If you are firmly convinced
11 that Keyon Prophet did this armed robbery, was
12 involved in this armed robbery, you must find him
13 guilty.

14 Ladies and gentlemen, I appreciate your
15 attentiveness. This is -- in some cases, it's --
16 they're just as simple as they seem. I mean, and
17 that's really the beauty, I think, of our criminal
18 justice system. Everybody is entitled to a jury
19 of their peers to decide these things. And they
20 can get up here and they can say whatever they
21 want. You know, he could literally have gotten up
22 here and said, "I didn't do it. I think it was an
23 alien who did it. I'm pretty certain, you know,
24 it was an alien who did it. And I have it on good
25 authority." He could be anything. Anything you

1 could even imagine. And if a jury believes it,
2 they acquit him. I appreciate that. Everybody is
3 given an opportunity to come up with any defense
4 they want.

5 He's tried to do that. He did rather poorly
6 on the stand yesterday. He had no credibility, I
7 don't think. You ever seen somebody lie before
8 and you ever seen the body language of somebody
9 who's struggling to tell the truth and -- and
10 trying to present a narrative that really makes no
11 sense, but is trying to fit the facts? You saw
12 that on -- on the stand yesterday. But the beauty
13 of it is, he's entitled to do that.

14 And the evidence is just overwhelming. The
15 evidence should and shall leave you firmly
16 convinced of his guilt. I get one more
17 opportunity way shorter than this to address
18 you-all with the facts. But I submit to you that
19 the only real verdict that gives any just --
20 just -- justice in this case that SK Entzminger,
21 the only verdict that speaks the truth, the only
22 verdict that fits the evidence, fits the
23 testimony, is a verdict of "guilty" on that armed
24 robbery.

25 Like we said an opening, at the end of the

Closing Argument by Ms. Breeden

1 trial, we were going to ask you to find him guilty
2 of that charge. And I'm doing that now.

3 Deliberate after hearing these closing
4 arguments. Get together. Discuss it amongst
5 yourselves. Respect each other's opinions. But
6 ultimately, the evidence should, and I hope will,
7 prove that he is guilty beyond a reasonable doubt
8 of armed robbery. Thank you.

9 **THE COURT:** Ms. Breeden.

10 **MS. BREEDEN:** Thank you, Your Honor.

11 Good morning, ladies and gentlemen of the
12 jury. I want to start by thanking you-all for
13 giving Mr. Prophet your attention.

14 This case isn't as easy or simple as
15 Mr. Scott makes it seem. Keyon Prophet, yes, he
16 was at Apartment 1108. He was hanging out there.
17 That was the hangout spot. But he did not
18 participate in the armed robbery of
19 Mr. Entzminger. Damond Hardy is the person who
20 has been convicted of participating in this armed
21 robbery.

22 Keyon Prophet told you on the stand that he
23 went to buy some weed. Damond Hardy followed him.
24 He came back. Hardy saw the Pizza Hut delivery
25 guy, Mr. Entzminger, and attacked him and said,

1 "Give -- give me the pizza." Keyon was scared and
2 he ran.

3 You heard Mr. Entzminger testify that he had
4 kept his eye on the suspects at all times. But he
5 didn't do that. You heard him admit that he
6 didn't keep his eye on the suspects at all times
7 because his cell phone fell out of his hand. So
8 he had to bend over and pick that up. You're not
9 looking at who has attacked you at that point.
10 You also heard him say that he had to call 911.
11 He's looking at his phone to dial 911.

12 When he was at the police station, I mean, it
13 just happened. He said it happened minutes --
14 three minutes or so that it took. He wasn't able
15 to identify the perpetrators. He couldn't pick
16 anyone out.

17 You also heard from Journey Snell. Journey
18 Snell's god-brother is Damond Hardy. So, of
19 course, she's going to try to help him, assist
20 him. She has a relationship with him. She
21 doesn't have a relationship with Keyon. She could
22 care less what happens to him.

23 And you saw when I questioned her about her
24 pending charges here in Richland County, she
25 hesitated to admit that she had pending charges.

1 She hesitated to admit that she was even looking
2 for help or assistance. I had to ask her. "So it
3 would be okay with you if you were to get the
4 maximum sentence?" I mean, she was totally
5 unreasonable. It's reasonable to expect her to
6 get something from coming to court and testifying.
7 And also, remember, Journey Snell didn't see the
8 robbery.

9 Investigator Rick Johnson, you know, the
10 prosecutors made a big deal about the big box
11 screenshot on the cell phone. He's made a big,
12 you know, big deal about Keyon having a photograph
13 with a BB gun. Well, you heard him testify that
14 he could not say when these photographs were
15 taken. He could not say, "Oh, this was taken on
16 January 19, 2019, the date of the incident."

17 With regard to the DNA that was found on the
18 gun, you heard Keyon tell you that Taurus Caesar,
19 the owner-occupant of Apartment 1108 tried to sell
20 him the BB gun. So, of course, he would touch it.
21 His DNA would be there because he's looking at it.
22 He's trying to decide if he should purchase this
23 gun or not.

24 The pizza bag. Yes, his DNA could not be
25 excluded. Okay? But also with regard to that

1 DNA, Taurus Caesar's DNA couldn't be included or
2 excluded from it. See, Mr. Scott didn't mention
3 that.

4 You heard Keyon tell you right here from this
5 stand that he did not rob anyone. He told you
6 that he didn't hit anyone. He told you that he
7 was at Apartment 1108 to get his hair braided,
8 that he went to purchase some weed. He explained
9 to you that he told Investigator Jordan that he
10 knew about it. And his explanation of knowing
11 about it was that Damond Hardy had asked everyone
12 in the apartment that morning what toppings they
13 wanted on the pizza. That's what Keyon meant when
14 he said he knew about it. He didn't participate
15 in it. He told you he was shocked and surprised
16 when Damond pulled out the gun and stuck up
17 Mr. Entzminger.

18 Keyon is not a perfect person. You heard him
19 talk about his past criminal convictions. But
20 what you-all need to focus on is what happened at
21 the time of the robbery. Keyon Prophet was there,
22 but he was not an active or a tacit participant in
23 it.

24 Just because I'm somewhere -- if I'm in a
25 grocery store and a robbery is happening in the

1 grocery store, without more, that doesn't make me
2 guilty of robbing the grocery store. And we have
3 that same situation with Keyon. He did not
4 participate in this robbery.

5 When we began this trial, I asked -- asked
6 you-all to return a verdict of not guilty after
7 your deliberation. And today, again, I'm asking
8 you after your deliberations to return a verdict
9 of not guilty. Thank you.

10 **THE COURT:** Mr. Scott?

11 **MR. SCOTT:** Just quick. Just a couple of
12 things. Journey Snell's god-brother, Damond
13 Hardy, why wouldn't she say he had nothing to do
14 with it? She said Damond Hardy and Keyon Prophet
15 left together with one another. Okay? So she's
16 not trying to protect this guy. She put him in it
17 too.

18 Judge is going to talk about a legal theory.
19 It's accomplice liability, what we call "hand of
20 one, hand of all." The hand of one conspirator is
21 the hand of all. In other words, I go into -- I
22 get with Ty Jordan here and I say, "Listen, man.
23 You're going to be the driver. Let's go in the
24 bank. I'm going to run in and I'm going to steal
25 some money." He agrees to be the driver. Okay?

1 I go into the bank and I accidentally kill a
2 teller. Guess what? Ty, even though he never
3 went into the bank is on the hook for murder and
4 bank robbery. That's the "hand of one, hand of
5 all." Because my hand that committed the murder
6 is his hand too. And that's what happened.

7 See, Damond Hardy, we talked a lot about him,
8 but this is Keyon Prophet's trial. Damond Hardy
9 can't be tried with Keyon Prophet. He has to have
10 his own separate legal proceeding. Okay? We
11 don't really need to worry about Damond Hardy.
12 He'll face justice too. But what we know is,
13 there's two men acting in conjunction with one
14 another talking about SK's version of events. All
15 right?

16 The reason his makes no sense that he just
17 happens to be there and was merely present because
18 that guy -- he's saying he was the guy behind him,
19 right? SK said the guy behind him was the older
20 one. Damond Hardy is seven years older.

21 But anyway, how did he just happen to be
22 behind him standing in that breezeway? What was
23 he doing down there? That doesn't make any sense.
24 SK was clear the guy behind him, who we know was
25 Hardy, was hemming him, preventing him from

1 turning around and escaping. They boxed him in.
2 Damond Hardy behind him. Keyon Prophet with the
3 gun in front. These two are both guilty of
4 robbing Mr. Entzminger. Hand of one is the hand
5 of all.

6 Taurus Caesar tried to sell him the BB gun.
7 Okay. Let me tell you, that forensic analyst
8 talked a lot about mixtures, okay? So how did he
9 magically erase all of Taurus Caesar's DNA from
10 the pistol and only leave his behind? It didn't
11 happen. Taurus Caesar's DNA is not on that gun
12 because that gun is Keyon Prophet's. He is the
13 sole DNA profile on the phone. If his story is
14 true, he just held it for a minute because Taurus
15 Caesar was trying to sell it to him, there would
16 be a mixture of the two DNA profiles on it. The
17 chemist said no, there's only one DNA profile, and
18 that's Mr. Prophets.

19 Pizza bag. You know, what was it,
20 109 million times more likely it's his DNA than
21 anybody else's? No Damond Hardy DNA on there.

22 Just some things are just as simple as they
23 seem. I just ask you again to go back, review the
24 evidence, respect one another's opinion. But at
25 the end of the day, use your common sense, use

1 your logic. The verdict, the only one that speaks
2 the truth, again, is guilty. Thank you.

3 **THE COURT:** Ladies and gentlemen, it's now
4 time for me to charge you on the law that applies
5 to this case. I remind you that during this
6 trial, you and I have certain duties to perform.
7 As the trial judge, it is my responsibility to
8 preside over the trial of this case and I also
9 have the duty to rule on the admissibility of the
10 evidence offered during this trial.

11 You are to consider only the competent
12 evidence before you, including the testimony which
13 has been presented from this witness stand, any
14 exhibits which have been made part of the record
15 in this case, and any stipulations of counsel.

16 I have the additional duty to charge you the
17 law applicable to this case. As the presiding
18 judge, I am the sole judge of the law of this case
19 and it is your duty as jurors to accept and apply
20 the law as I now state it to you.

21 If you already have any idea as to what the
22 law is or what the law ought to be and it does not
23 agree with what I now tell you the law is, you
24 must abandon this idea. Because you were sworn to
25 accept the law and apply the law exactly as I

Jury Charge

1 state it to you.

2 In every case tried in this court before a
3 jury, the jury becomes the sole and exclusive
4 judges of the facts. A trial judge cannot
5 intimate, state, comment on, or make any statement
6 to a trial jury about the facts in a case. Since
7 you, the jury, are the sole finders of the facts
8 in this case, do not infer from anything that I
9 have said during the progress of this trial or
10 anything that I say to you now during the course
11 of this instruction to you that I have any opinion
12 about the facts in this case. The law does not
13 allow me to have an opinion about the facts in
14 this case. This is a matter solely for you, the
15 jury, to determine.

16 The indictment charges the defendant with one
17 count of armed robbery. I remind you that the
18 fact that the defendant was arrested, charged, and
19 indicted, is not evidence in this case and cannot
20 be considered by you as evidence of guilt in this
21 case. Nor does it create any presumption or
22 inference of guilt. This document is simply the
23 formal written instrument which contains the
24 charge made against the defendant. This document
25 is a formal document by which this case is brought

1 into this Court.

2 The defendant has pled "not guilty" to this
3 indictment. And that plea puts the burden on the
4 state to prove the defendant guilty of the offense
5 charged in the indictment. A person charged with
6 committing a criminal offense in South Carolina is
7 never required to prove himself innocent. I
8 charge you that it is an important rule of the law
9 that the defendant in a criminal trial, no matter
10 what the seriousness of the charge may be, will
11 always be presumed to be innocent of the crime
12 with which the indictment was issued unless guilt
13 has been proven by evidence satisfying you of that
14 guilt beyond a reasonable doubt.

15 The presumption of innocence does not end
16 when you began your deliberation. But it
17 accompanies the defendant throughout the trial
18 until you reach a verdict of guilt based on
19 evidence satisfying you of that guilt beyond a
20 reasonable doubt.

21 The presumption of innocence is like a robe
22 of righteousness placed upon the shoulders of the
23 defendant, which remains with the defendant until
24 it has been stripped from him by evidence
25 satisfying you of the defendant's guilt beyond a

Jury Charge

1 reasonable doubt.

2 The presumption of innocence is not a mere
3 legal theory. It is not just a legal phrase. It
4 is a substantial right to which every defendant is
5 entitled unless you, the jury, are satisfied from
6 the evidence of the defendant's guilt beyond a
7 reasonable doubt. What is a reasonable doubt in
8 the law?

9 A reasonable doubt is the kind of doubt that
10 would cause a reasonable person to hesitate to
11 act. The state has the burden of proving the
12 defendant guilty beyond a reasonable doubt. Some
13 of you may have served as jurors in civil cases
14 where you've been told that is only necessary to
15 prove that a fact is more likely true than not
16 true, such as by the greater weight or
17 preponderance of the evidence. In criminal cases,
18 the state's proof must be more powerful than that.
19 It must be beyond a reasonable doubt. Proof
20 beyond a reasonable doubt is proof that leaves you
21 firmly convinced of the defendant's guilt.

22 There are very few things in this world that
23 we know with absolute certainty. And in criminal
24 cases, the law does not require proof that
25 overcomes every possible doubt. If based on your

1 consideration of the evidence, you are firmly
2 convinced that the defendant is guilty of the
3 crime charged, you must find the defendant guilty.
4 If on the other hand, you think that there is a
5 real possibility that the defendant is not guilty,
6 you must give the defendant the benefit of the
7 doubt and find him not guilty.

8 There are two types of evidence generally
9 presented during a trial: Direct evidence and
10 circumstantial evidence. Direct evidence is the
11 testimony of a person who claims to have actual
12 knowledge of a fact, such as an eyewitness. It is
13 evidence which immediately establishes the main
14 fact to be proved.

15 Circumstantial evidence is proof of a chain
16 of facts and circumstances indicating the
17 existence of a fact. It is evidence which
18 immediately establishes collateral facts from
19 which the main fact may be inferred.
20 Circumstantial evidence is based on inference and
21 not on personal knowledge or observation. The law
22 makes absolutely no distinction between the weight
23 or value to be given to either direct or
24 circumstantial evidence. Nor is a greater degree
25 of certainty required of circumstantial evidence

Jury Charge

1 than of direct evidence.

2 However, to the extent that the state relied
3 on circumstantial evidence, the circumstances must
4 be consistent with each other and when taken
5 together point conclusively to the defendant's
6 guilt beyond a reasonable doubt. If these
7 circumstances merely portrayed the defendant's
8 behavior as suspicious, the proof has failed. The
9 burden of proof rests with the state regardless of
10 whether the state relies on direct evidence,
11 circumstantial evidence, or some combination of
12 the two.

13 You should weigh all of the evidence in a
14 case. After weighing all of the evidence, if
15 you're not convinced of the guilt of the defendant
16 beyond a reasonable doubt, you must find the
17 defendant not guilty.

18 You must necessarily determine the
19 credibility of witnesses who have testified in
20 this case. Credibility simply means
21 believability. It becomes your duty as jurors to
22 analyze and to evaluate the evidence and determine
23 which evidence convinces you of its truth.

24 In determining the believability of witnesses
25 who have testified in his case, you may believe

1 one witness over several witnesses or several
2 witnesses over one witness. You may believe a
3 part of the testimony of a witness and reject the
4 remaining part of the testimony of that same
5 witness. You may believe the testimony of a
6 witness in its entirety or reject the testimony of
7 a witness in its entirety. You may consider
8 whether any witness has exhibited to you any
9 interest, bias, prejudice, or other motive in this
10 case. You may also consider the appearance and
11 manner of a witness while on the witness stand.

12 There are Rules of Evidence ordinarily do not
13 permit witnesses to testify to opinions or
14 conclusions. An exception to this rule exists for
15 witnesses we call expert witnesses. A witness
16 who, by education and experience, has become
17 expert in some art, science, profession, or
18 calling, may state an opinion as to relevant and
19 material matter in which the witness claims to be
20 an expert and may also state the reasons for the
21 opinion.

22 You should consider any expert opinion
23 received in evidence in this case, and like any
24 other evidence, give it the weight you think it
25 deserves. If you decide that the opinion of an

Jury Charge

1 expert witness is not based on sufficient
2 education and experience or if you conclude that
3 the reasons given in support of the opinion are
4 not sound or that the opinion is outweighed by
5 other evidence, you may disregard the opinion
6 entirely.

7 An expert witness' testimony is to be given
8 no greater weight than that of other witnesses
9 simply because the witness is an expert. Further,
10 you are not required to accept an expert's
11 opinion, even though it is not contradicted.

12 In order to establish criminal liability,
13 criminal intent is required. For example, the
14 mental state required to be proven by the state
15 for a particular crime might be purpose, intent,
16 knowledge, recklessness or criminal negligence.
17 Criminal intent must be proven by the state beyond
18 a reasonable doubt. Criminal intent is always a
19 matter that must be determined by the jury from
20 the circumstances surrounding the situation.

21 There is no way to prove intent to a
22 mathematical certainty. There is no way that
23 medical science can dissect a person's brain and
24 determine what the person had in mind. So the law
25 says that criminal intent may be inferred from the

1 circumstances shown to have existed. This is how
2 you make a determination of whether or not the
3 element requiring criminal intent was present.

4 It is not necessary to establish intent by
5 direct and positive evidence. But intent may be
6 established by inference in the same way as any
7 other facts, by taking into consideration the acts
8 of the parties and all of the facts and
9 circumstances of the case.

10 Criminal intent is a mental state, a
11 conscious wrongdoing. It is up to you to
12 determine what the defendant intended to do based
13 on the circumstances shown to have existed.

14 The defendant is charged with armed robbery.
15 In order to prove this offense, the state must
16 first prove beyond a reasonable doubt that the
17 defendant took personal property from the person
18 or presence of another person. Property is in the
19 presence of a person if it is within the person's
20 reach, inspection, observation, or control so that
21 the person could, if not overcome with violence or
22 prevented by fear, keep possession of the
23 property.

24 The state must also prove beyond a reasonable
25 doubt that the defendant carried the property

Jury Charge

1 away, intending to permanently deprive the owner
2 of the property and to keep the property for the
3 defendant's own use. The slightest removal of the
4 property or the complete possession of the
5 property, even for an instance, by the defendant
6 is sufficient to show a taking and carrying away
7 of the property. The taking and carrying away of
8 the property must have been done with violence or
9 by putting the owner of the property in fear of
10 violence.

11 Finally, the state must prove beyond a
12 reasonable doubt either that the defendant was
13 armed with a deadly weapon during the robbery or
14 that the defendant alleged either by action or by
15 words that he was armed while using the
16 representation of a deadly weapon or any object
17 which a person present during the commission of
18 the robbery reasonably believed to be a deadly
19 weapon.

20 A deadly weapon is any article, instrument,
21 or substance which is likely to cause death or
22 great bodily harm. Whether an instrument has been
23 used as a deadly weapon depends on the facts and
24 circumstances of each case. Although there may be
25 others, the following are examples of instruments

1 which may be deadly weapons: A pistol, a shotgun,
2 a rifle, a dirk, a dagger, a knife, a slingshot,
3 metal knuckles, a razor, gasoline, a fire bomb or
4 Molotov cocktail, and lighter fluid. A gun may be
5 a deadly weapon even if it is not operating.

6 Mere presence at the scene is not sufficient
7 to prove someone guilty of a crime. A defendant's
8 presence where a crime is being committed or mere
9 association with a person who commits a crime does
10 not make the defendant guilty -- I'm sorry. Let
11 me start that sentence over. The defendant's
12 presence where a crime is being committed or mere
13 association with a person who commits a crime does
14 not make the defendant and accomplice or aider and
15 abettor to the person committing the crime. Nor
16 does it prove him guilty of a crime.

17 The burden is on the state to prove every
18 element of the crime charged. If after reviewing
19 all of the evidence, you find that the state has
20 proved that the defendant was only present at the
21 scene of a crime and that they have not proved
22 beyond a reasonable doubt any other participation
23 of a crime, then you must find the defendant not
24 guilty. The law it is that proof of the defendant
25 at the scene of a crime by itself is not

Jury Charge

1 sufficient to find someone guilty.

2 If a crime is committed by two or more people
3 who are acting together committing a crime, the
4 act of one is the act of all. A person who joins
5 with another to commit an unlawful act is
6 criminally responsible for everything done by the
7 other person which happened as a probable or a
8 natural consequence of the act done in carrying
9 out the common plan and purpose.

10 For example, two people can be guilty of
11 killing another person when only one of the two
12 had a gun, there was only one bullet, and only one
13 of the two fired the shot that caused the death.
14 If two or more people are together acting
15 together, assisting each other in committing the
16 offense, the act of one is the act of all or, as
17 it is sometimes said, the hand of one is the hand
18 of all.

19 Prior knowledge that a crime is going to be
20 committed without more is not sufficient to make a
21 person guilty of that crime. Mere knowledge that
22 another person is going to commit a crime, even if
23 the defendant is present when the crime is
24 committed, is not sufficient to convict the
25 defendant as a principal. Guilt as a principal is

1 shown by actual or constructive present at the
2 scene as a result of a prior arrangement.

3 Therefore, a finding of a prior arranged plan
4 or common scheme is necessary for a finding of
5 guilt as a principal. The state must prove beyond
6 a reasonable doubt by competent evidence the
7 theory of "the hand of one is the hand of all." A
8 principal in a crime is one who either actually
9 commits the crime or who was present, aiding,
10 abetting, or assisting in committing the crime.

11 When a person doesn't act in a present of or
12 with the assistance of another, the act is done by
13 both. Where two or more acting with a common plan
14 or intent are present at the commission of the
15 crime, it does not matter who actually commits the
16 crime. All are guilty. The hand of one is the
17 hand of all.

18 Present at the commission of a crime means to
19 be sufficiently near to aid and abet and assist in
20 the commission of the crime. However, mere
21 presence at the scene of a crime is not sufficient
22 to convict one as a principal or on the theory of
23 aiding abetting -- aiding and embedding.

24 Intent is a -- also a necessary element. For
25 there must've been a common design or intent to

Jury Charge

1 commit the crime and the crime must've been
2 committed pursuant thereto with the person aiding
3 and abetting by some overt act.

4 Intent means intending the result which
5 actually occurred, not accidentally or
6 involuntarily. Intent may be shown by acts and
7 conduct of the defendant and other circumstances
8 from which you may naturally and reasonably infer
9 intent. The state must prove these elements
10 beyond a reasonable doubt.

11 Now, there are two possible verdicts which
12 you may find for the indictment in this case:
13 Guilty or not guilty. You have been chosen and
14 sworn to give the parties in this case a fair and
15 impartial trial. When you have done so, you
16 will -- you will have complied with your oath and
17 no one will have a right to criticize your
18 verdict.

19 You must not be influenced by opinions or
20 expressions of opinion you may have heard outside
21 of the courtroom, but rather should base your
22 verdict only on the testimony of the sworn
23 witnesses who took the stand, the exhibits
24 received into evidence, and the law which I have
25 stated. You should not be swayed by caprice,

1 passion, prejudice, or improper sympathy for or
2 against anyone in this case.

3 Remember, you have no friends to reward or
4 enemies to punish. And all parties are entitled
5 to a fair and impartial trial. It is your duty as
6 jurors to consult with one another and to
7 deliberate in an effort to reach an agreement. As
8 I stated earlier, you are judges, judges of the
9 facts. Your verdict -- your verdicts must
10 represent the considered judgment of each juror.
11 In other words, your verdict must be unanimous.

12 Now, you may have noticed that I have read
13 these instructions to you. I do so to give you
14 the law as accurately as possible.

15 Mr. Foreperson, it will be your duty to
16 preside over the deliberations of the jury. If
17 during the deliberations you should desire to
18 communicate with the Court, please reduce your
19 message or question to writing signed by you as
20 foreperson and foreperson alone and pass the note
21 to the bailiff who will bring it to my attention.
22 I will then respond as promptly as possible either
23 in writing or by having you return to the
24 courtroom.

25 I caution you, however, with regard to any

Jury Charge

1 message or questioning you might send that you
2 should never state or specify your numerical
3 division at the time.

4 Now, you have heard the evidence and you have
5 heard the law. Whatever your verdict,
6 Mr. Foreperson, you will indicate it on the
7 indictment and sign it on behalf of the jury.

8 Remember that although the foreperson is the
9 only juror member who writes the verdict, it is
10 not his alone. The verdict has to be unanimous.

11 Mr. Foreperson, you are not authorized to
12 write the verdict until all of you have agreed on
13 the verdict. So when I excuse you from the jury
14 room for a short -- in just a moment, I'll ask you
15 not to begin deliberating just yet. You need to
16 wait for the bailiff to bring you the evidence and
17 the indictment.

18 On the indictment, there is a description of
19 the offense. And then, if you flip it over, in
20 the bottom left corner, there is a place for the
21 verdict to be written. You will write the verdict
22 when its unanimous, sign it and date it on behalf
23 of the jury.

24 I also want to say with respect to the
25 evidence, we will send the gun back there. But

1 I've been told that it has been secured. It is
2 unloaded. There is --

3 **MR. SCOTT:** Like a zip tie.

4 **THE COURT:** -- like a zip tie or lock, yes,
5 so that it may not be used. But it will be back
6 there for your viewing.

7 Please return to your jury room.

8 Oh, except the alternate. Alternates stay
9 here.

10 You can take your notes this time.

11 (The jury exits the courtroom at 11:18 p.m.)

12 **THE COURT:** Any objections to the jury charge
13 from the state?

14 **MR. SCOTT:** No, Your Honor.

15 **THE COURT:** From the defense?

16 **MS. BREEDEN:** No, Your Honor.

17 **THE COURT:** All right.

18 If y'all would make sure all of the exhibits
19 are there. You can come up and start working on
20 that.

21 Back to jurors, you are alternates. We had
22 you as backup just in case one of the others
23 didn't make it to the end. But all jurors did.
24 So you will not be permitted to deliberate on this
25 verdict. You are now free to discuss the case

Jury Charge

1 with whoever you want to discuss it with.

2 You are no longer eligible to serve on a jury
3 in Circuit Court for the remainder of 2023. If
4 you are summoned for jury duty in 2024 or 2025,
5 you will have to report. But tell the judge on
6 that Monday morning that you served on a jury here
7 in Richland County and they should excuse you
8 provided that they have enough jurors. We almost
9 always do in Richland County, so it shouldn't be
10 an issue. Some other counties, they have a lot
11 few juror -- many few jurors reporting. Why can I
12 talk? Fewer jurors reporting.

13 If you need a work excuse, you can go back
14 down to the jury assembly room. They'll give you
15 one there. Check's in the mail. Otherwise,
16 appreciate your service.

17 We did order lunch. If you want to wait
18 around for lunch, you're more than welcome to do
19 so out here in the courtroom or the hallway. I
20 don't know what time lunch will be here, though.
21 But otherwise, you're free to go. Make sure to
22 get your cell phones and everything from the back.
23 Thank you.

24 (Alternate jurors are released.)

25 (Jury deliberation begins at 11:25 a.m.)

1 **THE COURT:** I understand we've reached -- the
2 jury has reached a verdict.

3 If you would bring the jury, please.
4 (The jury enters the courtroom at 1:12 p.m.)

5 **THE COURT:** Welcome back, ladies and
6 gentlemen.

7 Mr. Foreman, I understand the jury has
8 reached a verdict; is that correct?

9 **THE JUROR:** Yes, Your Honor.

10 **THE COURT:** Is it unanimous?

11 **THE JUROR:** Yes, Your Honor.

12 **THE COURT:** Would you hand the indictment to
13 the bailiff, please?

14 (The indictment is passed to the Court.)

15 **THE COURT:** Madam clerk, would you publish
16 the verdict, please?

17 **THE CLERK:** Yes, Your Honor. Indictment
18 No. 2019-GS-40-03845, the State of South Carolina
19 versus Keyon Edsel Devonta Prophet, indictment for
20 robbery, armed robbery, robbery while armed or
21 allegedly armed with a deadly weapon, we, the jury
22 found the defendant guilty. Signed No. 210,
23 foreperson, April 26, 2023.

24 Mr. Foreman, was this your verdict and the
25 verdict of the entire jury?

Jury Poll

1 THE JUROR: Yes.

2 THE CLERK: Thank you.

3 THE COURT: Anything?

4 MS. BREEDEN: Please poll the jury.

5 THE COURT: Madam clerk, would you poll the
6 jury, please?

7 THE CLERK: Yes, Your Honor.

8 Ladies and gentlemen, I'm going to ask you
9 two questions related to your verdict. Please
10 answer "yes" or "no" to each question. No. 210,
11 was this your verdict?

12 THE JUROR: Yes.

13 THE CLERK: Is it still your verdict?

14 THE JUROR: Yes.

15 THE CLERK: No. 7, was this your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Is it still your verdict?

18 THE JUROR: Yes.

19 THE CLERK: No. 128, was this your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is it still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: No. 120, was this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 THE JUROR: Yes.
2 THE CLERK: No. 363, was this your verdict?
3 THE JUROR: Yes.
4 THE CLERK: Is it still your verdict?
5 THE JUROR: Yes.
6 THE CLERK: No. 258, was this your verdict?
7 THE JUROR: Yes.
8 THE CLERK: Is it still your verdict?
9 THE JUROR: Yes.
10 THE CLERK: No. 356, was this your verdict?
11 THE JUROR: Yes.
12 THE CLERK: Is it still your verdict?
13 THE JUROR: Yes.
14 THE CLERK: No. 158, was this your verdict?
15 THE JUROR: Yes.
16 THE CLERK: Is it still your verdict?
17 THE JUROR: Yes.
18 THE CLERK: No. 192, was this your verdict?
19 THE JUROR: Yes.
20 THE CLERK: Is it still your verdict?
21 THE JUROR: Yes.
22 THE CLERK: No. 221, was this your verdict?
23 THE JUROR: Yes.
24 THE CLERK: Is it still your verdict?
25 THE JUROR: Yes.

Jury Poll

1 **THE CLERK:** No. 358, was this your verdict?

2 **THE JUROR:** Yes.

3 **THE CLERK:** Is it still your verdict?

4 **THE JUROR:** Yes.

5 **THE CLERK:** No. 130, was this your verdict?

6 **THE JUROR:** Yes.

7 **THE CLERK:** Is it still your verdict?

8 **THE JUROR:** Yes.

9 **THE CLERK:** The jury has been polled, Your
10 Honor.

11 **THE COURT:** Thank you.

12 Ladies and gentlemen, thank you very much for
13 your service. I know it's not an easy job, and
14 it's not something that anybody necessarily wants
15 to do. But I hope that you've enjoyed the week
16 and at least found it educational and that we
17 haven't wasted too much of your time. I tried to
18 minimize the time that you were waiting. And I
19 hope that I've done that this week.

20 The clerk will have work excuses for you.
21 The check will be in the mail. You are no longer
22 eligible to serve on a jury in Circuit Court for
23 the remainder of 2023. If you are summoned in
24 2024 or 2025, you can exercise an exemption and
25 choose not to serve. You have to report that

1 Monday morning, but just tell the judge that
2 you've served on a jury this week and they should
3 excuse you.

4 You are now free to discuss this case with
5 whoever you want to discuss it with. Shout it
6 from the rooftop, don't tell anybody, or anything
7 in between. It does not matter.

8 The next phase will be sentencing. And
9 typically that takes a few minutes for them to get
10 ready for sentencing. Though I think we're
11 probably ready now for sentencing. So let's just
12 go ahead and do it before I dismiss the jury since
13 you've got the documents ready.

14 **MS. BREEDEN:** Your Honor, I do have some
15 motions.

16 **THE COURT:** Oh, I'm sorry. You know, I
17 forgot about that. One moment.

18 Ms. Breedon.

19 **MS. BREEDEN:** Yes. Yes, Your Honor. I renew
20 my previous objections. I renew my motion for
21 directed verdict and I will ask for a new trial, a
22 motion for a new trial. There was no competent
23 evidence other than Mr. Prophet was present during
24 the scene of this incident. And therefore, we ask
25 for a new jury trial.

Sentencing of the Court

1 **THE COURT:** I absolutely believe that the
2 evidence supports the verdict; therefore, your
3 motion for new trial is denied. My rulings on all
4 motions and directed verdict remain the same.

5 Are you --

6 **MS. BREEDEN:** Yes.

7 **THE COURT:** -- ready for sentencing,
8 Ms. Breeden?

9 The defendant will come forward, please.

10 Now, I will just tell of the jury that you
11 see on TV or watch on the new sometimes that
12 sentencing takes a long time. In South Carolina,
13 we do it immediately. So, you know, typically I
14 would excuse you and -- and let you go on about
15 your day because they need time to get paperwork
16 ready for sentencing. But here, they've got the
17 paperwork ready. They're all ready to go. We
18 don't take a month or two months or whatever like
19 they do in federal court or some other states. I
20 will impose sentence in just a few moments.

21 Mr. Scott, let me hear from you.

22 **MR. SCOTT:** Thank you, Your Honor.

23 As you've heard, he has a 2013 conviction
24 accessory before the fact of a felony, burglary
25 second nonviolent; in 2016, an unlawful carrying

1 of a pistol, giving false information to the
2 police.

3 The evidence, Your Honor, as you saw is
4 overwhelming. To make matters worse, he took the
5 stand yesterday and lied and lied and lied. And
6 it was evident. He just needlessly put -- of
7 course, he has a right to a jury trial. But you
8 hear Mr. Entzminger, we've been down this road a
9 few times before. Bringing him back into court.

10 And what I said in closing, and I've spoken
11 with the man a few times. Just an admirable guy.
12 He's worked since he was 14. He started driving
13 trucks at the age of 14 back when you could get a
14 driver's license. He was driving from Florida to
15 California delivering produce. And then, he had
16 a -- just a variety of different jobs. Just
17 obviously admirable service for our country. He
18 was deployed to Vietnam. He served there.

19 I just -- it's rather heartbreaking, he's 79,
20 and he still feels the need to -- to do this. But
21 he tells me, you know, I enjoy it. I get to meet
22 the most interesting people. You know, sadly he
23 had to meet somebody like Keyon Prophet though who
24 just targets him and victimizes a 79-year-old
25 veteran. I can't think of anything more

Sentencing of the Court

1 despicable.

2 And injury to insult, if you want to take the
3 man's pizza bag, take the man's pizza bag. But
4 hitting him across the face with a pistol is just
5 reprehensible. And it's -- this guy is a one-,
6 two-, three-, four-, five-time loser now. He's
7 not learning his lesson. He's admitted, "I don't
8 need to be having guns." But he keeps finding
9 himself with guns. And I think the facts of this
10 case really speaks for themselves.

11 There is going to be -- I know he was
12 released out on a bond back in March 9, 2021.
13 Before that, Your Honor, he did -- and Alvin S.
14 Glenn before bonding out, my notes show 780 days
15 that he gets credit for at Alvin S. Glenn. Then,
16 he bonded out March -- what did I say?
17 March 9, 2021. March 9, 2021.

18 Special conditions: No contact directly or
19 indirectly with victim or Pizza Hut or the
20 co-defendants, GPS monitoring, house arrest,
21 allowed to leave only for work, church, or doctor
22 and legal appointments only.

23 He has not complied whatsoever. I think
24 something like -- and I've got Emily Burn with our
25 office now. She was formerly OMS. (inaudible)

1 We printed up his violations. He has really just
2 kind of completely spit on the bond order and
3 said, "Bond doesn't apply to me. I know the judge
4 told me house arrest, but that doesn't apply to
5 me." There's just kind of how Mr. Prophet works.

6 I think Ms. Burns is cleared to describe some
7 of these chronic violations, if Your Honor cares
8 to hear it. But I do have a copy of the bond
9 order and the special provisions.

10 **THE COURT:** Yes, sir.

11 Ms. Breeden?

12 **MS. BREEDEN:** May it please the Court,
13 Your Honor. Keyon is 30 years of age. He has two
14 children, age seven and three. He's married. His
15 wife is expecting a baby. He works doing
16 landscaping. He also worked with a tow truck
17 company, A-1 Towing. And he did tune-ups there,
18 oil changes, help towed cars. He's certified in
19 auto mechanic and -- and welding from the Hayward
20 Center. He graduated from Eau Claire High School
21 in 2012.

22 His dad died in 2012 with prostate cancer,
23 congestive heart failure. He helps his mom who
24 had two back surgeries less than two months ago.
25 He helps her by paying her bills, taking her to

Sentencing of the Court

1 doctors' appointments, shopping for her, getting
2 groceries and those type things. His mother also
3 has Stage II breast cancer. It is in remission.
4 But this is her second battle and bout with it.

5 Of course, we are disappointed with the
6 verdict. But we -- you know, we accept -- accept
7 it. Of course, he spent -- Mr. Scott indicated
8 780 days. I would say 781 because of yesterday.
9 He had 777 days on the electronic monitor. There
10 were some occasions where he had issues with the
11 electronic monitor and the battery would not stay
12 charged. At one point, he was between houses
13 in -- here in Columbia and in Beaufort.

14 But we would ask Your Honor to give him
15 credit for those 777 days of house arrest that he
16 was on. And I do believe his mother would like to
17 speak.

18 **THE COURT:** Yes, ma'am. Tell me your --

19 **MS. BREEDEN:** He would like to speak as well.

20 **THE COURT:** Okay. Let me hear from Mom.
21 Speak into that microphone.

22 First, tell me your name.

23 **THE SPEAKER:** My name is Linda Prophet.

24 Ma'am, I pray that y'all have mercy on my son. He
25 has made multiple mistakes along the way.

1 Overall, he is a really, really good kid. He's
2 really responsible.

3 Since my husband has passed, he's made some
4 pretty bad choices along the way. I must say over
5 the last couple of years, I have seen him grow
6 tremendously. Tremendously. And I'm -- I'm not
7 one to make excuses for him. I've always been a
8 real hard knocks mother when it comes to my two
9 sons. And I'm not (inaudible).

10 But he has been a remarkable young man as far
11 as helping me, being responsible, standing up for
12 his kids, working, which was a really big thing
13 for me. Along the way, he -- he -- he has made
14 some pretty screwed-up choices. Over the last few
15 years, he has grown. This is not easy. And I
16 know they're consequences behind our choices in
17 life. So I'm expecting him to stand up and be
18 responsible today.

19 Just be responsible. Own up to your wrongs.
20 I love you. And I'm here for you.

21 **THE COURT:** Thank you, ma'am.

22 Mr. Prophet, what would you like to say?

23 **THE DEFENDANT:** With me being back and forth
24 in Beaufort, I was with my -- I was with my baby
25 mama, Jamila. I was with my baby mama, Jamila.

Sentencing of the Court

1 Me and her had got into it for the simple fact
2 that I was seeing someone else. So she had put me
3 out.

4 Then, I had ended up changing my address.
5 But I had called the people to change my address
6 and let them know that I was moving from there and
7 to switch my address. So the address up there in
8 Beaufort switch, changed, that's what was the
9 problem. 'Cause me and my baby mama was arguing.

10 She ain't want me there. She called the
11 police. She did a false report. I had supposed
12 to go to court this morning up there to get that
13 thrown off my record. I had had court in Beaufort
14 this morning.

15 But can I say something to the victim?

16 **THE COURT:** Yeah. But face me. He can hear
17 you.

18 **THE DEFENDANT:** Yes, ma'am. Whatever had --
19 whatever had happened that day, I do apologize.
20 You know what I'm saying? I wasn't raised like
21 that, to put my hands on no elderly person. I do
22 know better. I do know right from wrong. I do
23 know the hands of one is the hand of all. But I
24 tried to separate myself from that.

25 With me running away, going to the house, not

1 calling the police, just put me in that situation.
2 So but like -- the gun, yes, I touched it. I was
3 playing with it. But you know, I'm going to just
4 own up to my wrongs. But I do -- but I do, like,
5 apologize fully for what had happened to him. If
6 that was my grandparent or father, I would want
7 justice, too, by any means. That's all I had
8 wanted to say.

9 **THE COURT:** Anything else, Ms. Breeden?

10 **MS. BREEDEN:** No, Your Honor.

11 **THE COURT:** Anything else from the state?

12 **MR. SCOTT:** No, Your Honor.

13 **THE COURT:** So I'm not sure, Mr. Prophet, if
14 you were just telling me that you are guilty
15 because of hand of one or hand of all or that
16 you're not guilty because you ran away.

17 **THE DEFENDANT:** I'm basically saying that --
18 that the actions, what I was around, I am guilty
19 because I was with him. I'm not trying to say
20 that, oh, it was just him. But I walked with him,
21 too, to go get my stuff. But on the way back, I
22 should've stopped and called the police, should
23 have did something, but I didn't.

24 **THE COURT:** Okay. I'm just confused.
25 Because there was a version of this where you were

Sentencing of the Court

1 just as surprised as Mr. Entzminger was. But then
2 there's a version where, yesterday part of the
3 delay bringing the jury in, that you attempted to
4 plead guilty and acknowledge your guilt.

5 **THE DEFENDANT:** Yes, ma'am.

6 **THE COURT:** You knoq, I understand
7 constitutional rights, of course. I didn't
8 necessarily expect you to testify and admit your
9 guilt. But the story changes. There's so many
10 versions --

11 **THE DEFENDANT:** Yeah.

12 **THE COURT:** -- of what happened that day.
13 Like Mr. Scott asked, I -- I don't know how we
14 know when you're telling the truth.

15 **THE DEFENDANT:** But I was telling the truth.
16 Because the simple fact that me walking around the
17 corner to go get some smokes and coming back and
18 seeing what had happened, I did stood there in a
19 shock. I did -- did take off running to the
20 apartment to grab my phone for me to call a ride.
21 I did do that.

22 But I ain't going to sit here and lie -- and
23 lie stuff to the prosecutor about my fingerprints
24 not being on the gun or -- I mean, I told them my
25 fingerprints was on there because I touched that

1 gun. I did touch it. Because he tried to sell me
2 that gun.

3 **THE COURT:** You didn't point it at
4 Mr. Entzminger?

5 **THE DEFENDANT:** No, ma'am. I didn't point it
6 at him at all. I could take a polygraph if that
7 was the case.

8 **THE COURT:** I mean, I think that ship has
9 sailed. You've been found guilty beyond a
10 reasonable doubt. And I hear everything that Mom
11 said. The unfortunate thing is that people tend
12 to treat their loved ones very kindly. I'm sure
13 you help your mother. I'm sure you take care of
14 your kids. I'm sure you go to work and take care
15 of your family. But then you encounter a stranger
16 and have no regards for him.

17 So when I hear from family members, I
18 100 percent believe what your mother said, that
19 she didn't raise you like that, that you're very
20 kind, that you've helped her with her medical
21 situation and all that. I believe that. Because
22 she's your mother and you love her. But you ran
23 into Mr. Entzminger. And you don't know him and
24 love him.

25 **THE DEFENDANT:** But I worked at Pizza Hut. I

Sentencing of the Court

1 know what Pizza Hut delivery come out. So would I
2 risk my life for a box of pizza?

3 **THE COURT:** Evidently, you did. Maybe you
4 thought that he had his wallet on him. Or
5 maybe you were hoping he had some -- I don't know.

6 **THE DEFENDANT:** Yes, ma'am.

7 **THE COURT:** Maybe you needed \$20. I have no
8 idea.

9 **THE DEFENDANT:** Yes, ma'am.

10 **THE COURT:** But your story has just evolved
11 so much I don't know what to believe.

12 But in any event, your sentence on this
13 charge, the minimum 10 years; maximum 30 years.
14 The sentence is that you be committed to the State
15 Department of Corrections for a determinate term
16 of 15 years. You will get credit for the 781 days
17 that you were detained in jail.

18 I will not give you credit for the time
19 served on house arrest. I only give that
20 credit -- that's discretionary to the Court. But
21 I only use my discretion to give that credit when
22 a person is actually compliant with house arrest.
23 Your house is supposed to be your jail cell when
24 you're on house arrest. You're not supposed to be
25 at McDonald's or the mall or your friend's house

1 or a cookout, the beach, anywhere else. You
2 supposed to treat the four walls of your home like
3 your jail cell. And I understand from the state
4 that there are several violations of house arrest;
5 therefore, you will not get credit for that.

6 I have one more thing to say and I lost my
7 train of thought.

8 **MS. BREEDEN:** Appeal.

9 **THE COURT:** Yes. Sir, you have 10 days from
10 today's date to file a notice of intent to appeal
11 if you choose to do so.

12 And to the jury, again, thank you for your
13 service. This is going to conclude this matter
14 here today. Mr. Prophet will be transported first
15 to the county jail and then to the Department of
16 Corrections. I've told you about your jury
17 service. The clerk will meet you in the jury room
18 with those work excuses. Make sure you get your
19 phones, any left over lunch that you might have.
20 And thank you.

21 You're excused.

22 **THE BAILIFF:** Everyone stay seated until the
23 jury leaves.

24 (The jury exits the courtroom at 1:33 p.m.)

25 **THE COURT:** The Court will be in recess until

Sentencing of the Court

1 2 o'clock. I believe we have some guilty pleas
2 and motions at 2 o'clock this afternoon. We'll be
3 in recess.
4 (Proceedings conclude at 1:33 p.m.)
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CERTIFICATE

1
2 I, the undersigned, Teresa B. Johnson, Official
3 Court Reporter, do hereby certify that I transcribed
4 the electronic recording of the remote hearing in this
5 matter; and that the foregoing is a true transcript of
6 said electronic recording.

7 I do further certify that I am not a relative,
8 employee, attorney, or counsel of any of the parties
9 connected with the action, nor am I financially
10 interested in the action.

11
12 Dated: October 27, 2023

13
14 /s/Teresa B. Johnson

15 Teresa B. Johnson

16 Official Court Reporter
17
18
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23
24
25

WITNESSES

(S) Vicki L Rains
- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2019A4010200310

ACTION OF GRAND JURY

TRUE BILL

Heanath R. Jones
Foreperson of Grand Jury

Date: AUG 14 2019

VERDICT

Guilty

David M. Edwards
Foreperson of Petit Jury
Date:

DOCKET NO. 2019GS4003845

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

August TERM 2019
67

THE STATE
vs.

Keyon Edsel Devonta Prophet

Indictment for
ROBBERY / ARMED ROBBERY, ROBBERY
WHILE ARMED OR ALLEGEDLY ARMED
WITH A DEADLY WEAPON

SC Code: 16-11-0330(A)
CDR Code: 0139

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

421
SCANNED

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

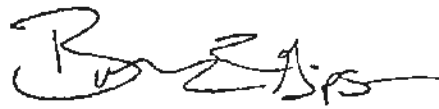
INDICTMENT

At a Court of General Sessions, convened on Aug 13 2019, the
 Grand Jurors of Richland County present upon their oath:

ARMED ROBBERY

That Keyon Edsel Devonta Prophet did in Richland County on or about January 19, 2019, commit robbery by feloniously taking from the person or presence of Sedley Entzminger, by means of force or intimidation, goods or monies of Sedley Entzminger and/or Pizza Hut, such goods or monies being described as a pizza bag, pizza boxes and/or a cell phone, with the intent to deprive the owner permanently of such property, while armed with a pistol or other deadly weapon, and/or while alleging, either by actions or words, that he was armed while using a representation of a deadly weapon or any object which a person present during the commission of the robbery reasonably believed to be a deadly weapon. All in violation of §16-11-330(A), SC Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



BYRON E. GIPSON, SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Richland

STATE

VS.

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019 - GS - 40 - 03845Keyon Edsel Devonta Prophet

AKA:

Race: BLACK Sex: M Age: 29DOB: [REDACTED] SS#: [REDACTED]Address [REDACTED] StCity, State [REDACTED] a, SC 29203-4143DL#: [REDACTED] SID#: [REDACTED]A/W#: 2019A4010200310Date of Offense: 1/19/2019S.C. Code § 16-11-0330(A)CDR Code #: 0139

SENTENCE SHEET

10-30yrs*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Robbery / Armed Robbery, robbery while armed or allegedly armed with a deadly weaponin violation of § 16-11-0330(A) of the S.C. Code of Laws, bearing CDR Code # 0139
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. [REDACTED] (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
 ATTEST:
[Signature]
Scott, Dale73081
SC Bar #

Defendant

SC Bar#

 WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,
 for a determinate term of 15 days/months/years/Time Served. ☐ Youthful Offender Act not to exceed years
 and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
 SCDOC. 701 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.
 Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
 § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Keyon Edsel Devonta Prophet INDICTMENT/CASE#: 2019 - GS - 40 - 03845**SPECIAL CONDITIONS:**☐ PTUP after _____ months/years**And Other Terms Listed Below:**

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$375
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$2875

Clerk of Court/ Deputy Clerk:
Court Reporter:Jeannette W. McBride
Alia SPresiding Judge:
Judge Code:
Sentence Date:Judith Newman
2757
April 26, 2023

CERTIFICATE OF COUNSEL FOR APPELLANT

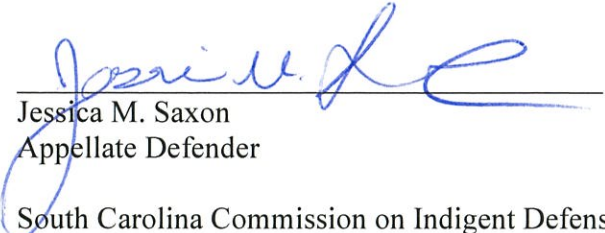
Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Apr 03 2024

SC Court of Appeals


Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 3rd day of April, 2024.

RECEIVED

Apr 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Richland County

Honorable Jocelyn J. Newman, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

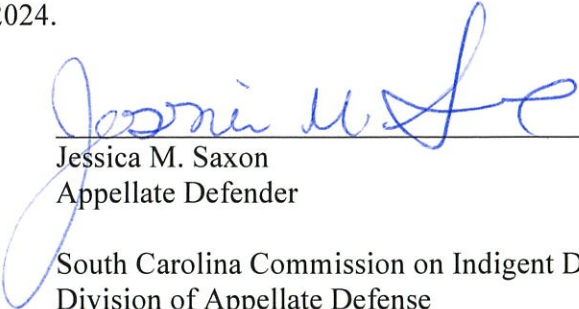
KEYON PROPHET,

APPELLANT

APPELLATE CASE NO. 2023-000752

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Keyon Prophet, #390828, at Trenton Correctional Institution, 84 Greenhouse Road, Trenton, SC 29847, this 3rd day of April, 2024.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT