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Apr 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Heath P. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KARI K. RYANT,

APPELLANT

APPELLATE CASE NO. 2023-000911

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED OCTOBER 17-19, 2022.....	1
JURY QUALIFICATION	7
JURY VOIR DIRE	35
JURY SELECTION.....	40
OPENING REMARKS BY THE COURT.....	46
PRE-TRIAL MOTIONS.....	54
<u>JACKSON V. DENNO</u> HEARING (1 st STATEMENT)	54
TESTIMONY	
DANNY BRIGHTWELL	54
KARI RYANT	69
COURT’S RULING	79
<u>JACKSON V. DENNO</u> HEARING (2 nd STATEMENT).....	80
TESTIMONY	
SAM JENKINS.....	80
KARI RYANT	90
COURT’S RULING	98
OPENING STATEMENT BY THE SOLICITOR.....	102
OPENING STATEMENT BY THE DEFENSE	107
TRIAL TESTIMONY	
ROBERT AYERS.....	111
PATRINA WILLIAMS	120

SETH WOLFE	136
DANNY BRIGHTWELL	147
MICAH BROWN	166
MOTION TO EXCLUDE VIDEO EVIDENCE	176
COURT’S RULING	179
TRIAL TESTIMONY	
RASHAUN GRANT	181
FRANK MYERS	187
CAREY SHEALY	191
JOSEPH GREEN	194
VERNON HOCHSTETLER	198
SAM JENKINS	200
ALBERT BLACK	216
SHANNA JOHNSON	247
NICOLE WILDEVOER	260
RANDY HUGHES	272
JANA WEAVER	278
KELLY ROSE	291
MIKE PHIPPS	300
STATE RESTS	313
ADVICE OF RIGHTS	314
RENEWAL OF ALL MOTIONS	316
MOTION FOR DIRECTED VERDICT	317

COURT’S RULING317

JURY CHARGE CONFERENCE.....318

DEFENSE RESTS320

CLOSING ARGUMENT BY THE SOLICITOR321

CLOSING ARGUMENT BY THE DEFENSE.....342

JURY CHARGE ON THE LAW350

JURY NOTE.....363

VERDICT365

SENTENCING HEARING TRANSCRIPT DATED JANUARY 12, 2023370

SENTENCING HEARING TRANSCRIPT DATED APRIL 24, 2023391

SENTENCING409

INDICTMENTS413

CERTIFICATE OF COUNSEL417

STATE OF SOUTH CAROLINA) SOUTH CAROLINA CIRCUIT COURT 1
COUNTY OF ORANGEBURG) DOCKET NO. 2020-GS-38-01226 &
-01227

STATE OF SOUTH CAROLINA,)
Plaintiff,)
versus)
KARI K. RYANT,)
Defendant.)

H E A R I N G
BEFORE THE HONORABLE HEATH P. TAYLOR

DATE: October 17-19, 2022
TIME: 9:30 a.m.
LOCATION: South Carolina Circuit Court 1
TRANSCRIBED BY: Natasha Barrientos

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11
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13
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15
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17
18
19
20
21
22
23
24
25

INDEX

Proceedings.....	5
Certificate of Transcriber.....	174,290,369

EXAMINATIONS

WITNESSES	DIRECT	CROSS	REDIRECT	REXCROSS
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FOR THE PLAINTIFF

Robert Ayers	111	119		
Patrina Williams	120	131		
Seth Wolfe	136			
Danny Brightwell	147	164		
Micah Brown	166	168		
Frank Meyers	187	189		
Carey Shealy	191			
Joseph Green	194	196		
Vernon Hochstetler	198			
Sam Jenkins	200	215		
Lieutenant Albert				
Black	216	242	246	
Shanna Johnson	247	257		
Nicole Wildevoer	260	270		
Randy Hughes	272	277		
Janna Weaver	278	286		
Dr. Kelly Rose	291			
Mike Phipps	300	312		

1	EXHIBITS		
2	STATE'S	DESCRIPTION	PAGE
3	Exhibit 1	Miranda Form	58
4	Exhibit 2	Miranda Form	82
5	Exhibit 13	Postel Aerial View	115
6	Exhibit 3,4,5	Photos	117
7	Exhibit 8,9,10,11	Photos	128
8	Exhibit 12	Photo	131
9	Exhibit 6,7	Photo	143
10	Exhibit 15	Bullet	144
11	Exhibit 17	Cell Phone	14
12	Exhibit 18	CD-Police Interview	157
13	Exhibit 14	Poster Aerial View	158
14	Exhibit 16	Defendant's Cell Phone	164
15	Exhibit 20	Photo of Defendant	165
16	Exhibit 21	Flash Drive Surveillance	
17		Video	168
18	Exhibit 37	CD - Surveillance Video	184
19	Exhibit 38	CD - Surveillance Vide	189
20	Exhibit 39	CD - Surveillance Video	193
21	Exhibit 41	CD - Surveillance Video	200
22	Exhibit 43	Rights Form	203
23	Exhibit 42	CD - Surveillance	205
24	Exhibit 22 and 23	Photo	218
25	Exhibit 24, 25, 26,	Photo	

1	27, 28, 29, 30		228
2	Exhibit 31 and 32	Photo	233
3	Exhibit 33, 34, 35,	Photo	
4	36		237
5	Exhibit 15	Bullet	283
6	Exhibit 47	CD - Surveillance Video	311
7	COURT'S		
8	Exhibit 1	Flash Drive	275
9	Exhibit 2	Flash Drive	276
10	Exhibit 3	Jury Note	365

11

12

13

14

15

16

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24 (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL

25 IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

1 THE COURT: You may be seated. Are we ready? All
2 right. Good morning, ladies and gentlemen. My name is Heath
3 Taylor. I am your resident circuit court judge for the first
4 circuit. My office is here. I haven't been around too long.
5 I just started in July. So -- but I'm happy to be here. I
6 want to introduce some other folks. Well, Mr. Delaine left.
7 And to my right here is Ms. Diane. They are our bailiffs
8 that will be taking care of you this week if you're selected
9 for jury duty.

10 Also, a number of deputies here that can help you. If
11 you have any questions, any issues, any emergencies arise,
12 please let any -- or any of those folks know and they will
13 get in touch with me and we'll take care of you.

14 Right now what we're going to do is determine if you
15 are qualified to serve as a jury or juror. We want to make
16 sure you're in the right courthouse. Sometimes there are
17 other jury trials going on in magistrates' court or in city
18 court. So make sure you -- I'm assuming you've already been
19 checked in properly, but make sure you're in the right place.

20 This term of court is for one week. Therefore, your
21 service as jurors this week will end at the worst, Friday.
22 We understand the inconvenience jury service causes your
23 personal lives, and we thank you all for being here. We'll
24 do our best to minimize your inconvenience and hopefully make
25 this an educational week for you.

1 Our purpose this -- this morning is to determine your
2 qualifications and eligibility to serve as jurors. Jury
3 qualification is done in several stages. That first stage
4 you've already done is -- is the roll call. Now, as we move
5 forward it's necessary that we administer an oath to you,
6 have they been sworn by clerk? Okay.

7 Now I'm going to have a few questions to ask you to
8 determine your qualifications as juror or in this court.
9 These questions determine your general eligibility. Sir,
10 state law requires that I ask these questions. Some of the
11 questions are very personal and you may not want to stand and
12 disclose this information openly in the presence of your
13 fellow jurors.

14 After each question, if you have a response, I'll ask
15 you to stand. At the end of this process, I'll give you a
16 chance to come forward and speak privately with me, the
17 clerk, and in the presence of the lawyers. We don't want
18 anybody to be embarrassed by any answers to these questions.

19 So if you -- and if you do not wish to stand please
20 make a mail note and come forward at the end when I ask you
21 to do so. It's absolutely necessary that the court as well
22 as the parties in this case have accurate information.

23 Now, is any member of the jury panel, not a citizen of
24 the United States? If so, please stand. Is any member of
25 the jury panel, not a resident and citizen of Orangeburg

1 County, South Carolina? If so, please stand.

2 Yes, ma'am.

3 JUROR NUMBER 11: I don't reside in South Carolina.

4 THE COURT: Ma'am, I'm sorry, this glass makes it hard
5 for me to hear.

6 JUROR NUMBER 11: I don't reside in Orangeburg County.

7 THE COURT: Where do you reside?

8 JUROR NUMBER 11: Blythewood, South Carolina.

9 THE COURT: Blythewood. Do you have identification?

10 JUROR NUMBER 11: Uh-huh.

11 THE COURT: Okay. You can come forward and show that
12 to the clerk and we can get you excused.

13 THE BAILIFF: Can I get her number?

14 THE COURT: What's your juror number ma'am?

15 JUROR NUMBER 11: 11.

16 THE CLERK: What's your name?

17 JUROR NUMBER 11: Kimberly Baker.

18 THE CLERK: Kim.

19 THE CLERK: She's out of county judge.

20 THE COURT: Okay. All right, ma'am, we'll excuse you.

21 Is any member of the jury panel unable to read, write,
22 speak, or understand the English language? Does any member
23 of the jury panel have less than a sixth grade education or
24 its equivalent? Is any member of the jury panel unable
25 because of mental or physical infirmities to render an

1 efficient jury service? For example, do you have any kind of
2 medical condition that prevents you from serving on this
3 jury?

4 Typically, court runs, we'll go an hour, hour and a
5 half before -- between breaks. We're not going to try to
6 work you to death and make you sit in one spot for five or
7 six hours, but if you have a -- a medical condition, now's
8 the time. Yes, sir.

9 JUROR NUMBER 2: Oh. Yes.

10 THE COURT: What -- sir, what's your juror number?

11 JUROR NUMBER 2: Two.

12 THE COURT: Two?

13 JUROR NUMBER 2: Yeah.

14 THE COURT: Mr. Adams?

15 JUROR NUMBER 2: Yeah.

16 THE COURT: You want to come forward? Yes, sir.

17 JUROR NUMBER 2: Yeah, I'm -- I'm under my doctor's
18 care, and I have I have appointment doctor on the 19th.

19 THE COURT: Okay.

20 JUROR NUMBER 2: Where sometime I get dizzy.

21 THE COURT: Would that -- would that condition prevent
22 you from serving?

23 JUROR NUMBER 2: I'm not sure, but you know, I have
24 these fake spells sometimes.

25 MR. SCOTT: He's not qualified.

1 THE COURT: Okay. All right, well, we were going to
2 get to something anyway a little bit later, but it -- the
3 solicitor tells me you can be excused.

4 JUROR NUMBER 2: Okay. Thank you.

5 THE COURT: Yes, sir.

6 JUROR NUMBER 243: I have screened heart problems,
7 bypass, multiple stents, and extreme anxiety.

8 THE COURT: What is your number, sir?

9 JUROR NUMBER 243: I'm sorry, I don't know.

10 THE COURT: What's your name?

11 JUROR NUMBER 243: George Smith.

12 THE COURT: George Smith.

13 THE CLERK: 243.

14 THE COURT: 243. Sir, do you believe that would
15 prevent you from serving as a -- a juror?

16 JUROR NUMBER 243: Yes, sir.

17 THE COURT: All right, sir, I will excuse you.

18 JUROR NUMBER 243: Thank you.

19 THE COURT: All right. Has any member of the jury
20 panel been convicted by a guilty plea or trial in a state or
21 federal court of record of a crime punishment, excuse me, by
22 imprisonment for more than one year, and your civil rights
23 have not been restored by pardon or amnesty?

24 Punishable by more than one year means that you could
25 have received a sentence of more than one year, regardless of

1 what the sentence actually was. You may have been given
2 probation but if the court could have sentenced you to more
3 than one year then that make you disqualified. Now, I don't
4 want to embarrass anybody, so you all can just come forward
5 and -- and tell us what you got.

6 THE CLERK: Judge, I can't take this down. There we
7 go. Okay.

8 THE COURT: Number 268. Samuel Vance.

9 THE CLERK: What did you say your last name?

10 JUROR NUMBER 268: Vance.

11 THE CLERK: Thank you.

12 THE COURT: So you're on federal --

13 JUROR NUMBER 268: Federal probation, and if I violated
14 whatever I could have got five years before they gave me
15 probation.

16 THE COURT: Okay.

17 JUROR NUMBER 268: So I'm on probation right as we
18 speak.

19 THE COURT: But you could have received five years?

20 JUROR NUMBER 268: Yeah, I could receive five years.
21 I'm not getting in trouble.

22 THE COURT: Okay.

23 JUROR NUMBER 268: Five on one is a attempt to
24 possession.

25 THE COURT: You got -- okay, we'll excuse you sir.

1 You're good. Thank you.

2 JUROR NUMBER 268: Thank you.

3 THE COURT: Yes, sir. Come on up. What's your juror
4 number?

5 JUROR NUMBER 1: Number one.

6 THE COURT: All right, Mr. Abraham?

7 JUROR NUMBER 1: I did years at (inaudible)
8 institution.

9 THE COURT: Okay. That what you got too, (inaudible)?

10 UNIDENTIFIED SPEAKER: Yes -- yes, sir.

11 THE COURT: Okay. All right sir, you're excused.
12 Thank you.

13 Yes, sir.

14 JUROR NUMBER 72: 72.

15 THE COURT: 72. Mr. Davis?

16 JUROR NUMBER 72: Yes, sir. Three years Dorchester
17 County. When I came up, my probation was transferred here in
18 Orangeburg. I'm mixed up. It's a suspended sentence.

19 THE COURT: All right, now what you got to do?

20 MR. SCOTT: (Inaudible).

21 THE COURT: Okay. All right, you're excused sir.
22 Thank you. Anybody else?

23 THE BAILIFF: I got two more. (Inaudible). Just ask
24 to see.

25 THE COURT: All right. Yeah, let's just wait. Yes,

1 sir. Okay.

2 Is any member of the jury panel a clerk or deputy clerk
3 of court, constable, sheriff or other commissioned law
4 enforcement officer, probate judge, county commissioner,
5 magistrate or other county officer or employed in the walls
6 of any courthouse? If so, please stand.

7 Yes, ma'am.

8 UNIDENTIFIED JUROR: Pam Hyman. I'm the town clerk of
9 Holly Hill, but I also serve as clerk of court for the police
10 department.

11 THE COURT: So you do serve as the town clerk court as
12 well?

13 UNIDENTIFIED JUROR: Yes.

14 THE COURT: Okay. I'll believe that excuses you.

15 UNIDENTIFIED JUROR: Thank you.

16 THE COURT: Anybody else? Is there any member of the
17 jury panel who has previously served on jury duty in circuit
18 court? Not city court, not magistrate's court or federal
19 court, during this calendar year? If so, please stand.

20 Has any member of the jury panel served as a member of
21 the Orangeburg County Grand Jury during the past several
22 years? If so, please stand.

23 All right, now we're going to move to jury exemptions.
24 State law provides for several exemptions to jury service.
25 An exemption does not mean you are not qualified to serve.

1 It simply means you have the right to say I choose not to
2 serve. Those of you who are 65 years of age or older may be
3 exempted from jury service. Those of you who are of -- of
4 you 65 years of age or older represent a pool of tremendous
5 talent for jury service and we urge you to serve if you're
6 inclined to do so. But if you wish to be exempted, you may
7 be. Anybody 65 or older who wishes not to serve?

8 Another exemption concerns prior jury service. No
9 person is required to serve as a juror more often than once
10 every three calendar years. Therefore, if any member of the
11 jury panel has served on jury duty during the last two
12 calendar years, you may be exempt from service this week if
13 you choose to be exempted. Please note this exemption does
14 not apply if your jury service was in master court at city
15 court or federal court. If this applies to you and you wish
16 to be exempted, please stand.

17 Persons who have served as grand jurors in the last
18 five calendar years may also be exempt from jury service. If
19 any member of the jury panel has served on a grand jury
20 during the last five calendar years, you may be exempt. If
21 this exemption applies to you, and you wish to be exempted,
22 please stand.

23 Next exemption deals with those of you who have legal
24 custody of young children. Please listen very carefully to
25 this exemption. It has several parts, all of which must

1 apply for you to be exempted on this basis. You may be
2 exempted from jury service if you have a child under the age
3 of seven, you have legal custody of your child or children.
4 You have principal care, custody and control of your child or
5 children, and you are unable to make arrangements for the
6 adequate care of your child or children while performing jury
7 duty. If all of these requirements apply to you, you may be
8 exempted on this basis. If this exemption applies to you and
9 you wish to be exempted, please stand.

10 If you are the primary caretaker of a person 65 years
11 old or older and you are unable to provide adequate care for
12 the person while performing jury service, you may be exempt
13 from jury duty. If this exemption applies to you, and you
14 wish to be exempted, please stand.

15 If you are the primary caretaker of a severely disabled
16 person who is unable to care for himself or herself and
17 cannot be left unattended and you are unable to provide
18 adequate care for the person while performing jury service,
19 you may be exempt from jury duty. If this exemption applies
20 to you, and you wish to be exempted, please stand

21 The next exemption applies or involve those of you who
22 may be attending school at this time or working in some
23 capacity with a school. If this exemption applies to you,
24 and you wish to be exempted, we can transfer your service to
25 another term where it will not conflict with your school

1 responsibilities. Is there any member of the jury panel who
2 is a full-time student school teacher, school crossing guard,
3 school bus driver, or who serves in any other school related
4 function and is unable to serve on jury duty this week as a
5 result of that involvement?

6 Yes, ma'am.

7 JUROR NUMBER 105: I teach at (inaudible).

8 THE COURT: What's your juror number?

9 JUROR NUMBER 105: It was 105, Jasmine Graves.

10 THE COURT: Ms. Graves. And you said you teach?

11 JUROR NUMBER 105: Uh-huh.

12 THE COURT: Would you like to be transferred?

13 JUROR NUMBER 105: Yes, sir.

14 THE COURT: Okay. What we'll do is have you come up
15 and see Ms. Clark and she will find the term that hopefully
16 will not conflict with your school duties.

17 JUROR NUMBER 105: Okay.

18 THE COURT: All right. Just come forward.

19 Yes, sir.

20 JUROR NUMBER 155: Yeah. I work with (inaudible)
21 schools.

22 THE COURT: For -- for what?

23 JUROR NUMBER 155: (Inaudible) schools.

24 THE COURT: What do you do?

25 JUROR NUMBER 155: I'm service manager here.

1 THE COURT: Okay. Would you like to be transferred to
2 another term?

3 JUROR NUMBER 155: Yes, sir.

4 THE COURT: All right, well, come forward and see Ms.
5 Clark. What -- what was your juror number? I'm sorry.

6 JUROR NUMBER 155: Excuse me. 155.

7 THE COURT: 155. Mr. Keller?

8 JUROR NUMBER 155: Yes, sir.

9 THE COURT: Yes, ma'am.

10 JUROR NUMBER 131: I homeschool my 8-year-old daughter
11 with South Carolina Connections Academy. So she has live
12 lessons every day with teachers and I also have a calendar
13 that I have to follow. And this week she also has a
14 mandatory cognitive testing for all second graders. That is
15 Wednesday and Thursday that I have to take her to a testing
16 center. I don't have anyone that else that does it. I'm the
17 only one. So every day that I'm not there, she's missing
18 school.

19 THE COURT: Well, unfortunately the way the law is
20 written because you're not employed by a school, I don't
21 believe that applies as an exemption. Well you mentioned
22 Thursday the lawyers tell me this thing should be done by
23 Thursday. We're open --

24 JUROR NUMBER 131: Well, it's Wednesday and Thursday.
25 She has to be in North Charleston by nine o'clock. 15

1 minutes before and I have my email from the school.

2 THE COURT: Okay, well why don't we do this? I don't
3 believe it technically applies, but I certainly don't want
4 your daughter to miss out on the school. What we'll do is
5 I'll -- I'll transfer you to another term. So just come up
6 here and see Ms. Clark. What was your number?

7 JUROR NUMBER 131: 131.

8 THE COURT: Ms. Hughes. All right. Yeah, we'll
9 transfer you to another term.

10 Yes, sir.

11 JUROR NUMBER 24: Number 24. I'm academic advisor for
12 athletics at (inaudible) University. (Inaudible) transferred
13 to (inaudible).

14 THE COURT: Okay. Yeah, come on. You were Mr.
15 Ballpark?

16 JUROR NUMBER 24: Yes, sir.

17 THE COURT: All right. Yeah, we will transfer you. Do
18 you know when your schedule -- when you break for the
19 holiday?

20 JUROR NUMBER 24: December and also the summer.

21 THE COURT: Okay. Ms. Clark will show you the terms
22 and we can hopefully get you transferred.

23 And next, is there any member of the jury panel who is
24 employed with the Department of Corrections at a
25 penitentiary? If so, and you would like to be exempted,

1 please stand.

2 Is there any juror who performs services for a business
3 commercial or agricultural enterprise, which are so essential
4 to the operation of the enterprise that if you were to
5 --required to perform jury duty, the enterprise would have to
6 close or stop functioning. If so, and you wish to be
7 exempted, please stand.

8 Ladies and gentlemen, that concludes the statutory list
9 of qualifications and exemptions for jury service. It may be
10 that you're qualified and no exemption applies to you. The
11 jury service this week would constitute an extreme hardship
12 on you for a particular reason. I can't permanently excuse
13 you from jury service, but under extreme and compelling
14 circumstances, I may excuse the juror from this term and
15 transfer you to another term of court. Particularly if you
16 have never been transferred.

17 Please understand the general inconvenience is not a
18 sufficient reason to transfer you to another term of court.
19 To justify the transfer to another term of court service this
20 week must constitute an extreme hardship on you. You know,
21 some of these may be that you're an hourly worker who will
22 not be paid and you're the only source of income. If you
23 have any doctor's appointments that cannot be missed you
24 know, that would be something that would be an extreme
25 hardship and we could -- we could work with you to get you to

1 another term. Does that apply to anyone? What -- you all
2 are?

3 Yes, ma'am.

4 JUROR NUMBER 208: I work early shift. I work from
5 8:00 p.m. to 6:00 a.m.

6 THE COURT: Okay.

7 JUROR NUMBER 208: Kind of impossible to be here, to
8 sleep and drive (inaudible).

9 THE COURT: Okay. All right. I'll -- I can transfer
10 you to another term if that would help you. That -- that way
11 you can plan your work schedule. Okay. Just come see Ms.
12 Clark. What was your number? I'm sorry.

13 JUROR NUMBER 208: 208.

14 THE COURT: 208. Ladies and gentlemen, this is now a
15 chance for those of you not respond earlier to any questions
16 that I ask and those of you who have a compelling reason to
17 request a transfer to come forward. If you believe you are
18 disqualified or exempt from jury service or if you have any
19 questions about whether you are disqualified or exempt, or if
20 you want to be transferred another the term, please come
21 forward at this time.

22 And also juror number 11 and juror number 64, please
23 come forward. Okay. Mr. Baker and Mr. Daniel?

24 UNIDENTIFIED JUROR: Yes, sir. (Inaudible).

25 THE COURT: (Inaudible) Mr. Brown wants to go?

1 JUROR NUMBER 32: Yes, sir. I can't (inaudible)
2 sometime I can't sit so long.

3 THE COURT: Okay, well, we won't have you sitting long.
4 It's usually -- usually --

5 JUROR NUMBER 32: I'll forgetting things.

6 THE COURT: Okay. What do you mean?

7 JUROR NUMBER 32: Sometimes tell me something like the
8 day, hours sometime I can't remember anything.

9 THE COURT: Have you been diagnosed with any kind of
10 conditions?

11 JUROR NUMBER 32: Mental. Yes, sir.

12 THE COURT: Okay. All right, well, I'll excuse you.
13 All right, you're good to go.

14 JUROR NUMBER 32: Thank you.

15 THE CLERK: (Inaudible)?

16 THE COURT: 32. Yes, ma'am. Come on up.

17 JUROR NUMBER 123: My name is Latasha Hoff.
18 (Inaudible).

19 THE COURT: What was your number?

20 JUROR NUMBER 123: 123.

21 THE COURT: 123. Okay.

22 THE CLERK: She was excused one time (inaudible). She
23 was excused one time.

24 THE COURT: Okay. Now what was it again?

25 JUROR NUMBER 123: I'm a nurse practitioner and I see

1 outpatient with mental health patients. I have to pull
2 schedule this week, so I -- next week (inaudible).

3 THE COURT: You've been transferred one time to tell me
4 already?

5 JUROR NUMBER 123: Uh-huh.

6 THE COURT: Is there nobody else that can see the
7 patients?

8 JUROR NUMBER 123: No, this will be schedule
9 (inaudible).

10 THE COURT: Okay. How soon do I -- how much advance
11 notice do we get as far as juror summons matter?

12 JUROR NUMBER 123: 30.

13 THE COURT: 30 days. Do you have anybody else in your
14 practice ordinarily or is it just this week? Like, because
15 I certainly don't want to do anything that's going to affect
16 your practice or your patients. But we can't keep doing
17 this.

18 JUROR NUMBER 123: Sure. No --

19 THE COURT: I mean we all have an obligation.

20 JUROR NUMBER 123: So this week I work every other week
21 at the hospital and -- and my practice. So next week I don't
22 -- I would ordinarily be working in the hospital. So I don't
23 have patients next week.

24 THE COURT: Well what I'm, well, we don't have jury
25 next week. What I'm -- what I'm trying to avoid is -- is us

1 continuing to transfer you. Like next time you get a
2 summons, then you need to make arrangements, okay?

3 JUROR NUMBER 123: Yes.

4 THE COURT: All right, so we'll transfer you one more
5 time.

6 JUROR NUMBER 123: Okay.

7 THE COURT: Again, I don't -- as much for your patients
8 as you, but -- but next time you getting a summon, make sure
9 you make arrangements that you can be here. You might not be
10 here, but make sure you make arrangements, okay?

11 JUROR NUMBER 123: Okay.

12 THE COURT: All right.

13 JUROR NUMBER 135: (Inaudible).

14 THE COURT: Good sir. How are you?

15 JUROR NUMBER 135: Doing fine.

16 THE COURT: What's your number?

17 JUROR NUMBER 135: W. Inabinet.

18 THE COURT: Mr. Inabinet. 135.

19 JUROR NUMBER 135: Yes, sir.

20 THE COURT: All right, what's you got?

21 JUROR NUMBER 135: I'm taking (inaudible).

22 THE COURT: Uh-huh.

23 JUROR NUMBER 135: Yes. To South Carolina.

24 THE COURT: I know where it is.

25 JUROR NUMBER 135: Yes, sir. I meet right at 3:30. I

1 get some time (inaudible) o'clock in the morning.

2 THE COURT: Okay. All right. What I can do since --
3 since you work night shift like I did the other lady, I can
4 -- I can transfer you, but when you get that summons next
5 time, go ahead make arrangements for the week, okay?

6 JUROR NUMBER 135: Yes, sir.

7 THE COURT: All right.

8 JUROR NUMBER 135: Yes, sir.

9 THE COURT: All right. Yes, ma'am. Come forward
10 please. What's your -- what's your number?

11 JUROR NUMBER 276: 276.

12 THE COURT: 276. Ms. Watson.

13 JUROR NUMBER 276: Right.

14 THE COURT: What's you got?

15 JUROR NUMBER 276: (Inaudible).

16 THE COURT: Okay. Do you remember how long ago it was?

17 JUROR NUMBER 276: (Inaudible).

18 THE COURT: If it's three --

19 THE CLERK: 276, let me check.

20 THE COURT: They're going to check to see when you
21 were, sir, if you'll just have a seat right there, they're
22 going to look it up for and make sure that if it's not -- if
23 it's three years and I'm sorry, your (inaudible).

24 Yes, ma'am. Come forward.

25 JUROR NUMBER 84: (Inaudible).

1 THE COURT: What's your juror number?

2 JUROR NUMBER 84: 84.

3 THE COURT: 84. Ms. Floyd?

4 JUROR NUMBER 84: Yes.

5 THE COURT: Are you her sole caretaker?

6 JUROR NUMBER 84: Me and her husband.

7 THE COURT: Okay. Is there anybody? All right, so she
8 would have care --

9 JUROR NUMBER 84: But when he goes the (inaudible) and
10 then we got to (inaudible) taking care of him.

11 THE COURT: But she's -- you're not exempted just in --
12 you're only exempted if you're the sole caretaker for her.
13 So I can't transfer or I can't exempt you because of that.
14 Okay. All right. 84 is going to stay with us.

15 Yes, sir. Please come forward.

16 JUROR NUMBER 137: 137.

17 THE COURT: 137. Mr. Jackson?

18 JUROR NUMBER 137: No, Isaac.

19 THE COURT: No, Isaac, I'm sorry.

20 JUROR NUMBER 137: Okay. I work for Michelene. So we
21 doing the swing shift. So these two weeks are on night
22 shift.

23 THE COURT: Okay.

24 JUROR NUMBER 137: Work 12 hours. Seven to seven.

25 THE COURT: All right. You work for Michelin in Lexington?

1 JUROR NUMBER 137: Yes.

2 THE COURT: Okay. All right. I'll do what I did for
3 the others. We can transfer you, but when you get that
4 summons, make sure that you make arrangements with work
5 because we can't keep rolling over and over. Okay. All
6 right. You see Ms. Clark?

7 Yes, ma'am.

8 JUROR NUMBER 33: (Inaudible).

9 THE COURT: 33.

10 JUROR NUMBER 33: (Inaudible). So I signed a contract
11 and I would help them.

12 THE COURT: Right.

13 JUROR NUMBER 33: (Inaudible) I'm obligated. I would
14 really like to transfer.

15 THE COURT: Well I do know that there are a lot of
16 people that need help down there right now, so I'm -- I'll
17 transfer you because of that.

18 JUROR NUMBER 33: Thank you.

19 THE COURT: But when you get your date, make sure you
20 make arrangements for next time. Okay?

21 JUROR NUMBER 151: Excuse me. Good morning.

22 THE COURT: Good morning. What's your number?

23 JUROR NUMBER 151: 151.

24 THE COURT: All right, Ms. June, what you got?

25 JUROR NUMBER 151: Yes. My (inaudible) not on being

1 here. That will be really hard on that.

2 THE COURT: Okay. Do you think if I transfer you to
3 another term you'll be able to make arrangements?

4 JUROR NUMBER 151: Yeah, because the thing about it's,
5 you can get (inaudible) because we already took our vacations
6 and everything early this year, so I don't have anything to
7 put towards.

8 THE COURT: Okay, well the -- the exemptions do
9 envision that situation, but make sure -- I'll transfer you,
10 but make sure when you get the summons next time that you --
11 you make arrangements to be here because we can't keep
12 exempting you or transferring you over and over. Okay?

13 JUROR NUMBER 151: Okay.

14 THE COURT: All right. See Ms. Clark?

15 Yes, sir. What's your number?

16 JUROR NUMBER 213: My name's Dan Rhoney.

17 THE COURT: All right, 213. What you got?

18 JUROR NUMBER 213: I'm self-employed.

19 THE COURT: Okay.

20 JUROR NUMBER 213: I got three other people. I don't
21 work, they don't.

22 THE COURT: All right. Again, it does (inaudible) the
23 exemptions do envision that, but we can transfer you. So
24 when you get the summons next time, make sure that you make
25 arrangements to be with us, okay?

1 JUROR NUMBER 213: Okay.

2 THE COURT: All right. 213 is going to be transferred.

3 JUROR NUMBER 165: (Inaudible).

4 THE COURT: What number? What's your name?

5 JUROR NUMBER 165: Jameeyal Lewis.

6 THE COURT: Mr. Lewis? 165. All right, Mr. Lewis,
7 what can I do for you?

8 JUROR NUMBER 165: (Inaudible).

9 THE COURT: You don't have any transportation to get
10 here in the mornings?

11 JUROR NUMBER 165: No.

12 THE COURT: Does the sheriff's department make
13 arrangements for transportation? Okay. All right, well, we
14 can help you out with that if you get -- get selected so you
15 stay with us. Thank you.

16 Yes, ma'am. What's your number?

17 JUROR NUMBER 252: 252.

18 THE COURT: 252. Ms. Stewart?

19 JUROR NUMBER 252: Yes.

20 THE COURT: What can I do for you?

21 JUROR NUMBER 252: (Inaudible) have several doctors
22 this week to go on Charleston.

23 THE COURT: Okay.

24 JUROR NUMBER 252: Yeah.

25 THE COURT: So he has doctor's appointments in

1 Charleston this week?

2 JUROR NUMBER 252: Yes.

3 THE COURT: Do you know what days?

4 JUROR NUMBER 252: He got one on (inaudible), he got
5 two tomorrow, and then he got one on a Wednesday.

6 THE COURT: Okay.

7 JUROR NUMBER 252: One on 8:30 that Wednesday and then
8 one at 9:30.

9 THE COURT: And these aren't anything that can be
10 rescheduled?

11 JUROR NUMBER 252: No because like I said, (inaudible).

12 THE COURT: Okay. All right, well here's what we'll
13 do. We'll transfer you to another term. You just need to
14 see Ms. Clark and get you transferred. Now make sure we can
15 get the summons next time that you make arrangements because
16 we -- we can't continue, but if your husband's got cancer and
17 he needs to get through those appointments, I certainly want
18 you to be able to do that, all right?

19 Yes, ma'am.

20 JUROR NUMBER 246: Okay. Two (inaudible).

21 THE COURT: Okay. Yes, ma'am. What's your juror
22 number?

23 JUROR NUMBER 246: 246.

24 THE COURT: Ms. Snell?

25 JUROR NUMBER 246: Yes.

1 THE COURT: What can I do for you?

2 JUROR NUMBER 246: (Inaudible).

3 THE COURT: Uh-huh.

4 THE CLERK: 'I'm having a hard time hearing her.

5 JUROR NUMBER 246: I'm a full-time employee at Lowe's
6 and I don't think they will let me off (inaudible).

7 THE COURT: Well everybody has to work. And Lowe's
8 will, they can let you off if you have jury duty. So I -- I
9 can't exempt you just for that. Okay. All right.

10 JUROR NUMBER 234: How are you doing, judge.

11 THE COURT: Good. How are you?

12 JUROR NUMBER 234: (Inaudible). I can't remember --

13 THE COURT: What's --

14 JUROR NUMBER 234: Simmons --

15 THE COURT: Ms. Simmons? Yeah. 234.

16 JUROR NUMBER 234: (Inaudible).

17 THE COURT: Well, it -- it doesn't, I mean that -- that
18 happens to a lot of people now if that will cause you some
19 significant hardship, we can transfer you, but to another
20 term, I mean, at some point you're going to have to deal with
21 it. What would you prefer?

22 JUROR NUMBER 234: (Inaudible).

23 THE COURT: Okay -- okay. How we looking on numbers
24 Ms. Clark?

25 THE CLERK: So I have a count.

1 THE COURT: I mean, we still got enough.

2 THE CLERK: We still got. Yeah.

3 THE COURT: Okay. All right. I'll -- I'll transfer
4 you this time, but again, like I told the others, when you
5 get that summoned, you need to pay arrangements next time.
6 Okay. See Ms. Clark?

7 Yes, sir. What's your juror number?

8 JUROR NUMBER 277: 277.

9 THE COURT: 277. All right. What can I do for you?

10 JUROR NUMBER 277: (Inaudible).

11 THE COURT: Uh-huh.

12 JUROR NUMBER 277: (Inaudible).

13 THE COURT: Uh-huh.

14 JUROR NUMBER 277: (Inaudible).

15 THE COURT: There's nobody else that can perform that
16 job?

17 JUROR NUMBER 277: Yes, sir?

18 THE COURT: Well that does not technically offer you an
19 exemption just because you're somebody's supervisor. If you
20 just -- so I -- I think you gotta stay with us on that one.
21 Okay?

22 JUROR NUMBER 64: Number 64.

23 THE COURT: 64.

24 JUROR NUMBER 64: Yes, sir.

25 THE COURT: Mr. --

1 JUROR NUMBER 64: Daniels.

2 THE COURT: Mr. Daniels you -- you were charged one
3 point assault (inaudible), is that correct?

4 JUROR NUMBER 64: 'Yes, sir.

5 THE COURT: Okay, so you could have received more than
6 one year for that?

7 JUROR NUMBER 64: Yes, sir.

8 THE COURT: Okay, so you're -- you're excused.

9 JUROR NUMBER 64: Okay.

10 THE COURT: All right. 64. Juror number 11.

11 Juror number 11. Mr. Baker, Ronald Baker, Ronald Baker.

12 Mr. Baker, at one point were -- were you convicted of driving
13 under the influence where you gave -- were you given a two
14 year sentence?

15 JUROR NUMBER 11: Suspended.

16 THE COURT: Suspended? Is that your date of birth?

17 [REDACTED]/61. What we got here is showing here 1989.

18 JUROR NUMBER 11: Yeah.

19 THE COURT: Okay -- okay. All right, that's going to
20 -- we're going to excuse you because of that. Okay?

21 JUROR NUMBER 11: All right.

22 MR. RILEY: Scott, probably that was the right time,
23 but he had one voir dire question that I didn't (inaudible).
24 Who would you typically.

25 THE COURT: Okay.

1 MR. RILEY: It's pretty clear in case law chief ask.

2 THE COURT: Yeah, I typically don't ask that one.

3 MR. RILEY: Okay.

4 THE COURT: Okay.

5 UNIDENTIFIED SPEAKER: Objection.

6 THE COURT: Oh, ma'am. Anywhere where you (inaudible).

7 All right. Thank you. Ladies and gentlemen, the jury
8 panel is now qualified. Ladies and gentlemen there -- I'm
9 going to give you some general guidelines for jury service
10 this week in the event you are selected.

11 First turn off all cell phones or other communication
12 devices or put them on vibrate or any other silent mode. If
13 you are selected as a juror in a case, you must leave your
14 cell phone or other communication devices with the bailiffs
15 when you arrive at the courthouse in the morning. You may
16 retrieve them during breaks and at the end of the day.

17 We will also make arrangements in the event you have an
18 emergency to make contact with you. It is very important
19 that you have no contact at all with the parties, the
20 lawyers, or possible witnesses in any case that may become --
21 may come before the court this week. Even innocent
22 conversations with those folks are easily misconstrued to
23 avoid any contact with those people. The lawyers aren't
24 going to try to talk to you. They're not being rude.
25 They're following my instructions. So you -- you pass them

1 in the hall or something like that and you think they were
2 rude, they're not being rude, they're just doing what they're
3 supposed to do. So don't -- don't take offense to that. You
4 all have plenty of time to talk when this is over.

5 Be prompt. It's not fair. And we have to delay a case
6 because one or two of you comes in late. We'll give you a
7 certain time to be here and please do so. If an emergency
8 occurs at home, work or otherwise, please let the clerk's
9 office know immediately.

10 Oftentimes during a trial, we'll need to take up things
11 outside of your presence. But I'll go into that a little
12 more detail later. Generally, court will begin sometime
13 around 9:00, 9:30, and this week we're probably going to be
14 wrapping up around 4:15 to 4:30 at the very latest just
15 because of some issues some folks have. So you won't be
16 working too late this week. We also have a call in system.
17 I don't think that's going to be necessary. But you will be
18 given instructions by the clerk how to utilize that call in
19 -- in system. All right, Mr. Riley, you ready to call your
20 case?

21 MR. RILEY: Yes, Your Honor. May I please the court.

22 THE COURT: Yes, sir.

23 MR. RILEY: Your Honor, this time the state calls the
24 case of state versus Kari Kayshon Ryantt. Indictment number
25 2020-GS-38-1226 charged with one count of murder.

1 THE COURT: Mr. Scott and Mr. Palmer, do you all have a
2 witness list for me?

3 MR. SCOTT: I do, Your Honor. I hand wrote in one last
4 one. I believe that's okay.

5 THE COURT: Has Mr. Palmer sent?

6 MR. SCOTT: I'll give him one.

7 THE COURT: Okay. Mr. Palmer --

8 MR. PALMER: Your Honor, defense doesn't intend to call
9 any witness with the possible exception of the defendant.

10 THE COURT: Okay. Mr. -- Mr. Scott, what's that last
11 name on the one you wrote in

12 MR. SCOTT: John Stokes.

13 THE COURT: Stokes. Okay. All right, ladies and
14 gentlemen, we're about to begin the trial of the case of the
15 State of South Carolina versus Kari Kayshon Ryantt. Before
16 we select the jury, there are several questions which I'll
17 ask you. You've already been sworn.

18 Now, ladies and gentlemen, is anyone related by blood
19 or marriage to Mr. Ryant? Has anyone ever had a close
20 personal or social relationship with Mr. Ryant? The
21 following is a list of potential -- hold on a sec. Mr.
22 Scott, the alleged victim, what is his name?

23 MR. SCOTT: Naja Sanders. N-A-J-A.

24 THE COURT: Is anyone related by blood or marriage to
25 Naja Sanders, or anyone had a close personal or social

1 relationship with Mr. Sanders.

2 The following is a list of potential witnesses in this
3 case. Patrina Williams, Kelly Rose, Jana Weaver, Nicole
4 Hardin, Robert Ayers, Seth Wolfe, Bryan Haynes, Eric Free,
5 Sam Jenkins, Danny Brightwell, Albert Black, Randy Hughes,
6 Shanna Johnson, Deon Hampton, Carey Shealy, Frank Myers,
7 Joseph Green, Vernon Hochstetler, Micah Brown, Rashaun Grant,
8 Mike Phipps, Randy Hughes, John Stokes. Is anyone related by
9 blood or marriage or have a close personal or social
10 relationship with any of those witnesses?

11 All right. Mr. Scott, do you want to introduce
12 yourself?

13 MR. SCOTT: May I please the court?

14 THE COURT: Yes, sir.

15 MR. SCOTT: My name is Thomas Scott. I'm the Deputy
16 Solicitor here in Orangeburg. I apologize my -- for my voice
17 a little bit this week. Seated next to me is Brad Riley.
18 He's an assistant solicitor in our office. Seated next to
19 him is Tammy Craven, our victim advocates. And seated on the
20 front row here is George.

21 MR. GRANT: Last name Grant, correct.

22 MR. SCOTT: George Grant. He just started with our
23 office. He's one of our intern.

24 THE COURT: All right, Mr. Palmer.

25 MR. PALMER: Good morning. My name's W. Scott Palmer.

1 I practice law in Santee as I have been for 34 years. I'm
2 here representing Kari Ryant. And this gentleman in the blue
3 suit is my paralegal, Mr. George Goodman. Thank you.

4 THE COURT: Has any member of the jury panel been
5 represented by any of the attorneys involved in this case or
6 have a close personal or social relationship with any
7 attorneys in the case or -- or the firms? Has any member of
8 jury panel -- oh, sorry. Yes, ma'am. What's your name?

9 JUROR NUMBER 93: Katie Garrick.

10 THE COURT: That is juror number 93. Yes, ma'am.

11 JUROR NUMBER 93: I'm Tammy Craven's niece.

12 THE COURT: Okay. Did you believe that would prevent
13 you from being fair and impartial in this case? Very good.
14 Thank you.

15 Yes, ma'am.

16 JUROR NUMBER 141: I am related to paralegal Goodman.

17 THE COURT: Okay. What's -- what's your number

18 JUROR NUMBER 141: 141

19 THE COURT: Ms. Jamison?

20 JUROR NUMBER 141: Yes.

21 THE COURT: Do you believe being related to him will
22 prevent you from being fair and impartial in this case? Very
23 good. Thank you.

24 Is any member of the jury panel formed or expressed an
25 opinion about any issue or matter involved in this case? Is

1 any member of the jury panel aware of any bias or prejudice
2 toward either the state or the defendant in this case? Is
3 there any member of the jury panel that was a member of the
4 grand jury that issued the indictment in this case? Is there
5 any member of the jury panel who is a member of or
6 contributor to any group which has as its primary concern the
7 promotion of law enforcement or victim's rights? These
8 include -- these groups would include but certainly not be
9 limited to mothers against drunk driving, students against
10 drunk driving citizens against violent crime or any domestic
11 violence shelters.

12 Does any member of the jury panel know of any reason
13 whatsoever why we could not serve as a juror in this case
14 with particular emphasis being placed on your ability to be
15 fair and impartial to both the state and defendant? All
16 right. A couple more.

17 Mr. Scott, I believe we covered number one and two,
18 didn't we?

19 MR. SCOTT: Yes, Your Honor.

20 THE COURT: Has any member of the jury panel or their
21 immediate family ever been charged with a violent crime? Has
22 any member of the jury panel or their immediate family ever
23 been the victim of a violent crime? Have any of you seen or
24 heard anything about this case from any source whatsoever?
25 Are any of you or any members of your family or close friends

1 now serving or have ever served in the capacity of a law
2 enforcement officer?

3 Yes, sir. Please stand.

4 JUROR NUMBER 54: Juror 54. Mike Coaxum.

5 THE COURT: Okay.

6 JUROR NUMBER 54: Wife used to work for Orangeburg
7 County Sheriff's Department.

8 THE COURT: Your wife?

9 JUROR NUMBER 54: Yes.

10 THE COURT: She did?

11 JUROR NUMBER 54: Yes.

12 THE COURT: Do you believe that prevents you from being
13 carrying impartial in this case?

14 JUROR NUMBER 54: No.

15 THE COURT: Okay. Mr. Palmer, I believe we covered
16 juror number four, correct?

17 MR. PALMER: Say again, Your Honor.

18 THE COURT: I believe we covered number four on your --

19 MR. PALMER: Yes, sir.

20 THE COURT: Okay. State have any additional questions?

21 MR. SCOTT: No, Your Honor.

22 THE COURT: Defense have any additional questions?

23 MR. PALMER: No, Your Honor.

24 THE COURT: All right. We're ready to select the
25 juror. Counsel, how many alternates did you all want? Two.

1 MR. SCOTT: Yes, Your Honor.

2 THE COURT: 10 and five on strikes, correct?

3 MR. SCOTT: Correct.

4 THE COURT: All right. Madam Clerk. Can we approach
5 briefly?

6 MR. SCOTT: Yes, sir.

7 (Bench conference.)

8 THE CLERK: Once your juror number and name is called,
9 I ask that you please step in the middle of the aisle with
10 your belongings. Juror number 174, Vinson McNeal. You can
11 stand right there, sir. What says the state?

12 MR. SCOTT: Please present the juror.

13 THE CLERK: What says defense?

14 MR. PALMER: Please seat the juror.

15 THE CLERK: Okay, you may be seated in the jury box,
16 sir. Juror number 83, Herbert Felder. What says the state?

17 MR. SCOTT: Please present the juror.

18 THE CLERK: What's says defense?

19 MR. PALMER: Please seat the juror.

20 THE CLERK: You may have a seat in the jury box. Juror
21 number 133. Lauryn Hutto. What says the state?

22 MR. SCOTT: Please present the juror.

23 THE CLERK: What says defense?

24 MR. PALMER: Please seat the juror.

25 THE CLERK: You may have a seat in the jury box. Juror

1 number 54, Michael Coaxum. So what says the state?

2 MR. SCOTT: Please present the juror.

3 THE CLERK: What says defense?

4 MR. PALMER: Please excuse the juror.

5 THE CLERK: You may have a seat at your (inaudible).

6 You may take your seat, sir. Juror number 98, Stephanie

7 Gleaton. What says the state

8 MR. SCOTT: Please present the juror.

9 THE CLERK: What says defense?

10 MR. PALMER: Please excuse the juror.

11 THE CLERK: You may return to your seat. Juror number

12 219. Daniel Robinson. What says the state?

13 MR. SCOTT: Please present the juror.

14 THE CLERK: What says defense?

15 MR. PALMER: Please seat the juror.

16 THE CLERK: You may have a seat at the jury box, sir.

17 Juror number 70, John Davis. What says the state?

18 MR. SCOTT: Please excuse the juror.

19 THE CLERK: You may return to your seat, sir. Juror

20 number 130, Anthony Hughes. What says the state

21 MR. SCOTT: Please present the juror.

22 THE CLERK: What says defense?

23 MR. PALMER: Please seat the juror.

24 THE CLERK: You may have a seat in the jury box, sir.

25 Juror number 46. Kenneth Carson. What says the state?

1 MR. SCOTT: Please present the juror.

2 THE CLERK: What says defense?

3 MR. PALMER: Please excuse the juror.

4 THE CLERK: You may go back to your seat, sir. Juror
5 number 194. Terry Ott. What says the state?

6 MR. SCOTT: Please present the juror.

7 THE CLERK: What says defense?

8 MR. PALMER: Please excuse the juror.

9 THE CLERK: You may return to your seat, sir. Juror
10 number 189, Patricia Myers. What says the state?

11 MR. SCOTT: Please present the juror.

12 THE CLERK: What says defense

13 MR. PALMER: Please seat the juror.

14 THE CLERK: You may have a seat in the jury box, ma'am.
15 Juror number 18, Kevon Bethea. What says the state?

16 MR. SCOTT: Please excuse the juror.

17 THE CLERK: You may return to your seat. Juror number
18 28. Stephanie Bradley. What says the state?

19 MR. SCOTT: Please present the juror.

20 THE CLERK: What says defense?

21 MR. PALMER: Please seat the juror.

22 THE CLERK: You may have a seat in the jury box, ma'am.
23 Juror number 58. James Craft. What says the state?

24 MR. SCOTT: Please present the juror.

25 THE CLERK: What says defense?

1 MR. PALMER: Please excuse the juror.

2 THE CLERK: You may return to your seat, sir. Juror
3 number 138, Calvin Jackson. What says the state?

4 MR. SCOTT: Please present the juror.

5 THE CLERK: What says defense?

6 MR. PALMER: Please seat the juror.

7 THE CLERK: You may have a seat in the jury box, sir.
8 Juror number 265. Caroline Turnblad. What says the state?

9 MR. SCOTT: Please present the juror.

10 THE CLERK: What says defense?

11 MR. PALMER: Please seat the juror.

12 THE CLERK: You may have a seat in jury box, sir.
13 Juror number 141. Sharen Jamison. What says the state?

14 MR. SCOTT: Please -- please excuse the juror.

15 THE CLERK: You may return to your seat. Juror number
16 119, Brittany Hess. What says to state?

17 MR. SCOTT: Please present the juror.

18 THE CLERK: What says defense?

19 MR. PALMER: Please seat the juror.

20 THE CLERK: You may have a seat in the jury box. Juror
21 number 228. David Shadix. What says the state?

22 MR. SCOTT: Please present the juror.

23 THE CLERK: What says defense?

24 MR. PALMER: Please excuse the juror.

25 THE CLERK: You may return to your seat, sir. Juror

1 number 266. Michael Tyler. What says the state?

2 MR. SCOTT: Please present the juror.

3 THE CLERK: What says defense?

4 MR. PALMER: Please seat the juror.

5 THE CLERK: You may have a seat in the jury box. Juror

6 number 14, David Behrens. What says the state?

7 MR. SCOTT: Please present the juror.

8 THE CLERK: What says defense?

9 MR. PALMER: Please excuse the juror.

10 THE CLERK: You may return to your seat, sir. Juror

11 number 112, Angel Hampton-Fowler. What says the state?

12 MR. SCOTT: Please present the juror.

13 THE CLERK: What says defense?

14 MR. PALMER: Please seat the juror.

15 THE CLERK: You may have a seat in the jury box, ma'am.

16 We've will now select our alternate. Juror number 225.

17 Nicholas Rutland. What says the state?

18 MR. SCOTT: Please present the juror.

19 THE CLERK: What says defense?

20 MR. PALMER: Please seat the juror.

21 THE CLERK: You may have a seat in the jury box. Juror

22 number 187, Harlan Munn. What says the state?

23 MR. SCOTT: Please present the juror.

24 THE CLERK: What says defense?

25 MR. PALMER: Please excuse the juror.

1 THE CLERK: You may return to your seat, sir. Juror
2 number 242. Auriel Smith. What says the state?

3 MR. SCOTT: Please present the juror.

4 THE CLERK: What says defense?

5 MR. PALMER: Please seat the juror.

6 THE CLERK: You may have a seat to the jury box, ma'am.
7 That will come to our conclusion.

8 THE COURT: All right. Counsel, any issues with
9 selection?

10 MR. SCOTT: Nothing from the state, Your Honor.

11 MR. PALMER: Nothing from defense, Your Honor.

12 THE COURT: Okay. All right, ladies and gentlemen, you
13 have been selected to serve in this case. I'll have a few
14 more things talk to you about.

15 Ms. Clark, do you want to dismiss the remainder of the
16 panel and give them instructions?

17 THE CLERK: If you need a work excuse, you can go down
18 to the clerk's office behind security desk, the last door in
19 the right and the clerks will be happy to give you an excuse
20 to go back to work. Thank you for coming.

21 THE COURT: Thank you both. We appreciate you. We all
22 clear. Madam Clerk, do you swear to the jury?

23 THE CLERK: Yes, Your Honor.

24 Can you please stand and raise your right hand? Do you
25 solemnly swear or affirm that you shall well and truly try

1 and true deliverance make between the state of South Carolina
2 and the defendant at the bar whom you shall have in charge
3 and true verdict give according to the evidence, so help you
4 God?

5 MULTIPLE SPEAKERS: I do.

6 THE CLERK: Thank you.

7 THE COURT: You may be seated. All right, ladies and
8 gentlemen, I got a -- a few things I need to take you. The
9 case we're about to try is the case of State versus Kari
10 Kayshon Ryant. This trial is a solemn and serious proceeding
11 for the protection and preservation of citizens' rights to
12 what many have called the greatest justice system ever
13 created.

14 The attorneys appear before you are advocates for the
15 parties they represent the first and foremost, they're
16 officers of the court sworn to uphold the integrity and
17 fairness of our judicial system. They are professional,
18 competent, and ethical in the representation of their
19 respective positions.

20 Remember that you've taken an oath to try this case and
21 reach a verdict and you are also expected to be professional,
22 reasonable, and ethical. Thank you for accepting the
23 important responsibility of jury service and for your
24 contribution -- contribution today to our justice system.
25 Without folks like you willing to serve our -- our system

1 simply cannot function. And I do on behalf of these parties
2 and our county and the state, appreciate your willingness to
3 serve.

4 You don't know how important it is. We had a -- a long
5 couple of years when things were shut down, so we're really
6 backed up and we need folks like you that are willing to
7 serve. And again, we -- we very much appreciate it. I know
8 it is not what you were planning on doing this week. But we,
9 again, we do appreciate we -- we can't function without good
10 folks like you willing to be here.

11 Now the instructions I'm about to give you are an
12 introduction to the trial. These remarks are not a charge on
13 the law in this case. I'll instruct you on the law
14 applicable at the end of the trial before you consider your
15 verdict. This is merely an explanation of the procedure that
16 we will follow during the trial to help you better understand
17 what's happening. You are not to take notes during the
18 trial.

19 The defendant is charged by warrants and a subsequent
20 indictment filed in this court with the crime of murder. The
21 elements of which will be explained to you later. The
22 warrants and indictments are simply the charge by what the
23 case -- by which the case is brought into court and is not in
24 any sense of any evidence of the allegations it contains.
25 The defendant has pled not guilty to these -- this

1 indictment, and therefore the state has the burden of proving
2 each element of the crime beyond a reasonable doubt. It's
3 your duty, ladies and gentlemen, to decide whether the state
4 has met that burden. Your purpose as jurors is to find and
5 determine the facts. You are the sole judges of the facts.
6 If at any time I make any comment regarding the facts, you
7 must disregard them. You are to determine the facts from the
8 testimony you hear and other evidence introduced in court.

9 It's up to you to determine the inferences which you
10 feel may be properly drawn from the evidence. It is
11 especially important that you perform your duty of
12 determining the facts diligently and conscientiously, because
13 ordinarily there's no way to correct an erroneous
14 determination of the facts by a jury.

15 On the other hand, and with equal emphasis, the same
16 rules that make you the judges of facts make me the judge's
17 law. The law is given by the court as the only law you may
18 consider. You must accept and follow it even though you may
19 sometimes disagree with me. I cannot tell you what the facts
20 are and you cannot disagree with me about the law as I give
21 it to you. And you must apply it to the facts as you find
22 them from the testimony of the witnesses and other evidence
23 that is introduced. After doing that, you'll render your
24 verdict under the solemn oath that you just took as jurors.

25 Until I advise you to begin deliberations, you must not

1 discuss the case with anyone including your fellow jurors,
2 friends, family members, and anyone involved in the case.
3 You must decide the case based solely on the evidence
4 presented here in the courtroom. This means that during the
5 trial you must not conduct any independent research about the
6 case by searching the internet, websites, blogs or any other
7 means to get information or through the media.

8 After the case is submitted to you, you must discuss it
9 only in the jury room with your fellow jurors. The attorneys
10 and parties in this case, and I told you about this a little
11 bit earlier, have been advised they are not to talk to you at
12 all. So if you see anyone involved in the case and they
13 don't even say hello, they're not being unfriendly, they're
14 just following my instructions. It's important that you keep
15 an open mind and not decide the case or any issue in the case
16 until all the evidence has been presented, the party -- and
17 the parties have made their closing arguments and I have
18 instructed you on the law. If you become aware of another
19 juror's violation of these instructions, you must conform me
20 immediately.

21 It is your responsibility to determine the guilt or
22 innocence of the defendant and your verdict must be based
23 solely on the evidence as it is presented to you in -- in the
24 courtroom during the trial, and on the law I instruct you
25 during and at the close of trial.

1 A little bit later, the solicitor will make what's
2 called an opening statement in which he will explain to you
3 the issues in the case or at least what he thinks the issues
4 are and what the evidence will show. The attorney for the
5 defendant may also make an opening statement, although he is
6 not required to do so. What the attorneys tell you during
7 their opening statements is not evidence in the case. It is
8 only their contention as to what the issues are or what the
9 evidence may show at trial. The evidence in this case will
10 be presented to you by the testimony of sworn witnesses from
11 this witness stand and by exhibits that may be introduced
12 into evidence.

13 From time to time during the trial, you may hear one
14 lawyer say something like, Your Honor, I believe we have a
15 question of law or a matter to discuss with you or may we
16 approach the bench, or sometimes I might find it necessary to
17 excuse you from the courtroom for a short while so the
18 attorneys and I can discuss a matter of law. The reason of
19 this -- the reason for this is that you are the judges of the
20 facts in the case. And sometimes when I'm discussing matters
21 of law with the lawyers, it may be necessary for me to make
22 some comment as to the facts in connection with a ruling
23 whether or not a particular law applies.

24 I'm not supposed to tell you what I think the facts
25 are, so I'll excuse you from the courtroom while these

1 discussions take place. So that -- so that in no way will
2 you be influenced by anything that I might say or do in
3 connection with the facts. And that's probably going to
4 happen at some point ladies and gentlemen, where I'll excuse
5 you so we can discuss other matters.

6 Sometimes that serves to speed things up. There are
7 going to be times where you're sitting back there wondering
8 what we're doing. We're out here working. I promise you,
9 I'm -- I'm -- we're not talking about how bad the Tigers
10 defense looked in the fourth quarter the other night. We're
11 out here working and trying to save ultimately time and make
12 sure both the state and defendants get a fair trial. So
13 again if you're asked to step out, it's nothing personal,
14 we're just -- we're working.

15 Now in terms -- in determining the facts of the case,
16 you must decide whether or not the testimony of a witness is
17 believable. It'll be my responsibility to rule as a matter
18 of law as to whether certain testimony is admissible, but
19 once the testimony is admitted, it is solely for you to
20 determine the believability of the witness testimony.

21 In deciding whether to believe a witness, you have the
22 right to consider the interest of any witness, the bias of
23 any witness, the prejudice of any witness, the opportunity
24 for the witness to have seen the matters and things about
25 which the witness may testify, and the way the witness acts

1 on the witness stand. You have a right to consider anything
2 that is in the record that will help you evaluate the
3 testimony of the witnesses. That means you must pay close
4 attention to these witnesses, observe the witnesses, listen
5 to the witnesses, and pay close attention to the attorneys
6 and the court.

7 Do not let thoughts wander, but give strict attention
8 to the testimony so that at the end of all the testimony,
9 after the arguments of counsel and my charge on the law, you
10 will then be in a position to determine what the applicable
11 facts are and apply the law to those facts and render a
12 verdict.

13 All right, I need to point -- appoint a foreperson,
14 looks like Ms. Myers, you picked the magic seat, so you're
15 going to be our foreperson. You're not going to get paid any
16 extra, but it'll be your duty to preside in the jury room and
17 be the jury's spokesperson here in court. It'll also be your
18 duty to write the verdict, but we'll give you further
19 instructions on that as -- as we get there.

20 Any exceptions to anything I've said to the jury by
21 statement?

22 MR. SCOTT: No, Your Honor.

23 MR. PALMER: None, Your Honor.

24 THE COURT: All right, ladies and gentlemen, it's one
25 of those times already that I'm going to have to excuse you.

1 We -- we do have a couple pretrial matters that hopefully
2 will speed things up for you. What I'm going to do is,
3 excuse you now for lunch. Counsel, what time do you think?
4 Would 1:30 be too early to give -- give us time to get a
5 quick bite?

6 MR. SCOTT: I think that's fine.

7 THE COURT: Get motions taken care of?

8 MR. SCOTT: Yes, Your Honor.

9 MR. PALMER: I think that'd be fine.

10 THE COURT: Okay, ladies and gentlemen, why don't you
11 be back here at let's say 1:30 and then we'll get started
12 with this case. Just go enjoy your lunch. I know that seems
13 like a -- a long hour and a half lunch, but we -- we're going
14 to be working here for a minute and then we're going to go
15 grab a quick bite and we'll get started. All right.
16 Everybody be back at 1:30. Thank you.

17 (Jury exits courtroom.)

18 THE COURT: Anybody need a break?

19 UNIDENTIFIED SPEAKER: I need to use the restroom,
20 yeah.

21 THE COURT: All right. We okay? Just be at ease for
22 about five minutes. Everybody a good comfort break. Ready
23 for proceed?

24 MR. SCOTT: Yes, Your Honor.

25 MR. PALMER: Yes, Your Honor. May it please the court.

1 THE COURT: Yes, sir.

2 MR. PALMER: The first matter I'd like to bring up is
3 the request for a Jackson v. Denno hearing.

4 THE COURT: Okay.

5 MR. PALMER: And here's why Your Honor. There's two
6 videotaped statements taken from the defendant after he was
7 apprehended, and while I -- I can't really say that either
8 one of them contains a confession per se. There was a
9 question and answer session in each one where the defendant
10 provided information that could prove to be inculpatory and
11 given the fact that he was 17, he was a minor at the time, I
12 believe that a request for a Jackson v. Denno hearing is
13 appropriate, and we would therefore move for one.

14 THE COURT: All right. State?

15 MR. SCOTT: Yes, Your Honor. State calls Danny
16 Brightwell.

17 THE CLERK: Please place your left hand on the Bible
18 and raise your right hand.

19 DANNY BRIGHTWELL,
20 being first duly sworn, testifies as follows:

21 THE CLERK: You may be seated. Please state your first
22 and last name for the record.

23 THE WITNESS: Danny Brightwell.

24 MR. SCOTT: Is that -- is that on? Speak into it.

25 THE WITNESS: Danny. All right. Danny Brightwell.

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q. All right, I guess it's still good morning. How
4 are you?

5 A. Good morning. How are you?

6 Q. Good. All right. Where are you employed?

7 A. Orangeburg Department of Public Safety.

8 Q. And how long have you worked at Public Safety?

9 A. January will be 19 years.

10 Q. And what's your position with Public Safety?

11 A. I'm currently in Investigation Division.

12 Q. And were you involved in a homicide investigation
13 that took place on May the 10th of 2020 on Whitman Street?

14 A. Yes, sir.

15 Q. And who was the victim in this case?

16 A. Naja Sanders.

17 Q. And do you recall approximately what time this
18 homicide took place on May the 10th of 2020?

19 A. Approximately on around 5:30 p.m.

20 Q. And did you actually respond to Whitman Street on
21 the incident date?

22 A. I did.

23 Q. And while on scene on Whitman Street, did you
24 start to develop any leads as to a suspect?

25 A. Yes, I did.

1 Q. And what was that suspect information that you
2 began to develop?

3 A. I received information that the last person to
4 --supposed to be with the victim was a subject by the name of
5 Kari or Akari.

6 Q. Okay. And later were you able to develop who this
7 individual known as Kari or Akari was?

8 A. I was.

9 Q. And what was that name?

10 A. It was Kari Ryant.

11 Q. All right. And later that same night on May the
12 10th of 2020, was Public Safety able to detain the defendant
13 Kari Ryant?

14 A. We were.

15 Q. And do you recall what time the defendant Kari
16 Ryant was detained?

17 A. It would've been sometime after 10:30, probably
18 10:40, 10:35.

19 Q. Okay. And where was he detained?

20 A. At his mother's residence.

21 Q. On what street?

22 A. On Russell Street.

23 Q. Russell Street? And how did you know to go get
24 Mr. Ryant from his mother's house on Russell Street at -- at
25 10:30 that night?

1 A. I was contacted by a subject who identified
2 subject as Dennis Green and stated that he was on Mr. Ryant's
3 home.

4 Q. And in fact sometime between 5:30 and 10:30, did
5 you actually have multiple conversations with this person
6 Dennis Green, who identified himself as the defendant's
7 uncle?

8 A. It would've been at least 3:00.

9 Q. Okay. After Mr. Ryant was detained, where was he
10 taken?

11 A. To Orangeburg Department of Public Safety
12 headquarters.

13 Q. And why was he taken there?

14 A. To -- so we get an interview.

15 Q. And who conducted this interview?

16 A. Myself and investigator Bryan Haynes.

17 Q. And where at headquarters was Mr. Ryant
18 interviewed

19 A. The interview room.

20 Q. You all have a designated interview room?

21 A. We do.

22 Q. Okay. And before interviewing the defendant, did
23 you advise him of his Miranda rights?

24 A. Yes, sir, I did.

25 Q. All right. Do you have a copy of that form with

1 you?

2 A. I do.

3 MR. SCOTT: Or do you have the original? Judge, can we
4 just use a copy for this hearing and I'll replace it with the
5 original? Can I get this marked State's 1?

6 (State's Exhibit 1 was marked for identification.)

7 BY MR. SCOTT:

8 Q. Thank you. I want to show you what's been marked
9 this State Exhibit 1 Do you recognize that?

10 A. Yes, sir. I do.

11 Q. And is -- is that a copy of the Advice of Rights
12 form that you used with the defendant on May the 10th of
13 2020?

14 A. Yes. It is.

15 MR. SCOTT: We'd ask that that be admitted just for
16 purposes of this hearing.

17 THE COURT: Any objection?

18 MR. PALMER: No objection.

19 THE COURT: All right, admitted.

20 (State's Exhibit 1 was admitted into evidence.)

21 BY MR. SCOTT:

22 Q. And how did you use this Form six, Exhibit one
23 with the defendant?

24 A. You said how did I use it?

25 Q. Yeah, how'd you, I mean, did you just hand it to

1 him or did you read it to him or what?

2 A. Right, I read it to him and then I would also have
3 that he would initial each line of the rights after I would
4 read it to him to confirm that he understood.

5 Q. Okay. And who filled out this top part with the
6 place, date and time?

7 A. I did.

8 Q. All right. And can you read what that says?

9 A. 1320 Middleton Street, May 10, 2020 at 11:07 p.m.

10 Q. Okay. And then beneath that are the -- his -- his
11 Miranda Rights; is that correct?

12 A. Yes, sir.

13 Q. Okay. And whose initials appear out beside each
14 right?

15 A. Mr. Ryant (inaudible).

16 Q. Okay. And you said you read these to him as well?

17 A. Yes, sir.

18 Q. Okay. Can you read each of those rights just as
19 you read them to Mr. Ryant on May the 10th of 2020?

20 A. Before we ask you any questions, you must
21 understand your rights. You have the right to remain silent.
22 Anything you say can be used against you in court. You have
23 the right to talk to a lawyer for advice before we ask you
24 any questions and to have him with you during questioning.
25 If you cannot afford a lawyer, one will be appointed for you

1 before any questioning if you wish. If you decide to answer
2 questions now without a lawyer present, you will still have
3 the right to stop answering at any time. You also have the
4 right to stop answering at any time until you talk to a
5 lawyer.

6 Q. Okay. And is there a place for him to sign saying
7 I understand my rights?

8 A. Yes, sir.

9 Q. And did he sign there?

10 A. He did.

11 Q. In your conversations with him, did he appear to
12 understand his rights?

13 A. He did.

14 Q. Okay. And then what's the bottom portion of
15 State's Exhibit 1?

16 A. It's the waiver of rights.

17 Q. And what does it say?

18 A. I have read this statement of my rights. I -- I'm
19 sorry. I have read the Statement of Rights and I understand
20 what my rights are. I'm willing to make a statement and
21 answer questions. I do not want a lawyer at this time. I
22 understand and know what I'm doing. No promises or threats
23 have been made to me or no -- and no pressure or coercion of
24 any kind has been used against you.

25 Q. And did Mr. Ryant sign after that?

1 A. Yes, he did.

2 Q. And then at the bottom, who signed as a witness?

3 A. Myself and Investigator Bryan Haynes.

4 Q. Is there a place at the bottom of the form where
5 the time is written after the defendant has been advised of
6 his Miranda rights there.

7 A. Yes.

8 Q. And what time is on the form?

9 A. 11:10 p.m.

10 Q. And then, I guess at that point you interviewed
11 Mr. Ryant?

12 A. Yes, I did.

13 Q. And was all this video recorded including the
14 advice him of rights as, as well as the interview?

15 A. It was.

16 Q. Do you recall approximately how long the interview
17 was with Mr. Ryant?

18 A. About 50 minutes.

19 Q. Did you force Mr. Ryant to speak with you?

20 A. I did not.

21 Q. Did you ever threaten him?

22 A. No, sir.

23 Q. Did you deny him any comfort such as food, water,
24 or bathroom breaks?

25 A. No, sir.

1 Q. Did you take a written statement from the
2 defendant?

3 A. I did not.

4 Q. Okay. And so then at -- at that point you said
5 you -- you interviewed the defendant?

6 A. Yes, sir.

7 Q. And you asked him about what he did that day?

8 A. I did.

9 Q. And you asked him about, I guess, being around the
10 victim in this case, Naja Sanders?

11 A. Yes, sir.

12 Q. Was -- and I -- I'm only asking you this during
13 this hearing, I -- I won't ask you this in front of the jury,
14 but was Mr. Ryant arrested that night?

15 A. He was not.

16 Q. All right.

17 A. He was not arrested by us for the murder.

18 Q. Okay. And after -- at the conclusion of this
19 interview, what was done with Mr. Ryant? Where was he taken?

20 A. The Orangeburg County Sheriff's Office had a pick
21 up order through DJJ. So they -- they transported him to
22 DJJ.

23 Q. And that was so that you all could continue to
24 investigate the case?

25 A. Well, it was based on a pickup order that they had

1 active through DJJ and yeah, he did.

2 Q. Continue, but he wasn't charged with murder that
3 night.

4 A. He was not.

5 Q. Okay. The following day on May the 11th, was
6 Public Safety able to get copies of various video
7 surveillance from the area where all this happened?

8 A. We did.

9 Q. And was the defendant re-interviewed on May the
10 12th of 2020?

11 A. He was.

12 Q. And who conducted that interview?

13 A. Lieutenant Jenkins and Investigator Albert Black.

14 Q. Okay. And at the conclusion of that interview --
15 or let me ask you on May the 12th of 2020, was the defendant
16 arrested?

17 A. He was.

18 MR. SCOTT: Okay. No further questions.

19 MR. PALMER: Thank you, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. PALMER:

22 Q. Morning detective.

23 A. Good morning, sir.

24 Q. I have a few questions. At the time that you
25 advised Mr. Ryant of his rights as you described, did you

1 determine his age?

2 A. I'm sorry. Did I -- his age? I never had his
3 date of birth.

4 Q. Okay. But I mean, did you calculate that he was
5 -- did you understand that he was a minor?

6 A. Yes, sir.

7 Q. Okay. And did you question him at all about his
8 level of education?

9 A. I may have asked him what grade he finished in
10 school or graduated.

11 Q. Did you make any other effort to determine his
12 level of literacy?

13 A. I did not.

14 Q. Do you think it's reasonable to suggest that given
15 his age -- oh, by the way, before I ask you that, did he tell
16 you how far he went in school?

17 A. I don't recall this, no.

18 Q. Okay. It given his age and the situation, this
19 was late at night, wasn't it?

20 A. 11:00 p.m., 11 -- 11:10, 11:07.

21 Q. Did -- would it be reasonable to suggest that he
22 would've been intimidated by this event? Yes?

23 A. I'm not sure if he would.

24 Q. Well given he's a minor, he's in the presence of
25 an experienced law enforcement officer, good bit older than

1 him, you think that would be an intimidating experience?

2 A. I mean, I don't know how he would've been feeling.

3 He didn't appear to be intimidated.

4 Q. Did he -- did he freely provide information in
5 response to your questions?

6 A. He did.

7 Q. Were there any questions that he failed to answer
8 or refused?

9 A. He answered them. I don't know that he gave all
10 the information that was asked. He -- he basically answered
11 the question.

12 Q. What statements did he give you that -- that you
13 used in your investigation?

14 A. I'm sorry?

15 Q. What statement, what information did he give you
16 that proved useful in your investigation?

17 A. I mean, told me the area that he -- he advised
18 that he was hanging out with the victim throughout that day
19 and the general area that they were in.

20 Q. At any point did he admit or confess to the -- the
21 murder?

22 A. He did not.

23 Q. Was he asked to?

24 A. I'm sorry?

25 Q. Did you ask him to?

1 A. Did I ask him?

2 Q. Did you ask him; did he commit it? Did he commit
3 the murder?

4 A. I asked him -- I asked him what he did that day
5 and about the case.

6 Q. Okay. And so the information according to your
7 testimony just a moment ago, was the information he gave you
8 is just where he was that day?

9 A. That he was with the, I mean, I'm sorry, with the
10 victim and where they were that day.

11 Q. Okay. At any point did he appear coerced,
12 uncomfortable, uneasy?

13 A. Not, not to me, no.

14 Q. Do you think that given, again, given his age and
15 the circumstances, the gravity of the charge, or the gravity
16 of the investigation, that extra measures would've been
17 appropriate to ensure that he was voluntarily providing you
18 information?

19 A. I mean, I took all the measures that would usually
20 take, he didn't appear intimidated.

21 Q. Right. So you treated him basically the same as
22 you would've any suspect, or any interviewee with regard to
23 the Miranda warnings?

24 A. Sure. Any juvenile, adult. Anyone.

25 Q. At any point did he hesitate to initial or sign

1 the form?

2 A. No, sir.

3 Q. Did he ask you any questions about it?

4 A. He stated he understood.

5 Q. Did he invoke or ask to speak to a lawyer before
6 being questioned?

7 A. He did not.

8 MR. PALMER: And thank you. No further questions.

9 MR. SCOTT: Just two quick things for redirect.

10 THE WITNESS: Yes, sir.

11 REDIRECT EXAMINATION

12 BY MR. SCOTT:

13 Q. Do you recall the defendant telling you he's
14 getting ready to transfer to OC Tech?

15 A. I do, yes, sir.

16 Q. Okay. And let me ask you, when you went to his
17 house on Russell Street to pick him up, after getting the
18 phone call from this -- from this Mr. Green, did you take
19 extra steps to go into the house and speak with the
20 defendant's mother about what was going to happen?

21 A. I did.

22 MR. SCOTT: Okay. That's all I have.

23 THE COURT: All right. Any re-cross?

24 MR. PALMER: No re-cross, Your Honor.

25 THE COURT: Okay.

1 MR. SCOTT: This is the only witness I have. Can he
2 step down?

3 THE COURT: Yes -- yes. Sorry.

4 THE WITNESS: Thank you.

5 MR. SCOTT: The only witness I have for this matter,

6 MR. PALMER: Your Honor, we would submit that it -- it,
7 even though the Miranda warning process appeared to be fairly
8 routine, we weren't dealing with a routine interviewee. Mr.
9 Ryant was school age. He -- I can tell you that it'll
10 probably come out in this trial. He has a limited education
11 and we think given those circumstances that the officer
12 should have taken extra measures to before obtaining
13 information in. And therefore, even though he was provided
14 Miranda warnings, we would submit that the -- any statements
15 he gave were -- would be inadmissible under Jackson v. Denno.
16 Thank you

17 THE COURT: Mr. Scott.

18 MR. SCOTT: I -- I assume Mr. Palmer doesn't have any
19 witnesses for this hearing. Can we skip over that part?

20 THE COURT: Do you have a witness Mr. Palmer?

21 MR. PALMER: I can call the defendant.

22 THE COURT: All right. That's up to you?

23 MR. PALMER: Yeah. Call Kari Ryant.

24 THE COURT: All right.

25 THE CLERK: Please place your left hand on the Bible

1 and raise your right hand.

2 KARI RYANT,

3 being first duly sworn, testifies as follows:

4 THE CLERK: Thank you. Please state your first and
5 last name for the record.

6 THE WITNESS: Kari Kayshon Ryant.

7 DIRECT EXAMINATION

8 BY MR. PALMER:

9 Q. Mr. Ryant, how old are you?

10 A. 19 years old -- 19, sir.

11 Q. When do you -- when did -- what -- what's your
12 birthday? When do you turn 19?

13 A. [REDACTED].

14 Q. Do you remember back in May of 2020 speaking with
15 Detective Brightwell?

16 A. Yes, sir.

17 Q. What is the level of your education?

18 A. Actually didn't finish school.

19 Q. What -- what's -- what's the last grade that you
20 completed?

21 A. Ninth.

22 Q. Okay. Well, what's the reason you didn't finish
23 school?

24 A. School first got (inaudible). Take me to drop
25 out.

1 Q. Say again, please.

2 A. (Inaudible) dropped out.

3 Q. You dropped out?

4 A. School (inaudible). I never got a chance to
5 finish.

6 Q. And how were your grades when you dropped out?

7 A. Somebody in or on the line?

8 Q. When -- when you dropped out of actual school,
9 were you doing well?

10 A. No, course sir.

11 Q. Okay. Did -- did you take any remedial classes?

12 A. What do you mean by that?

13 Q. Well, I mean by, were you taking any classes,
14 special learning classes?

15 A. No.

16 Q. Okay. And since you dropped out into ninth grade,
17 what have you done to complete your education?

18 A. I'm taking steps to do classes online. I try to
19 get a GED.

20 Q. Okay. Have you gotten your GED?

21 A. No, sir.

22 Q. And did you -- did you were you taking online
23 courses when you talked to Detective Brightwell back in 2020?

24 A. Yes, sir. Do you remember meeting with him in the
25 interview room?

1 A. Yes, sir.

2 Q. And is it true that you turned yourself in?

3 A. Yes, sir.

4 Q. How did you feel during that interview?

5 A. I actually, I was scared.

6 Q. You were scared of what? Did you feel anything
7 else besides fear?

8 A. Fear? No.

9 Q. When he -- when he I'm -- I'm sorry, go ahead.

10 A. No, just fear. I was really scared (inaudible).

11 Q. When he read you the rights under the Miranda and
12 presented you with that form, did you understand what he was
13 doing?

14 A. No, sir. You can specify though.

15 Q. Say again, please.

16 A. No, sir. He asked me my rights. Right.
17 Basically asked me my right. Right?

18 Q. Right. What do you understand your rights to be?

19 A. Saying the right remain silent, I guess.

20 Q. Okay. And did you -- did you also hear him tell
21 you he had the right to a lawyer?

22 A. Yes, sir.

23 Q. And did you hear him say anything you said could
24 be used against you in a court of law?

25 A. Yes, sir.

1 Q. Did you understand that at the time?

2 A. Yes, sir. I understood it.

3 Q. Okay. And so when you -- when you spoke with him,
4 did you understand that you didn't have to speak with him?

5 A. Yes, I understood.

6 Q. Okay. And what did you tell him?

7 A. I actually, after admit, I asked to lied to
8 officer then.

9 Q. Say again.

10 A. I, after admit I actually lied to him. I been
11 frightened.

12 Q. You're saying you lied to him?

13 A. Yes, sir. That's what I'm saying. I lied to him
14 meant being frightened. I remember what was said though.

15 Q. Why did you lie to him?

16 A. I being frightened. He was going to charge me
17 with murder.

18 Q. Were you charged with murder at the time?

19 A. No.

20 Q. And -- and so you lied to him because you thought
21 you were going to be charged with murder?

22 A. Yes, sir.

23 Q. At the time, you had an active warrant against you
24 from DJJ; is that true?

25 A. Yes, sir.

1 Q. Okay. And did that have anything to do with your
2 lying to him?

3 A. No.

4 Q. Are you saying that the -- say -- go ahead.

5 A. Actually lie to him because they was saying --
6 they was saying, everybody want me for questioning. I
7 believe him questioning me just like he wanted to charge me
8 with murder because I know I was with him that day and
9 everybody saying I'm guilty killing him (inaudible).

10 Q. Okay. Did you -- do you feel like he put any
11 pressure on you to talk to him?

12 A. No, sir. Not really.

13 Q. What -- did you consider what would happen if you
14 didn't answer his questions?

15 A. If I just remained quiet?

16 Q. Yes.

17 A. I feel like I would be charged with murder if I
18 remain quiet.

19 Q. Okay. And did you bring that up to him, detective
20 Brightwell at the time?

21 A. No, sir.

22 Q. Okay. Do you -- do you feel that the information
23 you gave him was given voluntarily?

24 A. You mean by -- by I volunteered?

25 Q. Yes.

1 A. Yes, sir.

2 Q. Okay, but you're saying it was false.

3 A. I brought it to (inaudible) I lied to him.

4 Q. Okay. And did you lie to him out of fear?

5 A. Yes, sir.

6 Q. And was that after you signed the form?

7 A. I'm not sure -- I'm not sure. The form be the
8 Miranda Rights?

9 Q. Yeah.

10 A. Oh, yes, sir.

11 MR. PALMER: Okay. All right. No further questions.

12 THE COURT: Scott.

13 MR. SCOTT: May I please the court?

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. SCOTT:

17 Q. So I -- I'm a little confused. What did you lie
18 about?

19 A. I actually lied to him about my whereabouts that
20 day (inaudible).

21 Q. You lied about your whereabouts?

22 A. Yeah.

23 Q. How so?

24 A. Well, he actually asked me how my day went. I
25 actually told him (inaudible). My day went in, asked me when

1 he came to me, asked me to tell him I actually split up the
2 guy.

3 Q. Can you talk to me the microphone.

4 A. He asked me what happened. I ain't up telling the
5 officer I split up with him because I didn't want be charged
6 with murder because everybody told me passed by Duke and
7 Barbecue. So therefore I just told him I split up with him
8 at a stop sign or whatever.

9 Q. You told -- you lied to him and told him you split
10 up at the stop sign?

11 A. Yes, sir.

12 Q. But instead the truth is what?

13 A. The truth is, you asked me on (inaudible).

14 Q. So you're saying you lied during this because you
15 actually split up from him on Sprinkle?

16 A. No, the reason I lied is I was scared of being
17 charged with murder. That's why lied. I lied, (inaudible)
18 charged me murder. But the thing is he actually lying to
19 him. I ain't telling him that we split, that's me lying to
20 him telling him that we split at a stop sign. And the one
21 I'm telling you is he left me from -- he left me from
22 Sprinkle.

23 Q. So you didn't make it to the stop sign with him?

24 A. No, I never was there, you know what I'm saying?
25 I couldn't have been, still would be on Sprinkle. He left

1 from me.

2 Q. Okay. And where were you all on Sprinkle when he
3 left from you?

4 A. Probably like abandoned house, smoking somewhere.
5 It's been a regular day.

6 Q. And who else was there?

7 A. Just me and him.

8 Q. Just you and him. And you testified a few minutes
9 ago that everybody was saying you were guilty of killing the
10 victim?

11 A. Yes. Everybody sounded like.

12 Q. Okay. So who was everybody? Who all told you
13 that?

14 A. When I got home, actually met my mother's saying,
15 she said her, his family actually called seeing her threats.
16 So I knew I was with the man until it sounded like they was
17 trying to say I was guilty because she told me officers
18 wanted to talk to me, wanted (inaudible).

19 Q. And you say that didn't happen until you got home
20 that you found out?

21 A. No, that when I met my mother in the car.

22 Q. And when was that?

23 A. Probably on that day.

24 Q. Okay.

25 A. Little bit around that time.

1 Q. So you didn't receive any phone calls before
2 meeting up with your mother?

3 A. No, just phone call -- just phone call telling the
4 agent where I was.

5 Q. Okay. So when you said -- when you said in your
6 statement to Investigator Brightwell --

7 A. Yes.

8 Q. -- that people started calling you, telling you
9 that Sumo had been shot in the head. You're saying those
10 didn't happen?

11 A. No, I actually got phone calls from my mother.

12 Q. Okay. So when you say about three people called
13 you to let you know Sumo had been killed, is that -- that's a
14 lie too?

15 A. Yes, sir. I really wouldn't remember. They asked
16 me, remember my mother called me father, my brother trying to
17 tell me.

18 Q. Okay.

19 A. My mother to my -- my brother (inaudible).

20 Q. All right. But nobody twisted your arm to give
21 you -- to give this statement? Correct?

22 A. We didn't twist my arm.

23 Q. Okay. And you knew what you were doing, right?

24 A. Yes, sir.

25 Q. And you've been in trouble before, haven't you?

1 A. Yes, sir. I had a warrant, sir.

2 Q. Okay. You've been -- have you been advised of
3 your Miranda Rights before in a law enforcement setting as a
4 -- as a juvenile?

5 A. Yes.

6 Q. Okay. And you testified on direct a few minutes
7 ago that you understood your right to remain silent, right?

8 A. Yes, sir.

9 Q. You understood you didn't have to talk anymore?

10 A. Yes, sir.

11 Q. And in fact, you exercised that right in the
12 second interview with Lieutenant Sam Jenkins, didn't you?

13 A. Yes, sir.

14 Q. You told him you didn't want to talk to me more?

15 A. Yes, sir.

16 Q. So you knew during the first interview that you
17 had that right?

18 A. Yes, sir.

19 Q. Okay. Is there anything else you lied about that
20 we need to know?

21 A. No. (Inaudible).

22 MR. SCOTT: Okay. That's all I have.

23 THE COURT: Redirect.

24 MR. PALMER: No redirect, Your Honor. That's it.

25 That's -- that's all I as far as witnesses.

1 THE COURT: Okay. Mr. Ryant, you can step down. All
2 right, any arguments?

3 MR. PALMER: Your Honor, I pretty much already made the
4 argument. I just ask the court to consider my previous
5 statement.

6 THE COURT: Mr. Scott.

7 MR. SCOTT: I -- I think the defendant admitted it was
8 voluntary. Nobody threatened him or coerced him -- coerced
9 him. He said directly that he understood his right to remain
10 silent and that at a later date two days later, he actually
11 decided to invoke that. Right. I -- I don't think there's
12 any doubt the statement was freely and voluntarily given.

13 THE COURT: Yeah, I -- I tend to agree. And just as
14 you know, the standard is a preponderance of the evidence. I
15 have four issues I have to consider. One did the defendant
16 make the statement? I find that he did make the statement.
17 Two was the defendant advised of his Miranda warnings before
18 he was -- was questioned by law enforcement. He clearly was
19 and he by virtue of the form and also acknowledged that here
20 in his own testimony. So I find that he was properly
21 advised.

22 Third, did the defendant knowingly and intelligently
23 waive his constitutional rights? I believe he did. He
24 stated on the stand that he understood his rights and
25 actually there's evidence that he exercised those rights in a

1 subsequent interview. And finally was the statement given
2 voluntarily? I believe the defendant stated that he
3 voluntarily gave a statement.

4 I appreciate counsel's concerns with regard to his age
5 and that certainly is a factor. However, he does -- doesn't
6 -- it does appear though that he understood his rights and
7 voluntarily waived them. So I'll deny a motion and the state
8 will continue with questioning. Anything else?

9 MR. SCOTT: There's a second statement.

10 THE COURT: Okay.

11 MR. SCOTT: I usually think it's cleaner to do them one
12 at a time, so.

13 THE COURT: Okay. All right.

14 MR. SCOTT: So the state will call Sam Jenkins.

15 THE CLERK: Please place your left hand on the Bible
16 and raise your hand.

17 SAM JENKINS,
18 being first duly sworn, testifies as follows:

19 THE CLERK: Thank you. You may have a seat and please
20 state your first and last name for the rest.

21 THE WITNESS: My name is Samuel J. Jenkins.

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q. Good afternoon.

25 A. Good afternoon, sir.

1 Q. Where are you employed?

2 A. I'm employed by the Honor Square Department of
3 Public Safety.

4 Q. And how long have you worked at Public Safety?

5 A. 36 years.

6 Q. Okay. What is your position with Public Safety?

7 A. I'm assigned to narcotics. I'm sorry, I'm
8 assigned to investigations.

9 Q. Okay. you've worked narcotics, have you not?

10 A. I supervised narcotics.

11 Q. Got you. Were you involved in a an investigation
12 of a homicide that took place on May the 10th of 2020 on
13 Whitman Street?

14 A. I was, sir.

15 Q. And specifically two days later on May the 12th of
16 2020, were you asked to interview the defendant, Kari Ryant?

17 A. I was.

18 Q. Okay. And where did this interview take place?

19 A. At headquarters in our interview room.

20 Q. And that's on Middleton Street?

21 A. 1320. Yes, sir.

22 Q. And -- and you said you conducted this in an
23 interview room?

24 A. Yes. Okay.

25 MR. SCOTT: And I'm going to -- thank you. Do you

1 recall approximately -- and I'm showing you what's been
2 marked as State Exhibit 2 which is an advice of rights form.

3 (State's Exhibit 2 was marked for identification.)

4 BY MR. SCOTT: '

5 Q. Do you recall approximately what time that
6 interview took place?

7 A. It took place at 10:49 a.m. on May the 12th, 2020.

8 Q. All right. Were there other officers present for
9 this interview?

10 A. Yes, sir. It was investigator Albert Black and
11 Investigator Bryan Haynes and myself.

12 Q. Okay. And was the defendant in custody at the
13 time of this interview?

14 A. Yes, he was.

15 Q. Okay. And he had been housed at DJJ for the past
16 36 hours or so; is that correct?

17 A. Yes, sir.

18 Q. Okay. At the time of the interview, were you
19 aware that Investigator Brightwell and Detective Haynes had
20 interviewed the defendant two days earlier?

21 A. I was.

22 Q. Okay. And why did Public Safety want to interview
23 him again?

24 A. I was informed that he wasn't telling the truth
25 forthcoming with the truth in the first interview. They

1 wanted to give him a opportunity to just tell the truth about
2 the incident.

3 Q. Okay. And before interviewing the defendant a
4 second time or before interviewing the defendant on May the
5 12th of 2020, did you advise him of his Miranda rights?

6 A. I surely did.

7 Q. And did you use State's Exhibit 2 to help you
8 advise him of his Miranda rights?

9 A. Yes, sir.

10 Q. And is that form in substantially the same
11 condition as when you used it with Mr. Ryant on May the 10th,
12 2020?

13 A. Yes, sir.

14 MR. SCOTT: We'd ask that State Exhibit 2 be admitted
15 for purposes of this hearing.

16 MR. PALMER: No objection.

17 THE COURT: It's admitted.

18 MR. SCOTT: And again, it's a copy so maybe we can
19 switch it out with the original on a break.

20 BY MR. SCOTT:

21 Q. How did you use this form with Mr. Ryant?

22 A. I told Mr. Ryant I need to advise him of his
23 Miranda and I provide him this copy and I told him to read
24 along with me and I told him if he understand each sentence,
25 I need him to put the initial, his initial behind the

1 sentence that he understood what I was saying to him. And
2 after he initial all the sentences he signed this document.

3 Q. Okay. And so can you read the rights that Mr.
4 Ryant was advised of?

5 A. I advised him Before we ask you any questions, you
6 must understand the rights and I ask him to sign it. You
7 have the right to remain silent. Anything you say can be
8 used against you in court. You have the right to talk to a
9 lawyer for advice before we ask you any questions, and to
10 have them with you during questions.

11 If you cannot afford a lawyer, one will be appointed
12 for you before any questions if you wish. If you decide to
13 answer questions now without a lawyer present, you will still
14 have the right to stop answering at any time. You also have
15 the right to stop answering at any time until you talk to a
16 lawyer. And he signed.

17 Q. He signed saying?

18 A. I understand my rights.

19 Q. Thank you. Let me ask you, at any point when you
20 read of those rights, did he suggest to you that he didn't
21 understand his rights?

22 A. No -- no he did not.

23 Q. Okay. What's at the bottom portion of State's
24 Exhibit 2?

25 A. This is a waiver of his rights and being that I've

1 read this to him, I have read this statement, my rights and
2 understand what my rights are, I am willing to make a
3 statement and ask questions. I do not want a lawyer at this
4 time. I understand and know what I'm doing. No pressure
5 threats have been made and no pressure coercion of any kind
6 that's been used against me.

7 Simply when I deal with the juveniles, always explain
8 what pressure and coercion is. And I -- I said to my
9 recollection that I said that nobody's here beating you with
10 a knife, trying to get you to talk to me. It means freely
11 and voluntarily.

12 Q. And did he sign the bottom portion of State
13 Exhibit 2?

14 A. (Inaudible) to the sentence and he signed the
15 waiver rights.

16 Q. And then who signed as a witness?

17 A. I signed as a witness and Albert Black signed up
18 as a witness. And at the end of this statement it was like
19 10:52.

20 Q. Okay.

21 A. A.m.

22 Q. And then, I guess at this point you interviewed
23 Mr. Ryant?

24 A. Yes, sir.

25 Q. Did you ever force Mr. Ryant to speak with you?

1 A. No sir.

2 Q. Did you ever threaten him?

3 A. No, sir.

4 Q. Did you deny him food, water, bathroom breaks?

5 A. We asked if he wanted some water and used the
6 bathroom. We didn't deny him anything else.

7 Q. And this interview as well as advisement of -- of
8 rights was recorded, video recorded?

9 A. Yes. And I advised him that it was recorded.

10 Q. And then you proceeded to interview Mr. Ryant?

11 A. Yes, sir.

12 Q. Okay. And initially did he speak with you and,
13 and give you his side of the story?

14 A. Yes. He gave me his -- his side.

15 Q. Okay. And at some point during the interview, did
16 the defendant actually say he didn't want to speak anymore?

17 A. Absolutely he did.

18 Q. He did?

19 A. Yes, he did.

20 Q. Okay. And did you ask him any questions after
21 that?

22 A. No, I told him you don't have to speak but I need
23 to talk, you just listen.

24 Q. So you continued to talk to him?

25 A. Yes.

1 Q. At any point did Mr. Ryant appear not to
2 understand what was happening that day?

3 A. Well, during my interview I can tell certain
4 things he didn't want to give me any information about. When
5 I started having conversation about real --

6 Q. I -- I'm just asking about did he seem to
7 understand his rights?

8 A. Yes, he did.

9 Q. Okay. Was there any point where you worried about
10 his competency to understand his rights?

11 A. No, I did not.

12 MR. SCOTT: Okay. That's all I have, Your Honor.

13 THE COURT: Palmer.

14 CROSS-EXAMINATION

15 BY MR. PALMER:

16 Q. Morning, lieutenant.

17 A. Good morning, sir.

18 Q. Did -- did you make any determination from
19 interviewing Mr. Ryant as to his age and the level of
20 education?

21 A. No I didn't. He told me, oh, I knew he was around
22 17.

23 Q. Do you think those issues are relevant when you're
24 interviewing, especially for an investigation like this?

25 A. Well, yes they are relevant. But he informed you

1 that he understand the rights as I read it to me.

2 Q. Didn't you at one point sort of dress him down
3 because he wouldn't look at you?

4 A. I don't recall if.

5 Q. At some point during the interview, the recorded
6 interview, you made an issue of the fact that he kept looking
7 at the floor and not at you?

8 A. I don't recall. I mean possibility, but I don't
9 recall.

10 Q. Okay. Did that give you any concern that he
11 wasn't comfortable or being voluntary with you?

12 A. Well, I'm pretty sure he wasn't comfortable being
13 in there. But I mean, he was talking voluntarily to us.

14 Q. How did you determine that he wasn't being
15 truthful in the first interview?

16 A. Because Mr. Ryant denied that they walked on
17 Bleakly Street toward 301. He said that at Whaley and
18 Bleakly, he -- he went straight across Bleakly and Sumo made
19 a left turn on the Bleakly went -- walked toward the C and I
20 knew that was not true.

21 Q. How'd you know that was not true?

22 A. Based on the video that we had collected.

23 Q. You had reviewed the video?

24 A. Yes, sir.

25 Q. And so this interview is to confront him with that

1 evidence or that information?

2 A. No, I just wanted to see if he was going to tell
3 the truth about his whereabouts.

4 Q. Did he say anything to you that was inconsistent
5 with what he told Detective Brightwell?

6 A. Well, I really don't know what he told Detective
7 Brightwell. I did -- I wasn't in on that interview.

8 Q. Did you watch the interview?

9 A. With him and Detective Brightwell?

10 Q. Yes, sir.

11 A. No, sir.

12 Q. Did -- did -- have you watched it since then?

13 A. No I didn't.

14 Q. Okay. All right. So you don't know whether he
15 told you anything in addition to what he told Detective
16 Brightwell.

17 A. Correct.

18 Q. Correct. Okay. And so -- so at some point he
19 invoked his right to remain silent but you continued the
20 interview?

21 A. Well, he just said he didn't want to talk about it
22 anymore.

23 Q. Okay. Did he appear to be comfortable with you?

24 A. He looked comfortable to me.

25 Q. Was he belligerent or argumentative?

1 A. No, he was comfortable, just like he --

2 Q. Did he push back on any of the questions?

3 A. Kind of when I was trying to ask him if he made a
4 left turn on Bleakly Street, he pushed back and said I --
5 that he didn't mention anything about 301. He wasn't in that
6 area.

7 Q. Did you -- did he refuse to answer any questions
8 you gave him?

9 A. No.

10 MR. PALMER: Thank you. No further questions.

11 THE COURT: Any redirect Mr. Scott?

12 MR. SCOTT: No, Your Honor.

13 MR. PALMER: Your Honor, once again I call the
14 defendant.

15 MR. SCOTT: Can Mr. Jenkins step down?

16 THE COURT: Yes.

17 MR. SCOTT: He's -- he's still -- still under oath?

18 THE COURT: Yes, sir. I'll remind you, sir, that
19 you're still under oath.

20 DIRECT EXAMINATION

21 BY MR. PALMER:

22 Q. Kari, do you remember the second interview with
23 Lieutenant Jenkins?

24 A. Yes, sir.

25 Q. And what do you remember about it?

1 A. He -- he asked me about video footage. He said he
2 saw something -- something he said he saw video footage.

3 Q. Do you remember him advising you about Miranda
4 rights?

5 A. Yes, sir.

6 Q. And did you have any problem understanding what he
7 was telling you about that?

8 A. No sir. I understood. At that point.

9 Q. Did you understand that you didn't have to speak
10 with him?

11 A. Yes, sir.

12 Q. And then, so why did you decide to speak with him?

13 A. Why did I decide to speak with him at first?

14 Q. Yes.

15 A. I was still (inaudible) at that point.

16 MR. SCOTT: I'm sorry, I couldn't hear that.

17 THE WITNESS: You said why (inaudible).

18 MR. PALMER: Try to slow down a little bit and speak
19 more into the mic. I

20 MR. SCOTT: I want to know what his answer was.

21 THE WITNESS: I -- I was still lying at that point.

22 BY MR. PALMER:

23 Q. Did you say you were probably still lying at that
24 point?

25 A. Yes, sir.

1 Q. What were you lying about?

2 A. About this. I was still lying about that day by
3 the story itself (unidentified).

4 MR. PALMER: Can I move this mic closer to you?

5 THE REPORTER: And I didn't get the very end of his
6 answer.

7 THE WITNESS: Because (inaudible).

8 MR. SCOTT: I was still lying about that day.

9 THE REPORTER: Yeah, I got that one, but that's not
10 what he said.

11 BY MR. PALMER:

12 Q. Okay. Now give me that last answer you -- you
13 said one more time please.

14 A. Said I was still lying -- still lying about that
15 day.

16 Q. Okay. And what were you lying about?

17 A. About my whereabouts.

18 Q. Why were you lying?

19 A. Because I believe I would be with charged murder.

20 Q. Did -- did you have a, any level of fear like
21 you've described in your first interview?

22 A. Me, it still the same thing.

23 Q. Same thing?

24 A. Nobody told me I was murder. It's still the same
25 thing. They (inaudible).

1 Q. They were quizzing you, you said?

2 A. They were still just quizzing they still the same
3 thing.

4 Q. Okay. What do you mean by the same thing?

5 A. Like they didn't -- they didn't give me my
6 warrants or (inaudible). It was still (inaudible).

7 Q. Slow down a little bit.

8 A. I was still scared at (inaudible).

9 Q. Oh, you were still scared?

10 A. About being charged with the murder. It was still
11 the same thing.

12 Q. Okay. And did you feel intimidated in any way?

13 A. Yes, sir.

14 Q. Did you feel like that you didn't have any choice
15 but to talk with him?

16 A. Yes, sir.

17 Q. And you -- you were --

18 A. Technically.

19 Q. Say again?

20 A. Technically. Yes, sir.

21 Q. And you were in a chair with shackles on, were you
22 handcuffed at the time?

23 A. I think.

24 Q. Okay. And what else do you remember about that
25 interview?

1 A. I remember he started asking about something I
2 didn't know about. That's why I told him I didn't want talk
3 anymore, (inaudible).

4 Q. So the reason you said you didn't want to talk
5 anymore is because they asked you about somebody you don't
6 know? Is that what you said?

7 A. No, he was asking about something I didn't know
8 of.

9 Q. Oh, something you didn't know about?

10 A. Yeah.

11 Q. What -- what was -- what -- what did they ask you?

12 A. He was -- I think he was trying to ask me about
13 the video footage or something? I didn't know. I mean, I
14 didn't know the name (inaudible) kept trying to pursue me
15 guilty.

16 Q. So is that the reason you -- you concluded the
17 interview, do you know what I'm saying?

18 A. Yes, sir, I did.

19 Q. Okay. And did you provide any information after
20 that?

21 A. No, sir.

22 Q. Okay.

23 A. He kept (inaudible). I don't know.

24 Q. And this was what, within a couple days of the
25 first interview?

1 A. Two days.

2 Q. And in that two days you had been at DJJ, had you
3 had a chance to contact an attorney?

4 A. No -- no, sir.

5 Q. Had a an attorney been appointed to represent you?

6 A. No, sir.

7 Q. So you hadn't talked to any lawyers between the
8 first and second interview, is that right?

9 A. Yeah, I wouldn't -- I wouldn't think I need a
10 lawyer. I wouldn't charge it. I wouldn't charge me
11 something else, sir.

12 MR. PALMER: Okay. All right. No further questions

13 THE COURT: Scott.

14 CROSS-EXAMINATION

15 BY MR. SCOTT:

16 Q. So -- so you admitted that you lied on May the
17 10th and then you were lying on May the 12th too?

18 A. Yes, sir.

19 Q. And you were lying about your whereabouts?

20 A. Yes, sir.

21 Q. What did you lie about?

22 A. Because I told both officers the same thing as why
23 I (inaudible).

24 Q. You told both officers what?

25 A. The same thing, the same story that we said at the

1 stop sign?

2 Q. A stop sign Bleakly and Whaley?

3 A. Yes, sir.

4 Q. But that you didn't -- but that's not true. '

5 A. No, sir.

6 Q. What's the truth?

7 A. Truth is he actually left away from (inaudible) on
8 Sprinkle.

9 Q. He left away from you on Sprinkle?

10 A. Yes, sir.

11 Q. At this abandoned house where you all were smoking
12 marijuana?

13 A. Yes, sir.

14 Q. And what time was that?

15 A. About maybe around 4:00, maybe around four
16 o'clock.

17 Q. Were you near Matt's trailer park that day?

18 A. Sprinkle -- Sprinkle Avenue. Sure. I -- I had to
19 call (inaudible).

20 Q. Were you on Whaley Street that day?

21 A. No, sir.

22 Q. You were never on Whaley Street?

23 A. No, sir.

24 Q. Okay. Do you recall telling investigator
25 Lieutenant Jenkins that you were wearing all black that day?

1 A. He asked me -- asked me one time, did you have on
2 black? I had on a black jacket though, but still -- I still
3 be lying. I just -- I just said anything at that point.

4 Q. All right, so when he asked you what you were
5 wearing and you said black pants, black jacket.

6 A. No, I never said black pants.

7 Q. You didn't say black pants.

8 A. He just said you had on black, he saw him said you
9 had on color jacket.

10 Q. So when he -- he didn't say, what did you say you
11 were wearing again and you said --

12 A. I remember saying (inaudible). He tried to ask me
13 about a book bag and an X hat on black.

14 Q. Okay. And you admitted you were wearing black and
15 had a book bag, didn't you?

16 A. No.

17 Q. You didn't?

18 A. I don't remember saying I was wearing black on.

19 Q. He said, what was you wearing and you said black.
20 And he said, explain to me the clothes. And you said, oh, a
21 black shirt and some black pants.

22 A. No, I did not say that.

23 Q. You didn't say that?

24 A. No.

25 Q. Okay. All right. But you admit you understood

1 your Miranda rights?

2 A. Yes, sir.

3 Q. You understood what you were doing in that
4 interview room?

5 A. Yes, sir.

6 Q. Okay. And in fact, you chose to actually exercise
7 those Miranda rights at some point, didn't you?

8 A. Yes, sir.

9 Q. Okay. So you just so I'm straight, you lied on
10 May the 10th and you lied on May the 12th?

11 A. Yes, sir.

12 MR. SCOTT: Thank you. That's all I have, Your Honor.

13 THE COURT: All right, you can step down.

14 MR. PALMER: No further witnesses.

15 THE COURT: You got any argument?

16 MR. PALMER: And Your Honor, as far as the argument
17 it's essentially the same as I did for the first interview.
18 If the court, just to streamline this, if the court would
19 consider the same points as applied to this interview as I --
20 I made for the first.

21 THE COURT: All right. Mr. Scott.

22 MR. SCOTT: I'll -- I'll stand by my same arguments as
23 well.

24 THE COURT: Yeah. I'll find Mr. -- Mr. Ryant made the
25 statement. I'll find that he was advised with Miranda

1 warning for his question that he knowingly and tell him to
2 waive his constitutional rights. And the statement will be
3 voluntarily by upon the evidence. Any other pretrial
4 matters.

5 MR. PALMER: No, Your Honor.

6 MR. SCOTT: Just want to make sure. We -- so we've
7 kind of agreed on what parts of these statements are going to
8 come in. I'm not going to play them all start to finish. I
9 mean, they get into some talk that I think the defense and I
10 both agree are relevant to this case. And I -- I told Mr.
11 Palmer that I don't have any way of editing it, so I'm going
12 to have to like manually pause it, mute it, skip forward.
13 And we discussed some sort of hoping kind of that the court
14 could assist us a little bit with kind of explaining to the
15 jury, you know, now and then there are parts that you know
16 that are excluded and you just can't hear it. Don't, you
17 know, don't read too much into the parts you're not hearing.

18 THE COURT: I can give them an instruction, you know,
19 along the lines of I, you know, I made a legal determination
20 that certain portions weren't admissible or that they weren't
21 supposed to hear and that nobody's trying to hide anything
22 from them. That it's -- it's me, it's all my fault, not you
23 all.

24 MR. SCOTT: One thing I kind of wanted to put on the
25 record as well is the victim's house was shot up about two

1 days earlier.

2 THE COURT: Okay.

3 MR. SCOTT: And the victim's mother is going to testify
4 to that, and the defendant admits that in his statements. He
5 says mother didn't want anybody around because her house had
6 just been shot up. And basically she didn't want Mr. Ryant
7 around her son that day. And it just kind of goes to state
8 of mind. I'm not going to beat it to death. We're not
9 alleging that he shot into their house or anything like that.
10 We're not going to make any sort of argument. It just kind
11 of goes to the rest. Just type everything. And I just --
12 before Ms. Williams testifies, I kind of wanted to put that
13 on the stand -- on the record.

14 THE COURT: Sure. Anything else? All right. What I
15 do want to say, I know there are a lot, there are folks here
16 that are watching this. I don't think anybody in here has
17 ever tried a case with me because I haven't tried too many,
18 but I don't put up with anything during a trial from the
19 spectators. I know this is emotional. Somebody lost their
20 life and somebody on trial for their life, and this is a
21 serious trial. We're not going to have any outbursts. We're
22 not going to have any, you know, extracurriculars in the
23 hallway. If anybody has a problem, you'll be removed from
24 the courtroom and or the courthouse.

25 We -- we're going to be respectful to one another

1 throughout this entire trial and we're going to get through
2 it. It's tough. I understand that. It's tough on the
3 state, it's tough on the defendant, it's tough on everybody.
4 These are hard cases. But one thing we're going to be is
5 respectful to one another this week. So don't say you
6 weren't warned if something happened. Anything else?

7 MR. SCOTT: No, Your Honor.

8 MR. PALMER: No, Your Honor.

9 THE COURT: All right. Let's get something to eat.

10 MR. SCOTT: Thank you.

11 THE COURT: As close as 1:30 as you can.

12 (A recess was taken).

13 THE COURT: We ready?

14 MR. SCOTT: I have to stop since we broke, but yeah, I
15 think so.

16 THE COURT: You need a -- and you need a minute?

17 MR. SCOTT: No, I think I'm good.

18 THE COURT: That's right?

19 MR. PALMER: Yes, sir.

20 MR. SCOTT: Can we all be seat?

21 THE COURT: Oh yeah, I'm sorry. Didn't have to stand
22 up in -- all right, let's get the jury.

23 MR. SCOTT: What -- what's too early to break today? I
24 had a witness. I thought I would be my first witness
25 tomorrow and I just think we're going to get to them now.

1 But that's fine I think.

2 THE COURT: Well, we'll -- we'll do the best again. I
3 mean we got, it sounds like we got time.

4 (Jury enters courtroom.)

5 THE COURT: Are we ready?

6 MR. SCOTT: Yes, Your Honor.

7 THE COURT: Can't see him because of that (inaudible).

8 MR. SCOTT: Sorry.

9 THE COURT: Ladies and gentlemen, we're getting ready
10 to start the trial. I'm sorry we were a little bit late
11 getting back. I don't like to keep you folks waiting. But
12 our pretrial matters ran a little over and we had to go all
13 and grab a quick bite to eat. But don't think because I get
14 to wear this funny dress that I think my time is any more
15 important than yours or the lawyers or anybody else. So we
16 leave you waiting a little bit sometimes, I apologize.
17 Attorneys are getting there to give you their opening
18 statements. Again, that's not evidence, it's just what they
19 believe the evidence will show throughout the week. So
20 please give them your attention. Mr. Scott.

21 MR. SCOTT: May I please the of court?

22 THE COURT: Yes, sir.

23 MR. SCOTT: (Inaudible). On Mother's Day, Sunday, May
24 the 10th, 2020 Naja Sanders was executed and he was shot one
25 time in the back of the head by that man Kari Ryant. And

1 what the state of South Carolina is asking you to do this
2 week is to hold that man accountable and responsible for his
3 actions on May the 10th, 2020.

4 As you've heard, my name is Thomas Scott. I'm the
5 Deputy Solicitor here in Orangeburg. Seated at the state's
6 table is assistant solicitor, Brad Riley. He will be helping
7 to trial this case. This is investigator Danny Brightwell
8 from the Orangeburg Department of Public Safety. Seated on
9 the left to the lady in green is Patrina Williams. She's the
10 mother of Naja Sanders. Now point her out to you because
11 just as today's Kari Ryant today in court, it's also Naja
12 Sanders.

13 Now before we talk anymore about the facts in this
14 case, I want to briefly talk about a couple points at
15 (inaudible), and I promise to be brief because at the end of
16 the trial, Judge Taylor is going to instruct you on what the
17 law is. And it goes without saying that if I say anything
18 that differs from what Judge Taylor tells you, you take the
19 law according to Judge Taylor, because just as you are the
20 salt fives of fact in this case, judge Taylor determines the
21 law.

22 The first point of law I want to talk about is the law
23 of murder. Murder believe it or not, has one of the shortest
24 and simplest definitions of any crime on our books. It's an
25 unlawful killing of the another, that malice of forethought

1 either express or imply. The unlawful killing of another
2 with malice of forethought either express or imply.

3 And the key to that phrase I use in gentlemen is the
4 word malice. And malice has multiple definitions under the
5 law. Malice can be ill will towards another. It can be a
6 reckless disregard for the safety of another or of others.
7 Malice has no time to this. It can be formed in the blink of
8 an eye or the pooling of a tree. And as the law says, malice
9 can be either expressed or implied. An example of express
10 mouth would be somebody saying, I'm going to kill you, then
11 pulling the trigger of a gun. But the law recognizes that
12 people don't always verbalize their evil intentions or maybe
13 somebody's not around to hear that person verbalize their
14 evil intentions.

15 So the law recognizes what we call implied malice.
16 And basically you can imply a malice based on the facts of
17 the case. Was a deadly weapon used? The deadly weapon used,
18 that by itself is evidence of malice.

19 This last point of law we'll talk about is the burden
20 of proof. The state, as in all criminal cases, has the
21 burden of proof. It's the state's responsibility to prove
22 the defendant's guilt, and they must convince you the jury of
23 the defendant's guilt by proof beyond a reasonable doubt.
24 And what that means is exactly how it sounds. It's not proof
25 beyond all doubt. It's not proof beyond any doubt. It's

1 proof beyond a reasonable doubt.

2 And what that means is after hearing all the evidence,
3 if you are firmly convinced of the defendant's guilt, that's
4 your responsibility to find guilty. Likewise, if you're not
5 firmly convinced to the defendant's guilt, it's your
6 responsibility to find him not guilty.

7 So let's talk about briefly just some of the facts that
8 happened on May the 10th, 2020. You'll hear how Naja
9 Sanders, his family calls him Sumo, the Springs call him
10 Sumo. He woke up on Mother's Day, he was at his mother's
11 house over close to Whitaker Parkway in Whitaker Elementary
12 School, other side of Whitaker. Walk around in the
13 (inaudible) to that.

14 Some point that day, Kari Ryant came over to the Naja's
15 house, and they'd been friends for a while. And Naja and
16 Kari ended up going for a walk and they walked to the other
17 side of Whitaker Parkway. They walked to the other side of
18 John C. Calhoun over in the area of Sprinkle Ley Street
19 Bleakly Street, Bay Street. There's a place over there
20 commonly referred to as Bench Tri Apartment. And they were
21 in that area. This is around 12 or one o'clock when they
22 left Ms. Williams's home.

23 At some point that afternoon, we will prove that the
24 victim and the defendant started walking back towards the
25 victim's house. And they walked down Whaley Street and they

1 turned and they went towards the K, know where the K is but
2 it's on Highway 301, John C. Calhoun. They went towards the
3 K, they cut across John C. Calhoun. They came up Plywood
4 Street, which is the street in runs right next to Duke's
5 Barbecue on the side of Duke's Barbecue. Duke's Barbecue
6 near the Pepsi. They came up the side of Duke's Barbecue and
7 they went to turn right onto (inaudible). Because if you
8 turn right, then you could turn left onto (inaudible). So
9 that takes you back up (inaudible) Parkway, (inaudible)
10 Elementary. So when they turned onto (inaudible), the
11 defendant had fallen behind the victim, shot him one time in
12 the back of the head.

13 And then he ran -- he ran behind the building just
14 across the parking lot from Duke's Barbecue across the side,
15 across plywoód. There's a transmission shop there and ran
16 back towards Highway 3. We'll prove this to you through some
17 video evidence. We'll prove it to you through some witness
18 testimony. We'll prove it to you through some cell phone
19 evidence.

20 And I'll be honest with you, I'm going to tell you
21 something right now. Some of the video evidence is harder to
22 see than others. But what you have to do is you have to
23 piece it all together, let you to look at it as one piece of
24 evidence, put it all together. And I submit when you use
25 your common sense -- when you use your common sense, know

1 exactly what happened in this case.

2 That's all we ask that you do as jurors. Use your
3 common sense. Listen to the evidence. Listen to the law
4 when Judge Taylor instructs you at the end of the trial what
5 the law is. When it's time for you to deliberate, use your
6 common sense, render a verdict that speaks the truth. And I
7 submit that you do those -- do those things. You'll have a
8 truthful verdict, you'll be over. Is that Kari Ryant is
9 guilty murder. Thank you.

10 MR. PALMER: May it please the court. Mr. Scott. Mr.
11 Riley. We met briefly during the jury quals. Let me again,
12 introduce myself, Scott Palmer. I practice law in Santee
13 City. That's the only place I've ever practiced law. And
14 I'm in my 34th year. Most of those, Mr. Goodman here, my
15 paralegal's been on my staff. So he's here to assist me
16 today.

17 Let me start by thanking you for your jury service
18 today. Jury duty is an amazing thing and that, I'm not
19 saying it's necessarily pleasantly, but it's an amazing
20 thing. It's an amazing opportunity. And after 30 something
21 years, this year, I finally got the opportunity to serve on a
22 jury. I got that notice in the mail and I got all dressed up
23 and went down there. I was eager to serve and they picked
24 the first case. I wasn't chosen. And then they came out and
25 said, you're excused for the rest of the week. So I was

1 denied my -- my jury service.

2 But you don't have the same problem. You are going to
3 be here on this case and you're going to have the
4 opportunity, the privilege, and the duty to serve as jurors
5 in the case. Now what is the function of a juror? You're
6 the gatekeepers of the facts. You decide, you're the
7 basically the judges who decide what are the facts of the
8 case.

9 And the way you do that is you take the evidence that's
10 presented to you, evidence that takes the form of testimony
11 from that chair. There's also exhibits, there's other types
12 of evidence. But you'll see it when it comes to you. But
13 the evidence aren't the facts of the case until you decide
14 they are. Up until then, they're just allegations,
15 suggestions and information. So you 12 folks will end up
16 determining what the facts of the case are.

17 Now this is a jury trial. This is a criminal jury
18 trial and a jury trial of serious business, especially for
19 this young man. This is his trial because he's the one that
20 stands accused. But he's just accused under the law of the
21 US, and the South Carolina constitutions, he is innocent as
22 he sits here today at that table. He has asked the court for
23 a trial by jury and he's entitled to that as each one of us
24 are, would be in the same situation.

25 He has the right to confront the witnesses that are

1 chosen to take the stand and testify against him. That's
2 pretty much my job. And he can sit there all week if it
3 takes that long just like he is now. Not say a word, not put
4 a shred of evidence in the record.

5 And he remains innocent. And you can't hold that
6 against him. He doesn't even have to testify. That's the
7 law. And -- and Judge Taylor's going to tell you a lot more
8 about that, but I'm pretty confident that what I tell you
9 right now is going to be the same as what his honor tells you
10 is that Mr. Ryant does not have to testify in any way, shape
11 or form. He doesn't have to call any witnesses. He doesn't
12 have to produce any evidence. And if the state doesn't prove
13 their case, guess what? He walks out of here. That's the
14 way it works, folks.

15 Now how do you decide the evidence? How do you decide
16 this case? My suggestion is as a defense lawyer, as the
17 lawyer for Mr. Ryant, my main suggestion is it's going to be
18 pretty simple. You listen to the law, you determine what
19 facts are worth keeping and what -- what facts aren't. But
20 what most of all, because the state has this burden of proof,
21 it's among the strongest burdens in our system beyond a
22 reasonable doubt. And what does that mean to you? To me
23 it's pretty simple. You got to make them get it right.
24 That's how you get it right by making them get it right. And
25 if they don't get it right, guess what? The verdicts is not

1 guilty. And that's the verdict we expect in this case. Mr.
2 Ryant has pled not guilty. He's told the court and the world
3 that he didn't do this, and that's why he's here in here
4 today to stand trial, and ask you to find him not guilty.

5 There's an analogy I sometimes use. In my life, I've
6 found great value in visualizing different things. So let's
7 pretend someone's building a house. Here's your contractor,
8 this is the perspective buyer and you're the building
9 inspector. You pull up to the house, you've been told it's
10 complete house. It looks good from the street. And what you
11 have to do is crawl under, go up in the attic, inspect it,
12 and if you see light coming around the windows, if you see
13 leaks in the roof, you see cracks in the foundation, you're
14 not going to sign off on that.

15 Same principle applies. You have to be satisfied that
16 this burden of proof has been met completely. It doesn't
17 have to be a hundred percent, but it has to be beyond a
18 reasonable doubt. And if you're not satisfied at the end of
19 this trial, if you see something, if you see -- if you feel a
20 draft IN indecision, if you, if you see the light of
21 hesitation coming through the roof, something causes you to
22 pause and go, wait a minute. It doesn't really make any
23 sense. Right? But it conflicts with other information you
24 have. You have the right to find that there is reasonable
25 doubt. And reasonable doubt if you all find it, and it's

1 THE WITNESS: Robert Ayers.

2 MR. SCOTT: Okay. May it please the court?

3 THE COURT: Yes, sir.

4 DIRECT EXAMINATION

5 BY MR. SCOTT:

6 Q. Where are you employed?

7 A. Orangeburg County Sheriff's Office.

8 Q. And how long have you worked at the sheriff's
9 office?

10 A. Approximately eight years.

11 Q. And what is your current position with the
12 sheriff's office?

13 A. I'm a lieutenant of a patrol sheriff.

14 Q. And what was your position with the sheriff's
15 office back in May of 2020?

16 A. Sergeant.

17 Q. And did part of your duties involve responding to
18 -- to calls?

19 A. Yes, sir.

20 Q. Okay. Let me turn your attention to Sunday, may
21 the 10th of 2020. Were you working that afternoon?

22 A. I was.

23 Q. And tell the jury what you were doing between 5:00
24 and 5:30 that afternoon.

25 A. I was at Dorchester Village on a burglary call.

1 Q. Make sure you're speaking on the microphone.

2 A. I'm sorry.

3 Q. Yep.

4 A. I was on Dorchester Street is a apartment complex,
5 mostly occupied by students on a burglary call.

6 Q. Okay. Was it a -- a burglary in progress?

7 A. No, it wasn't. It was a pass burglary. Like they
8 came home and found their apartment burglarized and they
9 called us.

10 Q. Okay. So you were out there taking a report. Is
11 that fair to say?

12 A. Processing the scene and whatnot, gathering
13 information.

14 Q. Okay. And can you tell the jury where Dorchester
15 apartments are?

16 A. It's actually a block from Whitman Street.

17 Q. Whitman Street?

18 A. Yes, sir.

19 Q. How far away is it from Duke's Barbecue?

20 A. Not even a quarter of a mile.

21 Q. Okay. What if anything happened while you were at
22 Dorchester Apartments?

23 A. I was finishing up my investigation there, talking
24 to the victim. And a little prior to finishing up, I
25 actually heard a gunshot back toward (inaudible) 301 back

1 towards the Barbecue place. I really didn't think nothing
2 about it, you know, because I was handling what I was
3 handling. And as I was clearing up with the victim, I was
4 dealing with a lady pulled up and said there was somebody
5 laying on the side of the road by the Barbecue place with
6 blood around him.

7 Q. And based on that conversation, what did you do?

8 A. I got in my Tahoe and when she kind of told me the
9 direction, I went around, found the individual laying on the
10 side of the road. It was a handful of people standing
11 around. I got out my Tahoe to assist the victim.

12 Q. And when you say Tahoe, was that a -- a marked
13 patrol unit?

14 A. Yes, sir.

15 Q. Okay. And what did -- what did you observe when
16 you got over there?

17 A. I noticed it was a younger black male laying on
18 the ground. He had blood around me. I knew from working in
19 the county for so long, I knew the city's jurisdiction. So I
20 advised I dispatched to get the city en route, and I was
21 checking for life and I thought I felt a pulse so I started
22 rendering aid.

23 Q. And how did you render aid?

24 A. By CPR.

25 MR. SCOTT: I want to show you what's been marked for

1 identification as State's Exhibit 13. Do you recognize that?

2 A. Yeah.

3 Q. And what is that? I mean, just -- just what is it
4 in general?

5 A. That's the area which I was at that day around
6 5:00 (inaudible) in Whitman Street.

7 Q. All right. And this is a map?

8 A. Yes, sir.

9 Q. Okay. Is this fairly inaccurately depict the area
10 around Dorchester apartments in?

11 A. No.

12 MR. SCOTT: Okay. We'd ask Exhibit 13 be admitted into
13 evidence.

14 MR. PALMER: No objection. I've seen it, Your Honor.

15 THE COURT: It's admitted.

16 (State's Exhibit 13 was admitted into evidence.)

17 MR. SCOTT: Can I get the trial? Your Honor, can I get
18 Lieutenant Ayers to step down?

19 THE COURT: Yes, sir.

20 BY MR. SCOTT:

21 Q. I'm going to give you this pointer. Can you kind
22 of point out let's start with the where -- where's Whitaker
23 Parkway?

24 A. Whitaker Parkway. Right there.

25 Q. All right. And where would -- where's the old

1 Pepsi Park? Do you see that?

2 A. (Inaudible).

3 Q. Okay. And where would Dorchester apartments be?
4 The call that you were on?

5 A. I was right here the corner of Craig Street,
6 Dorchester Street right here.

7 Q. Okay. And after you heard the gunshot and the
8 passerby said you should go check on somebody laying in the
9 road, which direction did you go? Where did you go?

10 A. I came down Dorchester Street to Whitman Street
11 and made a shop right -- right here where I found an
12 individual laying on the side of the road right here.

13 Q. All right, and where's Duke's Barbecue?

14 A. Right here.

15 Q. All right. And this road right here, it says John
16 C. Calhoun. I guess that's John C. Calhoun?

17 A. Yes, sir.

18 MR. SCOTT: Okay. Get back on your seat. Sorry. I
19 want to show you some items that have been marked as State's
20 Exhibits 3, 4, and 5.

21 BY MR. SCOTT:

22 Q. Do you recognize those photographs?

23 A. I do.

24 Q. Do those photographs fairly and accurately depict
25 the area near Duke's Barbecue on May the 10th of 2020?

1 A. That's where I was.

2 MR. SCOTT: Okay. We'd ask that the State's Exhibits
3 3, 4 and 5 be admitted into evidence.

4 MR. PALMER: I've seen them, Your Honor. No objection.

5 THE COURT: Admitted without objection.

6 (State's Exhibits 3, 4 and 5 were admitted into
7 evidence.)

8 MR. SCOTT: All right. I'm going to get you to step
9 back down if that's okay, Your Honor.

10 THE COURT: Sure.

11 MR. SCOTT: (Inaudible).

12 BY MR. SCOTT:

13 Q. Can you kind of point out what -- what you see in
14 State's Exhibit 3? You got to -- you got to keep your voice
15 up. She saying she can't hear you.

16 A. This is where the -- this is where the victim was
17 laying right here. And this is the outer perimeter where
18 they all the crime scene taken, they would do more crime
19 scene tape. You can see the shadow of it on this side of it.

20 Q. Okay. And do you see your Tahoe in this picture?

21 A. Right here.

22 Q. Okay. And you testified that when you came around
23 the Pepsi plant you would've come around this way?

24 A. Yes, sir.

25 Q. And so where would Duke's Barbecue be?

1 A. Back over here.

2 Q. Kind of like where the photographer is?

3 A. Yes, sir.

4 Q. Okay. Can we go to take a step forward please? So
5 what do we see in this picture? Keep your voice open.

6 A. I'm sorry. This would've been where, kind of like
7 where my Tahoe is. This is where the victim was. This is
8 the barbecue place right here.

9 Q. Okay. And the last picture?

10 A. That's just from the center of the road to where
11 the victim was laying.

12 Q. Okay. All right, thank you. You can just set
13 that. Did you observe any obvious wounds to the victim?

14 A. I just -- it was his blood on the ground around
15 his head and I knew that the wound had to be around his head
16 area.

17 Q. Did you see a gun on the ground anywhere?

18 A. I did not.

19 Q. Did you see a cartridge casing on the ground
20 anywhere?

21 A. I did not.

22 Q. This location right here, is it in Orangeburg
23 County?

24 A. It is.

25 Q. How long did you perform CPR for?

1 A. Probably a minute and a half, two minutes. And
2 then some city officers eventually came and we all assisted
3 and EMS took over and then I -- I went from rendering aid to
4 kind of crowd control because it got kind of chaotic pretty
5 quick.

6 Q. Okay. A lot of other people showed up at the
7 scene?

8 A. Yeah. Any scene like that people just start
9 coming from everywhere it seemed like.

10 Q. Okay. And what happened after EMS arrived on the
11 scene?

12 A. They took over, render their aid and like I said,
13 myself and other city officers we went to securing the scene,
14 you know, the tape and keeping people out of the crime scene.

15 Q. Okay. Did EMS take the victim away from the
16 scene?

17 A. They did.

18 Q. Okay. All right. Was that the extent of your
19 involvement in this case?

20 A. Yes, sir, I did -- I hung around until, you know,
21 the city kind of cleared up doing what things to do with just
22 assisted them all we could.

23 MR. SCOTT: Okay. Thank you. Lieutenant Ayers, please
24 answer any questions Mr. Palmer has for you.

25

CROSS-EXAMINATION

1 BY MR. PALMER:

2 Q. Morning sir. Did you see the defendant that day?

3 A. I did not.

4 MR. PALMER: Thank you very much. No further questions
5 this afternoon. Sorry

6 MR. SCOTT: There's no redirect. Can you be excused?

7 THE COURT: Yes, sir. Thank you for being here.

8 MR. SCOTT: May it please the court.

9 THE COURT: Yes, sir.

10 MR. SCOTT: State calls Patrina Williams. Can you take
11 that picture? Can you just (inaudible) or something?

12 THE CLERK: Please place your left hand on the Bri and
13 raise your right hand.

14 PATRINA WILLIAMS,
15 being first duly sworn, testifies as follows:

16 THE CLERK: Thank you.

17 MR. SCOTT: Just want to make sure the jury can see the
18 witness.

19 THE CLERK: Please state your first and last name for
20 the record.

21 THE WITNESS: It's Patrina Williams.

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q. Good afternoon Ms. Williams.

25 A. Good afternoon.

1 Q. Where are you from?

2 A. I'm originally from Branchville, South Carolina,
3 but I reside in Orangeburg over 20 years.

4 Q. Okay. And who was Naja Sanders to you?

5 A. It was my son.

6 Q. Okay.

7 A. I loved him all my life.

8 Q. And other than Naja, how many other children do
9 you have?

10 A. I have three more. I have a disabled son,
11 (inaudible), he's 27. I have a son named Darren S.
12 He's 17. And I have a daughter named Zach Gant. She's 24.
13 And I have step kids.

14 Q. I got you. And back in May of 2020, how old was
15 Naja?

16 A. He was 17 years old.

17 Q. And did he have any nicknames?

18 A. We called him Sumo because he weighed 10 pounds
19 and six ounces.

20 Q. He was born at 10 pounds and six ounces?

21 A. Yes.

22 Q. Okay. How tall was Naja?

23 A. He was 6'3.

24 Q. Okay.

25 A. And he went 203 pounds.

1 Q. Where did Naja go to high school?

2 A. He went to (inaudible) High School.

3 Q. Let me ask you, back in May of 2020, did you know
4 the defendant Kari Ryan?

5 A. Yes, I do.

6 Q. How did you know him?

7 A. Him and my son used to go to middle school and
8 ever since middle school they always been around each other.

9 Q. Okay. Back in -- in May of 2020, where were you
10 living?

11 A. I was staying at [REDACTED] Walker Avenue.

12 Q. And generally speaking, where is that? Walker
13 Avenue?

14 A. That's off Whitaker Parkway.

15 Q. Is that close to Whitaker Elementary School?

16 A. Yes, it is

17 Q. Close to Myers Road.

18 A. Yes, it is.

19 Q. Back in May of 2020, how long did you live on
20 Walker Avenue?

21 A. About a year and a half.

22 Q. And -- and prior to that, where did you live?

23 A. I stayed at Bayne on [REDACTED] Bayne Street for five
24 years.

25 Q. Bayne Street. That's B-A-Y-N-E?

1 A. Yes.

2 Q. Okay. And where is Bayne Street?

3 A. It's over there by Whitman. I think that's
4 Whitman. And --

5 Q. Is it near Mets Trailer Park?

6 A. Mets Trailer Park.

7 Q. Is it near Sprinkle?

8 A. Sprinkle and Mets Trailer park.

9 Q. Okay. Is it near Whaley Street?

10 A. Whaley Street exactly.

11 Q. Let me turn your attention to the early morning
12 hours of Friday, of May the 8th, 2020. Were you at home on
13 those early morning hours around 5:00 a.m.

14 A. Yes, sir.

15 Q. And what were you doing around that time?

16 A. I was in the bed asleep until I heard a gunshot
17 ring up.

18 Q. How many gunshots did you hear?

19 A. It was like two of them and I just fall out the
20 bed laying on the floor.

21 Q. Okay. And did you hear or see any damage to your
22 house from these gunshots?

23 A. Yes, they shot the window out and the bullets came
24 through the window and damaged the walls. And --

25 Q. When you say they came through the window, which

1 windows did they come through?

2 A. They came through my bedroom window. They shot
3 through my bedroom window.

4 Q. Did you call the police?

5 A. I did.

6 Q. Okay. Orangeburg County Sheriff's Office respond?

7 A. They did.

8 Q. Was Naja at home at that time?

9 A. No, he was not there.

10 Q. Where was Naja?

11 A. He was with my sister at that time.

12 Q. Where?

13 A. In Bradford, South Carolina.

14 Q. Okay. So you said the Sheriff's Office responded
15 and they took a report; is that correct?

16 A. Yes.

17 Q. All right, let's talk about Sunday May the 10th of
18 2020. That was Mother's Day, right?

19 A. Yes, sir.

20 Q. Was Naja at home that morning?

21 A. No, he wasn't home back that morning. My sister
22 brought him back from Branchville just to spend Mother's Day
23 with me and when he came home he just hugged me in and said,
24 happy Mother's Day and mom, I'm going to sleep.

25 Q. Okay.

1 A. I said, okay.

2 Q. What time did he come home you think?

3 A. He got there roughly around about, I want to say
4 about 10:30, somewhere like that.

5 Q. 10:30 in the morning on Sunday?

6 A. Yes, sir.

7 Q. Okay. And what were you doing around 12 or one
8 o'clock that afternoon?

9 A. I had left my Naja in the house. I went to
10 Walmart with my companion and then we came back home from
11 Walmart.

12 Q. Okay. And what if anything happened when you came
13 back home from Walmart?

14 A. When we came back from Walmart, we was opening up
15 the trunk to unload, excuse, unload the groceries and
16 something just told me to look back. And then I looked back,
17 I saw defendant car, Ryant jumped out a blue minivan on Maya
18 Street and he walked towards me and kept asking me, where's
19 Sumo -- where's Sumo? And I told him Sumo wasn't home. He
20 kept saying, where's Sumo? And I kept saying Sumo wasn't
21 home. I just had a bad feeling and I was like, he's not
22 there -- he's not there. So I went and proceed to come in
23 the house and put my groceries or something, told me go to
24 your side door. I went to my side door, he's coming on the
25 side of my house and I ran him, but he persisted. That's

1 what he want the say --

2 Q. All right.

3 A. I (inaudible).

4 Q. So you told him twice that Sumo wasn't there?

5 A. I told him Sumo wasn't home.

6 Q. Okay. And at -- at some point did you talk to
7 Sumo?

8 A. Yes, I went down the hall. Excuse me, I went down
9 the hall. I said, Sumo, Kari out there. I said, Kari, keep
10 coming out there, he want to. And he said, ma, I don't know
11 -- I don't know what's going on. And I was like, okay. So
12 Sumo proceeded to get up and he walked to the side door and
13 then that's when defendant Kari saw him come out the side
14 door. And he met Sumo by, in the middle of the side with the
15 side door. And I stand there with him and I told car, you
16 got to leave -- you got to leave. They just shot my house
17 up, you got to leave.

18 Q. So you didn't want any company because your house
19 had just been shot up?

20 A. Yes. Correct.

21 Q. And what ended up happening next?

22 A. Sumo got dressed. He had asked me for a cigarette
23 and I was like, okay Sumo, you could smoke a cigarette. He
24 got dressed and then he went outside and he smoked a
25 cigarette and I'm never going forget. He had on his denim

1 blue pants, his red shorts and his black shirt and he gave me
2 a hug. He said, mom, I'll be back. Because we was going to
3 my cousin house for Mother's Day dinner and I'm never going
4 to see my boy no more.

5 Q. All right. And so he went for a walk?

6 A. Yes, sir.

7 Q. Okay. I want to show you a few pictures and ask
8 if you, you recognize I'm showing you State's Exhibits 8, 9,
9 10 and 11 and just flip through those real fast and just tell
10 me if you recognize those.

11 A. Yes, sir. That's (inaudible).

12 Q. And is this your house in State's Exhibits 8
13 through 11?

14 A. Excuse me? Yes, it was at the time.

15 Q. At the time. On -- on Walker Avenue?

16 A. Yes, sir.

17 MR. SCOTT: Okay. And we would ask that State's
18 Exhibits 8 through 11 be admitted into evidence?

19 MR. PALMER: No objection, Your Honor.

20 THE COURT: Admitted without objection.

21 (State's Exhibit 8 through 11 admitted into evidence.)

22 BY MR. SCOTT:

23 Q. Is this your state -- I'm showing you State's
24 Exhibit 8. Is this -- is this your house on Walker Avenue
25 in?

1 A. Yes, sir.

2 Q. Okay. And can you point out where your bedroom
3 window was back then when you were living there?

4 A. Yes. Right here was my bedroom window and this
5 the window was shot at.

6 Q. Okay. Can you go to one more photo? Can you show
7 me where you had parked when you came back from?

8 A. We parked right here on the side right here by the
9 police.

10 Q. Okay. And what road is -- is up here on the right
11 of that photo? It State's Exhibit number 9. What road would
12 be that?

13 A. It would go straight back, all the way to the end.
14 That would be Meyer's Road.

15 Q. Okay. And where did you see the defendant Mr.
16 Ryant hop out of the blue minivan?

17 A. Correct. On Meyer Road. Right in front of a big
18 white double white road.

19 Q. Okay. And then I think this sign here says, it
20 says Turner.

21 A. Turner.

22 Q. Okay. So he came walking down Turner towards your
23 house.

24 A. Correct.

25 Q. Okay.

1 A. Correct.

2 Q. And do you remember what he was wearing? You can
3 have a seat.

4 A. Yes. He was -- he had had on dark -- he had dark
5 clothes and a book bag. He had on dark jeans, a black shirt,
6 bandana, and a book bag on the back.

7 Q. Okay. So you said your son told you he was going
8 to go walk around. Did you say Mets Trailer Park?

9 A. He just said he was going to walk around. He
10 never gave me a specific where was he going?

11 Q. I got you. That at what time do you think this
12 was?

13 A. Excuse me. It had to been a little bit after.
14 I'm going to say got to been after 1:00.

15 Q. Okay. Do you need a bottle of water or anything?

16 A. I'm fine. It's just my nerves. I'm fine.

17 Q. I understand. Let me ask you, so that afternoon
18 after one o'clock -- after one o'clock, did you have the
19 opportunity to communicate with your son?

20 A. Yes, me and Naja called me on video call and Me
21 and was just talking and I saw him on the video and me and
22 him was just talking and I was like, who you with? He just
23 turned the camera around. I was like, oh, you still with
24 Kari? And he was like, ma, I'll call you later. I was like,
25 okay. Then about an hour or so later he called me back and I

1 was like, where you at now Sumo? And -- and he showed me
2 where he was located and I was like, okay, you coming off
3 Bleakly Street, that's going up 301. And I was like, you
4 still with Kari? He was like, mom, I'm on my way home. I
5 said, okay, Sumo. And that was the last call I got from my
6 boy. That was the last call. Excuse me -- excuse me.

7 Q. I've just got a couple more questions for you.
8 All right.

9 A. That's fine.

10 Q. I want to show you what's been marked of State's
11 Exhibit 12. Do you recognize the individuals in that photo?

12 A. Yes.

13 Q. Who's the taller individual?

14 A. The tall one is Naja Sanders and the short one is
15 Kari.

16 MR. SCOTT: We'd asks that Exhibit 12 be admitted into
17 evidence.

18 MR. PALMER: I've seen it, Your Honor.

19 THE COURT: Admitted without objection.

20 (State's Exhibit 12 was admitted into evidence.)

21 BY MR. SCOTT:

22 Q. Can you pull that up for me please? So person on
23 the right is who?

24 A. That's not Naja Sanders.

25 Q. That's your son Sumo?

1 A. Yes. Sumo.

2 Q. And the person to the left?

3 A. That's Kari Ryant.

4 Q. Okay. And the clothing that he's wearing in this
5 picture?

6 A. Yes. That -- that's exactly what he had on when
7 he came to my house.

8 Q. Where were you when you learned something had
9 happened to Naja? You can take that down.

10 A. My sister came to the house. Somebody had called
11 her and me and my stepson and my other son was in the kitchen
12 because I was doing the big macaroni and they said my son was
13 gone.

14 Q. Did you go over by Duke's Barbecue?

15 A. Yes, sir, I did.

16 Q. Did you tell the police?

17 A. They wouldn't even let me get to my son. They
18 were, I -- they wouldn't even let me see my son. All right.
19 So I ran through the crowd and I jumped on my son. I broke
20 my class.

21 Q. Did you tell the police who you thought they
22 needed to be looking for?

23 A. Yeah. Because I know who you was with.

24 Q. And who did you tell him to be looking for?

25 A. Look for Kari Ryant. That was the last person he

1 was with.

2 Q. All right. My last question for you, Ms.
3 Williams. The person that you know is Kari that walked away,
4 that was at your residence on May the 10th. Is he in the
5 court room today?

6 A. Yes, sir.

7 Q. Can you identify him for the jury?

8 A. He sitting right there with (inaudible) that
9 corner.

10 MR. SCOTT: I'd ask the record to reflect that the
11 witnesses identified the defendant Kari Ryant.

12 THE COURT: Yes, sir.

13 MR. SCOTT: Thank you Ms. Williams. Please answer any
14 questions Mr. Palmer asks you.

15 THE WITNESS: Yes.

16 CROSS-EXAMINATION

17 BY MR. PALMER:

18 Q. Good afternoon, ma'am.

19 A. Good afternoon, sir.

20 Q. I just have a couple questions and you can take
21 your time if you need to get composed. The only thing I need
22 to ask you, just to clarify in my mind what you've already
23 testified to, that when you saw your son leave the house with
24 Mr. Ryant's, about what time was that?

25 A. It had to been a little bit after 1:00 something.

1 Q. Okay.

2 A. I don't want to lie. I know he left.

3 Q. And then the only other time you saw your son
4 after that moment was by video conference?

5 A. I talked to my son twice on a video call.

6 Q. Was that -- was that like FaceTime or something
7 like that?

8 A. Yes. Well you have a iPhone, you can do the
9 FaceTime?

10 Q. Yeah.

11 A. Yes, sir.

12 Q. And how much later than one o'clock was that?

13 A. I don't want to lie to you because he'll call me
14 random. He just calls me. So I'm going to say like the
15 first one, I don't want to lie. I had to be like around
16 about 1:00, 1:30 and then the second one it had to been
17 around by like two something. Because I don't want to lie
18 because he always call his mama and tell me he everywhere he
19 go to because that is what he do. Because he protect her.
20 He love his mama and I love my boy. Don't you know I had to
21 hide out for a whole year to protect my other kid. I love my
22 son. I give you hurt my son. I love my son.

23 Q. One more question and I'll leave you alone ma'am.
24 Do you remember what time you got the call from your sister?

25 A. My sister came to my house.

1 Q. Oh that's right.

2 A. She never called me. She came to my house and my
3 stepson was with her and we just dropped everything and went
4 to the (inaudible).

5 Q. Do you remember what time of day that was?

6 A. It was after five o'clock. I know for a fact.
7 When we got up to the scene because one police wouldn't let
8 me get to him and I was like, is he dead? He was like, he
9 dead. And I'm like, I want to go see my son. I want to see
10 my son and they wouldn't let me see my son. And I ran
11 through the crowd and I went to go see my baby.

12 MR. PALMER: No further questions.

13 THE WITNESS: I don't -- I love my son -- I love my
14 son. You all. I love my son.

15 MR. SCOTT: No -- no redirect. Let me help you down
16 the stairs.

17 THE WITNESS: I love my son. I know what I say.

18 MR. SCOTT: Can we take a short break?

19 THE COURT: Sure. All right ladies and gentlemen,
20 we're going to take a short break. I'm going to ask you just
21 like I asked you before, don't begin deliberating, don't
22 discuss the case with each other, don't discuss it with
23 anyone. There'll be plenty of time for you to discuss it
24 but now is not that time. Again, talk about anything amongst
25 yourselves except politics. We don't want a big fight back

1 there or anything like that. Just kidding. But again, don't
2 discuss the case for me and we'll be back with you very
3 shortly.

4 (Jury exiting courtroom.)

5 MR. SCOTT: I apologize for that. I just -- I just
6 needed a second.

7 THE COURT: Yeah.

8 MR. SCOTT: Just wanted to kind of calm down a little
9 bit.

10 THE COURT: That's fine. Yeah, if anybody need to take
11 a bathroom break or anything else?

12 MR. SCOTT: Just 10 minutes would be great.

13 THE COURT: Okay.

14 THE REPORTER: What was the number of the last exhibit
15 you entered? Was it 12?

16 MR. SCOTT: Yes.

17 THE COURT: I have 12 a well.

18 THE REPORTER: Okay, thank you.

19 THE COURT: All right. Yeah, we'll be at ease till
20 1:00 or 2:40.

21 (A recess was taken).

22 MR. SCOTT: State calls State Wolfe.

23 THE COURT: We got to get the jury back first.

24 MR. SCOTT: I'm good.

25 THE COURT: Me too. We'll figure it out. Yes, ma'am.

1 Will you get them please?

2 THE BAILIFF: Thank you, Your Honor. All right.

3 (Jury entering courtroom.)

4 UNIDENTIFIED SPEAKER: Your Honor, beg for court's
5 indulgence?

6 THE COURT: Okay. No problem. State ready -- State
7 ready?

8 MR. SCOTT: Yes, Your Honor.

9 THE COURT: All right.

10 MR. SCOTT: State calls Seth Wolfe.

11 THE CLERK: Please place your left hand on the back and
12 raise your right hand.

13 SETH WOLFE,
14 being first duly sworn, testifies as follows:

15 THE CLERK: Thank you. Please state your first and
16 last name for the record.

17 THE WITNESS: Seth Wolfe.

18 THE CLERK: Thank you.

19 DIRECT EXAMINATION

20 BY MR. SCOTT:

21 Q. Where do you work?

22 A. I am the crime scene investigator for Orangeburg
23 Department of Public Safety.

24 Q. All right. How long have you at that position?

25 A. Currently four years.

1 Q. Were you in that position in May 10th, 2020?

2 A. I was.

3 Q. What specialized training have you had?

4 A. I have attended crime scene photography and staged
5 homicide investigation classes through Tritech Forensics. I
6 have also attended (inaudible) collection and Lincoln Print
7 examination classes through searching along with search law
8 enforcement certification through South Carolina Criminal
9 Justice Academy.

10 Q. Approximately how many crime scenes do you think
11 you've processed?

12 A. Rough estimation would be 360.

13 Q. Right on May 10th, 2020, did you respond to a
14 homicide across from Duke's Barbecue?

15 A. I did.

16 Q. All right. Please go tell the jury what you did
17 on scene.

18 A. Upon first arriving, of course I find out what I
19 have available.

20 MR. SCOTT: She can't hear you.

21 THE REPORTER: I -- everybody need to speak please.

22 THE WITNESS: I'm sorry. Little bit better.

23 THE REPORTER: A little bit. You could just speak up.

24 THE WITNESS: Sorry. Upon first arriving of course I
25 make contact with my units on scene, see what information

1 they have for me. When I first arrived I was told or I was
2 pointed to a pool or a small pool of blood in the middle of
3 the street. I was told that this is where the victim was
4 located prior to my arrival.

5 Once I found out where the scene had taken place, I
6 started taking over all photographs of the scene. I was
7 informed there was a bullet or slug beside the blood. After
8 taking over all photographs of the area, I put a photograph
9 marker at the slug to be to make it known in the photographs
10 so you can see where it was to finish. Taking my overall to
11 close up photographs utilizing that marked slug to show a
12 relevance to the blood and the scene in the roadway.

13 After taking photographs, I collected the slug and
14 began actually documenting nearby stationary locations such
15 as the power pole of the building to utilize it for sketching
16 the scene, getting measurements, trying to triangulate where
17 the incident took place or at least where my blood was
18 located in reference to the surrounding area.

19 After getting my measurements, utilizing that for my
20 crime scene sketch, I went to the regional medical center to
21 the morgue to view the victim. When I first arrived I made
22 contact with security for Regional Medical Center who had --
23 who had obtained the victim's cell phone when he first
24 arrived, acquired cell phones from them, went down, actually
25 viewed our victim, got a few field photographs of him at that

1 time, made contact with the Deputy (inaudible) en route to
2 the scene. Left the morgue, went and met the Deputy
3 (inaudible) at the scene afterwards me and him both returned
4 to the morgue to view the body again and we reviewed the
5 body.

6 The second time I got more photographs of him, I
7 actually did gunshot residue A or A GSR kit on both of his
8 hands just to have it as evidence. Also did what's called
9 post-mortem prints of the victim as well. Just for
10 documentation purposes if we needed -- he needed it to
11 identify him.

12 And one thing I did forget to mention, I did also the
13 swab. We used DNA kind of looks like long Q-tips. They used
14 DNA swabs on the blood on scene so I could collect the sample
15 of it in case I needed it Or if we needed it for any
16 analyzing or documentation later. That's it from the first
17 responding date.

18 Q. All right. So just to read it at the crime scene,
19 what evidence did you collect?

20 A. At the crime scene itself apart from photographs?
21 I collected the DNA swabs of blood and the slug.

22 Q. Okay. I'm going to show you what has already been
23 entered in the State's evidence three, four, five. Are those
24 photographs that you took?

25 A. Yes, sir.

1 Q. (Inaudible). Number three first. Waiting on the
2 TV to cooperate. All right, can you tell us what we're
3 looking at there on the State's Exhibit 3?

4 A. If you look down near the wall, right hand corner
5 --

6 Q. One second.

7 A. You want me to get up?

8 MR. SCOTT: If you can get up if that's all right
9 judge.

10 THE COURT: Sure.

11 THE REPORTER: Just keep your voice up please.

12 MR. SCOTT: Speak louder.

13 THE WITNESS: All right. If you look over here in the
14 lower right hand corner, this is the smaller pool or the
15 small pool of blood I was talking about. The reason I say
16 small generalized area is about this big. The slug was
17 located right here, close proximity to the blood. The
18 smaller amount of blood you see over here is actually when
19 they were loading the victim onto the stretcher.

20 I mentioned earlier too, I took photographs showing
21 stable locations for measuring and this one, if you look,
22 this is the (inaudible) hole I was talking about. And the
23 reason I say stable whenever I'm doing measuring, trying to
24 get triangulation for a crime scene sketch, obviously I don't
25 want to use things like a vehicle or something like that

1 because they can move (inaudible) pole unless it gets struck
2 and needs to be replaced or upgraded, it's not going
3 anywhere. Should you have to do any reconstruction later on,
4 you have a stable platform to start with.

5 BY MR. SCOTT:

6 Q. Can you look at (inaudible) please? What are we
7 looking at there?

8 A. Same idea, just facing the other direction.
9 There's the larger pool I was talking about. That is where
10 the victim was located. Once again, you see the small one
11 over to the side. That is where he was loaded on the
12 stretcher.

13 The slug, if you follow what looks like a it almost
14 looks like a tire track but it's not. That's actually runoff
15 from the asphalt. If you actually go along that line, just
16 come up a little bit slope, it's right here.

17 The other thing I use to actually do my measuring, I
18 use 1320 plywood. That's this warehouse right here. If you
19 look from this door out is almost a straight line facing the
20 blood to the side of the building because that building's
21 angled. So one side is coming in from light pole, the other
22 one's coming in from this door by triangulation to where
23 everything happened at.

24 Q. All right, can we look at number five please? And
25 what do we see here?

1 A. Coming up from an angle, trying to get as
2 widespread as I could on my photograph to show the whole
3 area. The larger pool that well like I said, small but
4 larger than the other that I was mentioning earlier.
5 Sluggish to the right. There's the smaller one from when
6 they loaded him on the stretcher and there's the side of the
7 building coming in. The (inaudible) hole actually would be
8 right after sir.

9 Q. All right. I'm now I'm going to show you what's
10 previously been marked for identification State's Exhibit 6
11 and 7. Take a look at these. Do you recognize those?

12 A. I do.

13 Q. How do you recognize them?

14 A. These are the photographs I took. One is showing
15 from the pool of blood to the light bulb showing my
16 triangulation with the marker in place for the slug. And the
17 next one is a close-up of the actual slug.

18 MR. SCOTT: State move to enter into evidence State's
19 Exhibits 6 and 7.

20 MR. PALMER: No objection.

21 THE COURT: All right, that'll be admitted into
22 evidence without objection.

23 (State's Exhibit 6 and 7 were admitted into evidence.)

24 BY MR. SCOTT:

25 Q. Can you show number six?

1 A. As I mentioned a minute --

2 Q. Speak up (crosstalk).

3 A. As I mentioned a minute ago in here you can see
4 the (inaudible) where the victim was. See this little yellow
5 marker with one on it? That's what I was mentioning having a
6 photograph marker, make it more visible on my photographs
7 where something of exact interest is located when I'm taking
8 an overall scene. Once again, that's the DU pole I used
9 trying to get my triangulation and get my measurements in for
10 the scene. And over here, once again, you can see the
11 smaller one of where the victim was loaded onto construction.

12 Q. And can you show number seven, please. Tell us
13 what that is.

14 A. This is a close-up of the slug that we found on
15 scene beside the blood. You look to the right; you can see
16 the very edge of that larger pool of blood I was mentioning
17 on here. This is that the photograph marker that I mentioned
18 a few minutes ago. So you could notice it in the overall
19 foot overall scene. This is just a foot close to you
20 of it.

21 Q. Can you explain to jury what the slug is?

22 A. Yes. A slug is another term for a bullet or a
23 projectile comes from a firearm that is the actual element
24 that leaves the firearm to protrude into an object.

25 Q. You have a seat. Do you recognize that object

1 control?

2 A. I do. That is the bullet or slug that I collected
3 on scene.

4 Q. When you say collected it, what specifically did
5 you do with it?

6 A. After photographing, it was placed in an evidence
7 free bag. Even though the bag is paper, if you look, it is
8 easy to see if there's any tear reps or any signs of anybody
9 actually making entry into the bag other than when it's
10 intended. After gathering it, of course we document on the
11 bag the information that I have available to me on scene such
12 as time, what it is. And then it's taken with me and placed
13 into evidence.

14 THE COURT: And -- and I'm sorry, what exhibit?

15 MR. SCOTT: Let me see what Exhibit that is. 15. It's
16 marked State's Exhibit 15 for identification purposes.

17 (State's Exhibit 15 was marked for identification.)

18 BY MR. SCOTT:

19 Q. Was it still sealed in this original packaging
20 when you took it slid?

21 A. It was. I do want, want to know if that
22 photographs were taking of the slug before I took it to sled
23 just for documentation, but it was still in the original
24 packaging in the seal.

25 Q. And you mentioned it before, but where did you go

1 after you left the crime scene?

2 A. To the morgue at the Regional Medical Center to
3 (inaudible) a victim.

4 Q. So that's where -- that's where the victim's body
5 was?

6 A. Yes, sir.

7 Q. Did you collect any evidence while at TRMC?

8 A. I did. When I got the victim's cell phone from
9 TRMC security, I also collected GSR kit or gunshot residue
10 from the victim's hands just to document and have that
11 evidence on scene and available and also got postmortem
12 prints or after death fingerprints for identification
13 purposes if we needed them. Can I get a (inaudible)?

14 THE REPORTER: Do you know what number?

15 MR. SCOTT: 16.

16 THE REPORTER: 16. Okay.

17 MR. SCOTT: Sorry. I should -- should have been 17.
18 Oh, I apologize.

19 THE REPORTER: That's okay.

20 MR. SCOTT: Court's indulgence.

21 THE REPORTER: Uh-huh.

22 BY MR. SCOTT:

23 Q. I'm showing you what is marked as State's Exhibit
24 17. Do you recognize this?

25 A. I do. It was form collected from the more or from

1 the TRMC security.

2 MR. SCOTT: State move into evidence State's 17.

3 MR. PALMER: No objection.

4 THE COURT: Admitted without objection.

5 (State's Exhibit 17 was admitted into evidence.)

6 BY MR. SCOTT:

7 Q. Did you have an -- an opportunity to attend the
8 autopsy on Naja Sanders?

9 A. Yes, sir, I did.

10 Q. Did you obtain any items of evidence during that
11 autopsy?

12 A. I did, along with photographs that I took and were
13 taken by the pathologist. I required a auto, what's called
14 an autopsy packet, basically blood samples ocular fluid,
15 things of that nature that the pathologist collects from the
16 victim. Also got the victim's clothing and returned that to
17 the office or to the evidence room with me.

18 Q. Now what did you do with it? Each item tell us
19 what you did with them. I know some of them you said
20 evidence room. Did you take any of the sled?

21 A. I did after bringing it back to enter it into
22 evidence.

23 Q. What did you take the sled from the autopsy?

24 A. I took the, obviously the autopsy packet to get it
25 analyzed and the blue boxer shorts.

1 MR. SCOTT: I beg for court's indulgence.

2 BY MR. SCOTT:

3 Q. Just to make sure, did you take any GSR kit and
4 sled?

5 A. I did.

6 Q. Did you take the fire bullet in the sled?

7 A. I did.

8 MR. SCOTT: No further questions. Please answer any
9 questions that Mr. Palmer may ask.

10 THE WITNESS: Thank you, sir.

11 MR. PALMER: No questions.

12 THE COURT: All right, Mr. Wolfe, you can step down.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: State you got another witness?

15 MR. SCOTT: We do. We're going to see if one's here.

16 If he is, we're going to call him. If not, I'm going to call
17 Detective Brightwell. State calls Detective Brightwell?

18 THE COURT: Yes, go ahead.

19 DANNY BRIGHTWELL,

20 being first duly sworn, testifies as follows:

21 THE CLERK: Thank you. Please state your first and
22 last name for the record.

23 THE WITNESS: Danny Brightwell.

24 DIRECT EXAMINATION

25 BY MR. SCOTT:

1 Q. Good afternoon.

2 A. Good afternoon.

3 Q. Where are you employed?

4 A. Orangeburg, department of Public Safety.

5 Q. And how long have you worked at Public Safety?

6 A. January will be 19 years.

7 Q. And what's your position with Public Safety?

8 A. I'm an investigator.

9 Q. And how long have you been an investigator?

10 A. Right at eight years.

11 Q. And back on May the 10th of 2020, did you respond

12 to Whitman Street near Duke's Barbecue in Orangeburg?

13 A. Yes I did.

14 Q. And do you recall approximately what time you
15 arrived?

16 A. Probably would've been around maybe a little after
17 6:00. Around 6:00.

18 Q. And was the victim Naja Sanders still on scene?

19 A. He was not.

20 Q. He had been transported to the hospital?

21 A. Yeah.

22 Q. When you arrived, how many other first responders
23 were on scene?

24 A. Several. From the city and from Orangeburg County
25 Sheriff's Office.

1 Q. Okay. Were there people there other than first
2 responders?

3 A. There were.

4 Q. And can you kind of describe the demeanor of the
5 crowd that was there?

6 A. A little active, obviously a bunch of people were
7 upset. I had been advised as the call, I was called out
8 around 5:40 as being the on call investigator. I -- I
9 believe it was a lot more hectic then.

10 Q. Okay. While you were on scene on Whitman Street,
11 were you able to start coming up with a possible suspect, a
12 person of interest?

13 A. I was.

14 Q. And who was that person?

15 A. I was advised that they were mentioning either a
16 Kari or Akari.

17 Q. And at some point did you have the opportunity to
18 speak with an individual on a -- on -- on a phone? Who
19 identified himself as the uncle of the possible suspect?

20 A. I did.

21 MR. PALMER: Objection, hearsay.

22 MR. SCOTT: I didn't ask him what anybody said.

23 THE COURT: I agree. Overruled.

24 BY MR. SCOTT:

25 Q. And what was the name of this person?

1 A. Dennis Green.

2 Q. And approximately what time did this phone
3 conversation take place?

4 A. Probably an hour, maybe a little over an hour
5 after I arrived on scene. When we went to the -- we were on
6 the, in the Bleakly Street area.

7 Q. Okay. And why were you all in the Bleakly Street
8 area?

9 A. Well, as we were getting information, we were
10 advised that the county was responding to that area in
11 reference to a large crowd forming and it probably had
12 something to do with our incident.

13 Q. Okay. So why -- is the Bleakly area, is that
14 close to Mets Trailer Park?

15 A. It is. Mets Trailer Park. Mets grocery store
16 right there.

17 Q. Okay. And so you're over there in that area. And
18 how did you end up on the phone with this person who
19 identified himself as the defendant's uncle?

20 A. I was advised that there was a female -- a female
21 actually came around where we were talking and said that she
22 had a family member on the phone.

23 MR. PALMER: Objection, hearsay.

24 MR. SCOTT: Okay.

25 THE COURT: Sustained.

1 BY MR. SCOTT:

2 Q. So somebody just handed you a phone?

3 A. Somebody handed me a phone.

4 Q. I got you. And based on your conversations with
5 this person, were you able to gather a possible last name for
6 the suspect?

7 A. I was.

8 Q. And what was that?

9 A. Ryant.

10 Q. Did you ask this family member to help get Mr.
11 Ryant into custody?

12 A. I did.

13 Q. And what time do you think this phone conversation
14 took place?

15 A. It had to be either between 7:00, 7:30 probably.

16 Q. And how many times do you think you spoke with
17 that family member that night?

18 A. Three -- three times.

19 Q. Did you speak with that family member around 10
20 o'clock that night?

21 A. I did.

22 Q. And based on your conversations with that family
23 member, what did Public Safety do?

24 A. Excuse me, I -- I notified the supervisor that was
25 working for the shift. We convened several city officers. I

1 also notified the county and we met back at our headquarters
2 in reference to the -- the subject, Mr. Green was supposed to
3 call me back and let me know that we could come and pick up
4 Mr. Ryant, defendant Ryant and --

5 Q. Pick him up from where?

6 A. His mother's house.

7 Q. Which is where?

8 A. On 33 or Russell Street, which is in the county.

9 Q. Okay. The address, this is out you say 33, that's
10 the road that run next -- runs next to (inaudible)?

11 A. Yes, sir.

12 Q. Okay. So you all began to gather at 10:00 a.m. in
13 anticipation of getting a phone call?

14 A. Right.

15 Q. Did you get that phone call?

16 A. I did.

17 Q. Approximately what time?

18 A. Around 10:30.

19 Q. And after receiving that call at 10:30, what did
20 Public Safety do?

21 A. We, along with some members of the sheriff's
22 office, went to the mother's address to pick up Mr. Ryant.

23 Q. I got you. And you said that was on Russell
24 Street?

25 A. Yes, sir.

- 1 Q. Where was Mr. Ryant when you arrived at -- at
2 Russell Street?
- 3 A. In the house?
- 4 Q. Was he detained?
- 5 A. Once we got there? Was it --
- 6 Q. Yes.
- 7 A. Yes, he was.
- 8 Q. Okay. You all detained him?
- 9 A. We did.
- 10 Q. Do you recall what he was wearing? Mr. Ryant?
- 11 A. A pair of short slides and a white tank top.
- 12 Q. And what happened next? What'd you all do with
13 Mr. Ryant?
- 14 A. He was transported to our headquarters.
- 15 Q. And why was he taken to headquarters?
- 16 A. So we could, I could interview him.
- 17 Q. And was he interviewed at headquarters?
- 18 A. He was.
- 19 Q. And was this interview recorded?
- 20 A. Yes, it was.
- 21 Q. And prior to interviewing Mr. Ryant, did you
22 advise him of his Miranda Rights?
- 23 A. I did.
- 24 Q. I want to show you what's been marked as State
25 Exhibit 1. Do you recognize that?

1 A. I do.

2 Q. What is that?

3 A. Served Miranda Rights form.

4 Q. All right. Is that -- is that the form that you
5 used with Mr. Ryant on May the 10th of 2020?

6 A. It is.

7 MR. SCOTT: We'd ask that the State Exhibit 1 be
8 admitted into evidence.

9 MR. PALMER: No objection.

10 THE COURT: Admitted without objection.

11 BY MR. SCOTT:

12 Q. And is there a date and time on the top of State's
13 Exhibit 1?

14 A. There is.

15 Q. And what's the date and time?

16 A. It's on May 10th, 2020, 11:07 p.m.

17 Q. 11:07 p.m. And what else does it say on there?
18 Does it say place?

19 A. Right. It has a place for the address 1320
20 Middleton Street.

21 Q. Okay. And that's the address for Public Safety?

22 A. Public Safety of course.

23 Q. And how did you use State's -- State's Exhibit 1
24 with the defendant, Mr. Ryant?

25 A. Once I filled out the date and time, I would read

1 his rights. I would do it while it was in front of him and I
2 advise him that if, as I read each line, if he understood
3 what I read them, I would get him to initial beside each
4 line.

5 Q. And so you read those rights to him?

6 A. I did.

7 Q. And that's all on video?

8 A. Yes, sir.

9 Q. Okay. And did Mr. Ryant seem to understand his
10 rights?

11 A. He did.

12 Q. And did he sign saying he understood his rights?

13 A. He did.

14 Q. And what's the section beneath the advice of
15 rights?

16 A. The waiver of rights.

17 Q. All right. And did Mr. Ryant sign say he wanted
18 to waive his rights and speak with you?

19 A. He did.

20 Q. And at the bottom of the form, I believe there's
21 some witness signatures?

22 A. Yes, sir. Myself and Investigator Haynes.

23 Q. And -- and is there another time at the bottom?

24 A. Yes, sir. 11:10 p.m.

25 Q. 11:10 p.m. All right. You said this interview

1 was recorded?

2 A. Yes, sir.

3 MR. SCOTT: Can I get this marked?

4 THE REPORTER: 18.

5 MR. SCOTT: 18.

6 BY MR. SCOTT:

7 Q. Okay. All right. I'm going show you what's been
8 marked as State's Exhibit 18. Do you recognize that?

9 A. Yes, sir.

10 Q. And what is this disc that I'm holding?

11 A. It's contains mobile vision evidence.

12 Q. Is this the interview of the defendant?

13 A. It is.

14 Q. Okay. And how do you know what's on this disc?

15 A. I viewed it.

16 Q. You viewed it?

17 A. Yes.

18 Q. And after viewing it, what, if anything did you do
19 to the disc?

20 A. That was, I mean, it would've been burned in
21 evidence.

22 Q. I know. Did you initial this?

23 A. Oh, I initialed it, yes, sir.

24 MR. SCOTT: We'd ask that State's Exhibit 18 be
25 admitted in evidence?

1 MR. PALMER: I've seen it, Your Honor. No objection.

2 THE COURT: Admitted.

3 (State's Exhibit 18 was admitted into evidence.)

4 BY MR. SCOTT:

5 Q. Do you -- do you know about how long this
6 recording is?

7 A. Less than an hour. Probably about 50 minutes.

8 Q. And before we listen to this I want to
9 show you what's been marked as State's Exhibit 14. Do you
10 recognize this?

11 A. I do.

12 Q. Is that a -- a map of the area around Mets Trailer
13 Park in Duke's Barbecue?

14 A. It is.

15 Q. It's a fair and accurate depiction?

16 A. Yes, sir.

17 MR. SCOTT: We ask state's Exhibit 14 be admitted in
18 evidence.

19 MR. PALMER: No objection.

20 THE COURT: Admitted 14 without objection.

21 (State's Exhibit 14 was admitted into evidence.)

22 MR. SCOTT: Can I have the witness step down, Your
23 Honor?

24 THE COURT: Yes, sir.

25 BY MR. SCOTT:

1 Q. All right. So can you point out for the jury
2 where 301 or Johnson Avenue Drive is?

3 A. This one.

4 Q. And is the city this way or that way? The city of
5 Orangeburg?

6 A. This way.

7 Q. Okay. And where is the keg?

8 A. Keg is, right.

9 Q. And what is -- you got to speak up. You got --

10 A. Sorry. It's right here on the corner of Bleakly
11 and John C. Calhoun.

12 Q. And what is the keg?

13 A. It's a convenience store in liquor.

14 Q. Okay. And what's across the street from the keg

15 A. Restaurant.

16 Q. All right. Kind of like a meat and three.

17 A. Sorry.

18 Q. Like a meat and three type restaurant?

19 A. Yeah, I think so. Yeah, like a country style
20 restaurant.

21 Q. And what's this street right here?

22 A. Bleakly.

23 Q. Bleakly. And then this street right here.

24 A. Whaley Street.

25 Q. And what's this area down here called?

1 A. Mets Trailer Park.

2 Q. All right. And Whaley Street, if you go straight
3 and the road looks like it, cars around here, what street do
4 you come out on at the end?

5 A. Sprinkle.

6 MR. SCOTT: Sprinkle Avenue. All right. Judge, at
7 this time I'd like to publish parts of the defendant's
8 interview which is State's Exhibit 18. And I think all the
9 parties have consented and the court has concurred that we're
10 not going to play all 50 minutes of it. There -- there are
11 parts that just aren't relevant to this case.

12 THE COURT: Yep. Ladies and gentlemen, we're going to
13 play the recorded interview or portions of it. There are
14 parts of it that I determined were not necessarily relevant
15 for you folks to see or necessary for you to see. It's
16 nothing that the parties are trying to hide from you or
17 anything like that. It's just, it matters of -- of law or
18 decisions that I made as a matter of law. So it's not
19 anything that the state or the defense is trying to keep from
20 you. It's just something to speed it up and not have you
21 folks look at stuff you don't need to see. But it's my fault
22 you're not seeing the whole thing, but we'll thank me later.

23 MR. SCOTT: Your Honor. The jury is trying to say
24 something. I don't want to pull --

25 UNIDENTIFIED JUROR: (Inaudible).

1 MR. SCOTT: I'm sorry. How's that?

2 UNIDENTIFIED JUROR: Yes, ma'am.

3 (Video played.)

4 BY MR. SCOTT:

5 Q. I just want to pause it right here. Is that what
6 Mr. Ryant was wearing when you all detained him that night?
7 On this house on Russell Street?

8 A. Yes, sir.

9 MR. SCOTT: And I am sorry, judge, if I ask questions
10 from -- from the table statement.

11 THE COURT: Not a problem Mr. Scott.

12 MR. SCOTT: Thank you.

13 (Video played.)

14 MR. SCOTT: So can I get you to step down one more
15 time?

16 BY MR. SCOTT:

17 Q. So when he says the name is Whaley Street, I
18 remember that now. Where is Whaley Street? And this is the
19 Trailer Park area. And so when he says they got to Bleakly
20 and he says the victim Sumo went left towards the keg, that
21 would be right here.

22 A. Yeah.

23 Q. And you asked him where did he go? And his answer
24 was, I went straight across Whaley.

25 A. Right.

1 Q. And he said the curve's right there. And he says
2 that takes you down to sprinkle.

3 A. Yeah.

4 Q. And at one point you asked him, so you went right
5 on Bleakly and he had to correct you and he said no, I didn't
6 go right. I went straight. All right. You said the kegs
7 right here and then where's Duke's Barbecue. Thank you. You
8 have a seat. All right. Towards the end of that interview
9 did you actually perform a GSR collection kit on the
10 defendant?

11 A. I did.

12 Q. What's a GSR collection kit?

13 A. Some kit for collecting gunshot residue.

14 Q. Okay. Is it basically like some swabs or
15 something, right?

16 A. Yes, sir.

17 Q. And you all can send that off and have it analyzed
18 by sled?

19 A. We can.

20 Q. Okay. Prior to performing the GSR kit on the
21 defendant, did you ask the defendant if he had a gun?

22 A. I did.

23 Q. And what was his response?

24 A. No.

25 Q. Did you ask the Mr. Ryant if he shoots guns?

- 1 A. I did.
- 2 Q. And what was his response
- 3 A. When he was younger, probably around 15.
- 4 Q. Did you ask him if he had washed his hands?
- 5 A. I did.
- 6 Q. And why is that important?
- 7 A. Because it -- it could affect the -- the test.
- 8 Q. It could affect the test?
- 9 A. The gunshot residue being on.
- 10 Q. Okay. So you asked him if he had washed his hands
- 11 and what was his response?
- 12 A. He said he had not washed his hands all day.
- 13 Q. He said he had to washed them all day.
- 14 A. Right.
- 15 Q. And so you collected this GSR kit from the
- 16 defendant?
- 17 A. I did.
- 18 Q. Did you also collect the shorts that he was
- 19 wearing?
- 20 A. I did. Not -- not on that night.
- 21 Q. Okay. But he was wearing some blue athletic
- 22 shorts?
- 23 A. Right.
- 24 Q. Okay. Can I get this marked? I'm just having
- 25 these marked for identification. Do these shorts appear to

1 be the same type of shorts he was wearing that night when he
2 was detained?

3 A. They do.

4 Q. And ultimately those shorts were sent to sled for
5 analysis.

6 A. They were.

7 Q. Okay. Do we know for sure whether or not he was
8 wearing those shorts at the time of the shooting?

9 A. We do not.

10 Q. Towards the end of your interview with the
11 defendant, did you ask him if you have a cell phone?

12 A. I did.

13 Q. And did you ultimately collect his cell phone?

14 A. I did.

15 Q. All right. You -- want to show you what's been
16 marked as State's Exhibit 16. Do you recognize that?

17 A. I do.

18 Q. And prior to testifying today, did you have the
19 opportunity to compare the IMEI number on this phone?

20 A. I did.

21 Q. All right. And this is the same phone that you
22 collected from the defendant on May the 10th of 2020?

23 A. Yes, I do.

24 MR. SCOTT: We'd ask that State exhibit 16 be admitted
25 as evidence.

1 MR. PALMER: No objection.

2 THE COURT: The phone will be admitted with no
3 objection.

4 (State's Exhibit 16 was admitted into evidence.)

5 BY MR. SCOTT:

6 Q. I want to show you, I'm sorry, I need to get one
7 more thing. I'm show you what the largest State's exhibit
8 20. Is that a fair and accurate depiction of the defendant
9 back in May of 2020?

10 A. It is.

11 MR. SCOTT: We'd ask that state's Exhibit 20 be
12 admitted in evidence.

13 MR. PALMER: No objection.

14 THE COURT: Admitted with no objection.

15 (State's Exhibit 20 was admitted into evidence.)

16 MR. SCOTT: I beg for court's indulgence. All right.
17 Thank you. Detective Brightwell, please answer any questions
18 Mr. Palmer may ask?

19 THE WITNESS: Yes, sir.

20 THE COURT: Mr. Palmer,

21 CROSS-EXAMINATION

22 BY MR. PALMER:

23 Q. Did Mr. Ryant ever refuse to answer any questions
24 you asked him?

25 A. He did not.

1 Q. And those shorts that you just identified, are
2 those outer shorts or under shorts?

3 A. I'm sorry?

4 Q. The shorts that you just identified?

5 A. Like general shorts, I believe.

6 Q. Okay. And so that's what he was wearing on the
7 outside in that interview tape?

8 A. I believe. Yes, sir.

9 Q. Okay. It's a little hard to see.

10 A. All right.

11 Q. Did Mr. Ryant ever during this interview indicate
12 that on the time in question, and by that I mean the
13 afternoon of May 10th, 2020, did he ever indicate that he'd
14 been anywhere near Duke's Barbecue that evening or afternoon?

15 A. Not that I, no. Other than he said he was at the
16 victim's house, which isn't far from Duke's Barbecue.

17 Q. Right. But he never said he was at the crime
18 scene?

19 A. He did not.

20 Q. Okay. Did he otherwise admit or confess any
21 involvement whatsoever in the shooting?

22 A. He did not.

23 Q. Did you find a weapon on him?

24 A. I did not.

25 Q. Did he ever tell you he had a weapon?

1 A. He did not.

2 Q. In fact, he denied that he had a weapon, correct?

3 A. Correct.

4 Q. And the only time he'd ever shot one was when he
5 was younger, a couple years younger?

6 A. Yes.

7 Q. He was 17 at the time. Is that your
8 understanding? A. Yes, sir.

9 MR. PALMER: Okay. No further questions. Thank you.

10 THE WITNESS: Thank you.

11 THE COURT: Re-cross or redirect?

12 MR. SCOTT: Sorry. No, Your Honor. Thank you, Your
13 Honor.

14 THE COURT: All right. You can step down.

15 THE WITNESS: Thank you, sir.

16 THE COURT: Mr. Scott, do you all have a short one?

17 MR. SCOTT: We do.

18 THE COURT: Okay. Is that --

19 MR. SCOTT: State calls Micah Brown.

20 THE CLERK: Please place your left hand on the Bible
21 and raise your right hand.

22 MICAH BROWN,

23 being first duly sworn, testifies as follows:

24 THE CLERK: Thank you. Please state your first and
25 last name for the record.

1 THE WITNESS: Micah Brown.

2 DIRECT EXAMINATION

3 BY MR. SCOTT:

4 Q. All right, Mr. Brown, where do you work?

5 A. Palmetto Transmission.

6 Q. All right. What is your job title?

7 A. Owner mechanic.

8 Q. All right. Where did you work in May -- on May
9 10th, 2020?

10 A. Palmetto Transmission.

11 Q. What is Palmetto Transmission.

12 A. We repair vehicles, cars.

13 Q. All right. Where is it located?

14 A. 337 John C. Calhoun Drive.

15 Q. On May 10th, 2020, did Palmetto Transmission have
16 a security camera system?

17 A. Yes.

18 Q. All right. Did that include outdoor cameras?

19 A. Yes.

20 Q. Was the security camera system able to save the
21 recordings to a computer?

22 A. Yes.

23 Q. Or some digital storage device?

24 A. Yes.

25 Q. Did you provide officers some security camera

1 footage from Palmetto Transmission for the date of May 10,
2 2020?

3 A. Yes.

4 MR. SCOTT: I'm going to show you what has been what
5 marked -- just marked. I'm going to show you what's been
6 marked as State's Exhibit 21.

7 (State's Exhibit 21 was marked for identification.)

8 BY MR. SCOTT:

9 Q. Do you recognize this?

10 A. Yes.

11 Q. What is this?

12 A. It's your thumb drive with it's video on it.

13 Q. And what are the video of --

14 A. My initials.

15 Q. The -- the -- what are the videos of?

16 A. The security camera.

17 Q. And how do you know that this is the thumb drive?

18 A. (Inaudible).

19 Q. That you saw the videos in initial.

20 A. (Inaudible).

21 MR. SCOTT: Okay. Move to introduce into evidence,
22 Your Honor.

23 MR. PALMER: I'm going to object, Your Honor. He -- he
24 didn't testify that he was the one that extracted it. He
25 just said he watched it. I think they need to do a little

1 more to authenticate that.

2 MR. SCOTT: He viewed the videos, he saw that it's from
3 his -- from his system. It is a low threshold to -- to
4 authenticate.

5 THE COURT: Yeah, I think that's what he testified to.
6 I'll overrule.

7 MR. SCOTT: Thank you, Your Honor. Please answer any
8 questions that Mr. Palmer may have.

9 CROSS-EXAMINATION

10 BY MR. PALMER:

11 Q. Afternoon, Mr. Brown.

12 A. Hey.

13 Q. Are you the one who operates that video system?

14 A. (Inaudible).

15 Q. You don't farm it out to a company or anything
16 like that. Did you install it yourself?

17 A. No.

18 Q. How many cameras do you have on that business?

19 A. Total amount?

20 Q. Yeah.

21 A. 35 or so.

22 Q. So you have 35 security cameras?

23 A. Yes.

24 Q. Is there a reason you have so many? Yes. What is
25 the reason?

1 A. Yep.

2 Q. Okay. So you've had problems with theft. And so
3 are they all located on the outside of the building or
4 there's some inside?

5 A. 98% are outside.

6 Q. Okay. 98% are outside. Okay. So which camera is
7 that footage that you've identified from?

8 A. Outside.

9 Q. Where's it pointing?

10 A. You got one across 301, Highway 301. One down
11 Plywood Street, which is behind you.

12 Q. And which one is that footage from

13 A. Plywood.

14 Q. How soon after May 10th, 2020 did you view it?

15 A. The next morning.

16 Q. And at whose request?

17 A. The law.

18 Q. How did you go about viewing it?

19 A. Pulled it up on the cameras and then they
20 downloaded it on the thumb drive.

21 Q. So you didn't download it?

22 A. No, I was standing there with them.

23 MR. PALMER: Okay. Thank you.

24 MR. SCOTT: No further questions, Your Honor.

25 THE COURT: All right, Mr. Brown, you can step down.

1 Thank you for being here.

2 THE WITNESS: Thank you, sir. Brown.

3 THE COURT: That's it. We don't have any more short
4 ones for today.

5 MR. SCOTT: Not for today.

6 THE COURT: Okay. All right, ladies and gentlemen, I
7 told you we wouldn't be working so late this week, but this
8 is a good time for a break. The way the witnesses shake out,
9 we don't, I -- I tend to like to have the witnesses complete
10 all their testimony as a whole with cross examination. We
11 don't really have anybody left today that'll get us to about
12 five o'clock. So I'm going to let you guys go for the day.
13 Please be back here ready to go at 9:30, so maybe about 9:20.

14 Again, don't discuss the case with anybody. Don't do
15 any research on your own about the case or the law or
16 anything. Just go home and enjoy your evening just like you
17 would if you didn't have jury duty. Again, don't discuss it
18 with anybody or amongst yourselves and we'll see you back
19 here in the morning.

20 (Jury exiting courtroom.)

21 THE COURT: Anybody got anything from me before
22 tomorrow?

23 MR. SCOTT: I just got one housekeeping matter not
24 related to this trial.

25 THE COURT: Sure.

1 MR. SCOTT: Brad Riley?

2 THE COURT: Yep.

3 MR. SCOTT: Got a plea. It's actually my case.

4 THE COURT: Okay.

5 MR. SCOTT: But I'm let Mr. Gaze handle it.

6 THE COURT: Okay.

7 MR. SCOTT: But I think he wanted to do that maybe
8 before we did this start that.

9 THE COURT: He did. Bethany, what time can you get
10 here? I know you're coming --

11 THE REPORTER: Usually by 9:00.

12 THE COURT: You can be here by 9:00?

13 THE REPORTER: Yeah.

14 THE COURT: Okay. Go photo. And Mr. Scott have a, a
15 case that involves a youthful offender act and she turns 25
16 on Wednesday.

17 THE REPORTER: Oh yeah.

18 MR. SCOTT: So we have to do it tomorrow.

19 THE REPORTER: Yes -- yes. I have no, yeah. Okay.

20 THE COURT: All right. So we'll do that about 9:15.

21 If you all just get here about 9:15, if we got to take up
22 anything, we can do that if anything pops up overnight.

23 MR. PALMER: Yes, sir.

24 MR. SCOTT: Okay. Thank you, Your Honor.

25 THE COURT: We're in recess.

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(THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

CERTIFICATE OF TRANSCRIBER

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I, NATASHA BARRIENTOS, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 1 of Orangeburg County, South Carolina, on the 17th Day of October, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 8, 2023

Natasha Barrientos

Transcriber

1 CONTINUATION OF PROCEEDINGS - OCTOBER 18, 2023

2 THE COURT: All right. We got a few things we need to
3 get on the record this morning. Also, I want to reiterate
4 what I said yesterday because there are some folks that
5 aren't -- that are in here today that weren't here yesterday.
6 I know this is an emotional situation for both parties.
7 Again, for the benefit of those that weren't here, I'm
8 mindful of the fact that someone lost their life in this
9 case. I'm also mindful of the fact that a man is on trial
10 for his life.

11 So a lot of folks have a lot of emotions going on.
12 We're not going to have any outbursts in the courtroom. Not
13 going to -- we're going to be not going to have any --
14 anything going on in the hallway. We're all going to be
15 respectful to one another and respectful to the parties.
16 Again, I know this is an emotional situation, but we're going
17 to treat each other with respect and treat the lawyers and
18 the parties here that are working their tails off for their
19 respective positions with respect.

20 There's not going to be any outbursts, any problems.
21 You'll be removed from the courtroom and or the courthouse.
22 So just want to make sure everybody understands that and they
23 were, you know, can't say you weren't warned. All right,
24 counsel, what we got?

25 MR. PALMER: Thank you, Your Honor. May I please the

1 Court?

2 THE COURT: Yes, sir.

3 MR. PALMER: I have, I think what I would call an
4 anticipatory objection, and/or motion to exclude from the
5 evidence in this case, several items of video evidence. It
6 is anticipated based on what I've received in discovery, that
7 the State is going to rely heavily on various security camera
8 footage in this case. And I understand that this goes to our
9 discussion yesterday that the evidentiary bar is fairly low
10 for the admission under -- under Rule 401 and 403. Basically
11 they have to prove it is what it is. But there's two videos,
12 Your Honor, I think that I can carve out an exception.

13 MR. SCOTT: Do we need the Defendant in here?

14 THE COURT: Probably so. I -- I can't see him where
15 he's sitting over there, so I don't ever know when he's in
16 here. With this glass and that computer, I -- I don't know
17 he's there. I'd prefer he sit where I can see him.

18 THE BAILIFF: I'll bring him out, Your Honor.

19 THE COURT: Thank you.

20 All right, Mr. Palmer, go ahead.

21 MR. PALMER: Yes, Your Honor. I was making reference to
22 two specific anticipated exhibits, and specifically, these
23 are two videos that were, as I understand, extracted from the
24 video camera system located at Duke's Bar-B-Que on Plywood
25 Street. And from what I've seen of them, first of all there

1 were dozens of videos, but the two that I think the State's
2 going to rely on that actually depict something happening are
3 labeled channel 9 and channel 2.

4 And I think that just relates to the specific camera
5 that they came from. There's two different views, and I
6 anticipate the State's going to assert these two videos as
7 showing my client and the victim at some point.

8 And my objection to those videos, Your Honor, is simply
9 that they're so low in quality. They're so -- they're taken
10 from cameras that weren't designed to be -- to capture images
11 at that distance. It's across the street from the
12 restaurant. And they're so blurry and so quality that I
13 think no reasonable person could really determine the
14 identity of the figures in the video. And so I think that
15 goes beyond just basic authentication and it goes to the fact
16 that -- that the usefulness to the jury is, to me, almost
17 non-existent. And it would just serve to confuse and cause
18 more questions. So I would move to whatever exhibits those
19 turn out to be to exclude those from coming into evidence.
20 And I understand the State's argument is probably going to
21 be, that goes to weight and not the disability.

22 THE COURT: Well, that's sort of what I was thinking
23 too. I mean, by -- by definition everything they put up is
24 prejudicial to you.

25 MR. PALMER: Yes, sir. Yeah. And I -- I just think in

1 this case the -- the probative value is so low because you
2 can't really tell who it is.

3 THE COURT: Okay. All right. Mr. Riley, I'll hear from
4 you.

5 MR. RILEY: Your Honor, the video in question, you can
6 see two individuals. You can see a height difference. You
7 can tell the color of the clothes that they're wearing. The
8 shorter of the individuals, you can tell that at one point
9 that he's wearing a backpack, which is consistent with other
10 videos that we'll be showing. And I believe it does go to
11 the weight and not the disability.

12 THE COURT: All right. And just so I'm -- we're clear
13 for the record, there's no dispute. It's without me watching
14 the videos, I don't know exactly what's on them, or what they
15 look like, but do you all have any real dispute from a
16 factual standpoint as to what they show and quality and all
17 that stuff? I mean, is this something you want me to look
18 at? Just, I mean, I just want -- I want you to be able to
19 make you a record. It -- he's represented to me. You can
20 see two individuals with a backpack. One's taller; one's
21 shorter.

22 MR. PALMER: That's what the State said, Your Honor. I
23 mean, I -- I mean, they are -- they show what, they show.
24 One's a little better than the other. But I would submit,
25 and I know it's difficult to rule because you haven't seen

1 them, but I have, and I would submit that they're really not
2 going to help the jury decide this case.

3 THE COURT: Okay. All right. Well, based on what you
4 all have told me, I'm -- I'm going to deny your motion. I
5 think it does go to the weight, not the admissibility. You
6 certainly can argue to it to the jury that these -- these
7 videos show you nothing.

8 MR. PALMER: Yes, sir.

9 THE COURT: But ---

10 MR. PALMER: Thank -- thank you.

11 THE COURT: Okay.

12 THE COURT: All right. Mr. Scott, you wanted to put
13 some other stuff on the record too, right?

14 MR. SCOTT: Just briefly. Yesterday, Your Honor, we
15 played interview of the Defendant for the jury. And we only
16 publish portions of it to the jury. And I just think I
17 probably need to put on the record what portions were played.

18 THE COURT: Right.

19 MR. SCOTT: That would've been Exhibit 18, I believe.
20 And we played it from the beginning until the 18:14 mark.
21 And then we play from the 18:24 and 22nd mark, to the 18:27
22 and 55nd mark.

23 THE COURT: Okay.

24 MR. SCOTT: And one last thing, we put in a booking
25 photo of Mr. Ryant yesterday.

1 THE COURT: Right.

2 MR. SCOTT: We had whited out when the photo was taken
3 because it was only taken a couple weeks ago. And I guess we
4 didn't want to give the jury -- tell the jury basically he's
5 -- the -- the picture was taken maybe to -- the day he was
6 arrested.

7 THE COURT: Okay.

8 MR. SCOTT: But the -- it had a date on it as far as
9 what it was printed. So we whited that out. And the -- the
10 exhibit ---

11 THE COURT: Mr. Palmer, you're okay with that?

12 MR. PALMER: Yes, sir. We've talked about it.

13 MR. SCOTT: The exhibit that I put in, you can actually
14 see where something's been whited out. So I'd like to just
15 exchange the one where it's clearly not whited out.

16 THE COURT: Yeah, as long as you all were both on
17 (inaudible).

18 MR. PALMER: Yes, sir.

19 MR. SCOTT: Thank you, Your Honor.

20 THE COURT: We just have it remarked or substituted?

21 All right. You all ready?

22 MR. SCOTT: Yes, sir.

23 THE COURT: All right. Mr. (inaudible), give it to
24 jury.

25 UNKNOWN FEMALE: Yes, Your Honor.

1 THE COURT: Good morning, ladies and gentlemen.

2 MULTIPLE SPEAKERS: Good morning.

3 THE COURT: (Inaudible) wait, but I promise we were
4 working, trying to speed things up for you a little bit. So
5 we're ready to go. Mr. Scott or Mr. Riley?

6 MR. SCOTT: State calls Rashaun Grant.

7 THE CLERK: Please place your left hand on the Bible and
8 raise your right hand.

9 RASHAUN GRANT,
10 being first duly sworn, testifies as follows:

11 MR. SCOTT: THE CLERK: Thank you. You can have a seat.

12 THE COURT: And Mr. Grant, if you can speak up and speak
13 into the microphone. This -- our court reporter was having a
14 little trouble hearing witnesses yesterday and the jury
15 informed me they were having a little trouble hearing
16 yesterday. So let's make sure everybody can hear you.

17 THE WITNESS: Okay.

18 THE CLERK: Please state your first and last name for
19 the record?

20 THE WITNESS: Rashaun Grant.

21 DIRECT EXAMINATION

22 BY MR. SCOTT:

23 Q. Where do you currently work and what is your job
24 title?

25 A. Work for Berkeley County Sheriff's Office. I'm a

1 corporal.

2 Q. All right. Corporal Grant. Well, this is what
3 I'll call you. Okay?

4 A. Okay.

5 Q. How long have you worked there?

6 A. A year and a half.

7 Q. All right. Where did you work on May 10, 2020,
8 and what was your job title then?

9 Q. I worked for Orangeburg Public Safety, and I was a
10 public safety officer.

11 Q. All right. What were your duties as a public
12 safety officer?

13 A. Police and fire protection for the City of
14 Orangeburg.

15 Q. What does that entail? As far as police work,
16 what did you do?

17 A. I respond to call services.

18 Q. Okay.

19 A. Call service.

20 Q. All right. On May 10, 2020, did you respond to a
21 call about a homicide across from Duke's Bar-B-Que?

22 A. Yes.

23 Q. Do you recall approximately where you were when
24 you received the call to respond to Duke's Bar-B-Que?

25 A. Middleton Street, the city of Orangeburg.

1 Q. Okay. And which way did you respond to get to
2 Duke's Bar-B-Que?

3 A. John C. Calhoun.

4 Q. Are you familiar with The Keg located at the
5 corner of John C. Calhoun, which is 301 and Bleakley Street?

6 A. Yes.

7 Q. Did you travel past The Keg on your way to Duke's
8 Bar-B-Que?

9 A. Yes.

10 Q. And where did you turn off of John C. Calhoun?

11 A. Plywood Street.

12 Q. Did you come up beside -- beside Duke's on
13 Plywood?

14 A. Yes.

15 Q. Was your vehicle a marked unit?

16 A. Yes.

17 Q. What color was it?

18 A. Black.

19 Q. Was your cruiser equipped with an in-car dash
20 camera?

21 A. Yes.

22 Q. All right: I'm going to show you what's been
23 marked as Exhibit -- this State's Exhibit 37. Do you
24 recognize that?

25 A. Yes.

1 Q. What is it?

2 A. My in-car camera.

3 Q. The CD contains your in-car dash camera?

4 A. Correct.

5 Q. Okay. And how do you know that this is the CD
6 that contains your in-car dash camera?

7 A. I reviewed it.

8 Q. And how do you know that this is the exact CD?

9 A. I initiated that. I reviewed it.

10 MR. SCOTT: Okay. Thank you. Your Honor, State moves
11 to introduce State's Exhibit 37 into evidence.

12 MR. PALMER: No objection.

13 THE COURT: All right. Be State's 37 without objection.
14 (State's Exhibit 37 was introduced into evidence.)

15 MR. SCOTT: May I publish?

16 THE COURT: Yes, sir.

17 MR. SCOTT: Can you all see the TV okay?

18 UNKNOWN JUROR: Yes, sir.

19 BY MR. SCOTT:

20 Q. Tell us when you get in front of The Keg. Okay?
21 So it's at this intersection right here?

22 A. Yep.

23 Q. All right. What -- what time did you get there?
24 Can you tell by that video?

25 A. 5:30.

1 Q. Where does it say that? You could point at it?

2 A. Down here on the left corner.

3 Q. All right. Now this is you, where are you turning
4 here?

5 A. Bleakley Street.

6 Q. Okay. Where's Duke's Bar-B-Que?

7 A. On my left.

8 Q. Okay. Where's the incident location?

9 A. To the right.

10 Q. Okay. And what time does it say right now?

11 A. 5:30:53 seconds.

12 Q. Okay. So would -- would this be your arriving
13 time?

14 A. Yes.

15 Q. And is that the incident location right there?

16 A. Yes.

17 Q. All right. Just for the record, we're stopping
18 the video at 5:31:02. Okay. All right. What did you do
19 upon arriving on scene?

20 A. Crime scene control.

21 Q. Crime scene control? Did other people show up?

22 A. A lot of people.

23 Q. A lot of people showed up. Did it get a little --
24 a little hectic?

25 A. Yes.

1 Q. Do you -- do you know -- do you know what happened
2 to the body?

3 A. Yes.

4 Q. Where did -- where did the -- where did the body
5 go? Do you remember EMS coming on scene?

6 A. With EMS.

7 Q. Okay. And did they take the body?

8 A. Yes.

9 MR. SCOTT: Okay. Please answer any questions that
10 Defense may have.

11 MR. PALMER: No questions.

12 THE COURT: All right, Mr. Grant, you can step down.
13 Our corporal Grant. Sorry about that.

14 MR. SCOTT: May -- may he be excused.

15 THE COURT: Thank you for being here.

16 MR. SCOTT: Judge, may he be excused?

17 THE COURT: Yes, sir, he's excused.

18 THE WITNESS: Thank you.

19 MR. SCOTT: Thank you.

20 Call Joseph Green. Sorry, sorry, wrong one. Call Frank
21 Myers, Your Honor. Frank Myers.

22 THE CLERK: Please place your left hand on the Bible and
23 raise your right hand.

24 FRANK MYERS,

25 being first duly sworn, testifies as follows:

1 THE CLERK: Thank you. You may be seated. Please state
2 your first and last name for the record.

3 THE WITNESS: Thomas Myers is my legal name. I go by
4 Frank. This is my middle name.

5 DIRECT EXAMINATION

6 BY MR. SCOTT:

7 Q. All right. Thank you Mr. Myers. Ask that you
8 keep your voice raised, so everybody can hear you.

9 A. All right.

10 Q. Where do you work?

11 A. Well, I have two jobs. One relevant to this case
12 is Duke's Bar-B-Que.

13 Q. What is your job title?

14 A. I'm the president.

15 Q. Where did you work May 10, 2020?

16 A. Duke's Bar-B-Que.

17 Q. What is Duke's Bar-B-Que?

18 A. It's a restaurant.

19 Q. Where is it located?

20 A. 1298 Whitman Street.

21 Q. Say that again, please?

22 A. 1298 Whitman Street.

23 Q. And where -- is that in Orangeburg?

24 A. Yes.

25 Q. Okay. Is this the Dukes Bar-B-Que that's commonly

1 referred to as being located near the old Pepsi plant?

2 A. Yes.

3 Q. All right. On May 10, 2020, did Dukes have it
4 security camera system?

5 A. Yes.

6 Q. Were you familiar with it?

7 A. Yes.

8 Q. And you -- did you know how to operate it?

9 A. Somewhat.

10 Q. Were there outdoor cameras pointed in various
11 directions?

12 A. Yes.

13 Q. All right. Was the security camera system able to
14 save the recordings to a computer or some digital storage
15 device?

16 A. Yes.

17 Q. Did you provide officers some security camera
18 footage from Duke's for the date of May 10, 2020?

19 A. I provided him access to the system and he
20 downloaded what he needed.

21 Q. Okay. I -- I'm going to show you what has been
22 marked as State's Exhibit 38. Do you recognize this?

23 A. Yes.

24 Q. What is it?

25 A. It's a copy of the download from the system.

1 Q. Okay. And did you view the files on this CD?

2 A. I -- I did.

3 Q. How do you know that this is the CD that you
4 viewed the files from?

5 A. I initialed it.

6 Q. All right. And does it contain the recordings
7 that you provided to law enforcement?

8 A. Yes.

9 MR. SCOTT: All right. Move to enter into -- State's
10 Exhibit 38 into evidence.

11 (State's Exhibit 38 was introduced into evidence.)

12 MR. PALMER: Your Honor, I object. Lacks
13 authentication; lacks foundation.

14 THE COURT: Overruled, and subject to your other
15 objection as well.

16 MR. PALMER: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 MR. SCOTT: All right. Please answer any questions
19 Defense may have.

20 CROSS-EXAMINATION

21 BY MR. PALMER:

22 Q. Mr. Myers, I just have a couple of questions for
23 you. Did you install that camera system?

24 A. No.

25 Q. How long has it been there?

1 state your first and last name for the record.

2 THE WITNESS: Carey Shealy.

3 DIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q. Make sure you're speaking to the microphone.

6 Okay? Make -- make sure the person furthest away from the
7 jury box can hear you. Where are you employed, Mr. Shealy?

8 A. Statewide Security Systems.

9 Q. And are you the actual owner of Statewide Security
10 Systems?

11 A. No, sir.

12 Q. And what type of services does Statewide Security
13 Systems provide?

14 A. Surveillance camera systems.

15 Q. Okay. And does Statewide Security Systems provide
16 a system of surveillance cameras to the city of Orangeburg?

17 A. Yes, sir.

18 Q. And does your company help maintain the operation
19 of these cameras?

20 A. Yes, sir.

21 Q. And how long has the city had surveillance cameras
22 through your company, Statewide Security?

23 A. I'd say probably nine or 10 years.

24 Q. And can you tell the jury, like where are these
25 cameras -- how they're mounted or what they look like? I

1 mean, are they in camera boxes I assume, or what?

2 A. Yeah, it's a box of this bag 20 inches by 18
3 inches, and there's typically four cameras on it, and it
4 looks in each direction.

5 Q. Okay. And back in May of 2020, did -- did
6 Statewide Security Systems have a camera box located at the
7 corner of Whaley and Salton Streets, this would be by
8 Orangeburg Mill?

9 A. No, sir.

10 Q. Okay. And similar to what you just testified to,
11 I assume that camera box, that cameras go into different
12 directions?

13 A. Yes, sir.

14 Q. Back in May of 2020, did your company assist law
15 enforcement with pulling video from the camera box at the
16 corner of Whaley and Salton Street?

17 A. Yes, sir.

18 Q. Then I want to show you a disc that's been marked
19 as State's Exhibit 39. Have you seen that disc before?

20 A. Yes, sir.

21 Q. And how do you know you've seen that disc before?

22 A. I initiated it.

23 Q. All right. Did you also date it?

24 A. Yes, sir.

25 Q. What's the date on it? Is that your handwriting?

1 So ---

2 A. Yeah, 6 -- 10/6.

3 Q. 10/6. All right. And does State's Exhibit 39,
4 does that contain video footage from the camera box located
5 at Whaley and Salton Street?

6 A. Yes, sir.

7 MR. SCOTT: We'd ask that State's Exhibit 39 be
8 admitted.

9 MR. PALMER: No objection.

10 THE COURT: All right. It'll be admitted as State's 39
11 without objection.

12 (State's Exhibit 39 was introduced into evidence.)

13 MR. SCOTT: Thank you, Mr. Shealy. Please answer any
14 questions Mr. Palmer has?

15 THE WITNESS: Yes, sir.

16 MR. PALMER: No questions, Your Honor.

17 THE COURT: All right, Mr. Shealy, you're -- you're
18 good. You can be excused. Thank you for being here.

19 THE WITNESS: All right, you have a good day.

20 THE COURT: All right, you too.

21 MR. SCOTT: State calls Joseph Green.

22 THE CLERK: Please place your left hand on the Bible and
23 raise your right hand.

24 JOSEPH GREEN,

25 being first duly sworn testifies as follows:

1 THE CLERK: Thank you. You may have a seat. Please
2 state your first and last name for the record into the mic,
3 please.

4 THE WITNESS: Joseph Green.

5 DIRECT EXAMINATION

6 BY MR. SCOTT:

7 Q. All right. Mr. Green, please make sure to keep
8 your voice raised and speaking to the mic. Where do you
9 work?

10 A. Presently?

11 Q. Presently.

12 A. Me and my wife have a home care business.

13 Q. Okay. Are you retired, also?

14 A. Yeah.

15 Q. Where -- when did you retire?

16 A. January of 2021.

17 Q. All right. Where did you work, May 10, 2020.

18 A. Me and my brother owned The Keg and The Abc
19 package.

20 Q. You -- speak up just a little bit louder.

21 A. We own The Keg and The Abc Package Store.

22 Q. All right. So what is The Keg?

23 A. Keg partly use, that's a convenience store and the
24 Abc Package Store in the same building.

25 Q. Okay. Where's it located?

1 A. 403 John C Calhoun Drive.

2 Q. Is that in Orangeburg?

3 A. Yes.

4 Q. All right. On May 10, 2020, did The Keg have a
5 security camera system?

6 A. Yes.

7 Q. Did it have outdoor cameras?

8 A. Yes.

9 Q. Was the security camera system able to save the
10 record -- the recordings to a computer or some digital
11 storage device?

12 A. Yes.

13 Q. Did you provide officers some security camera
14 footage from The Keg for the date of May 10, 2020?

15 A. Yes.

16 Q. I'm going to show you what's been marked as
17 State's Exhibit 40. Do you recognize this?

18 A. Yeah.

19 Q. What is it?

20 A. That's the disc from the tape recording, from the
21 video.

22 Q. How do you know that that's what's on this?

23 A. I saw it.

24 Q. You saw it? How do you know that this is the
25 exact CD that you just saw?

1 A. I initiated it.

2 Q. All right. And does it contain the security
3 camera footage that you provided to law enforcement?

4 A. Yes.

5 MR. SCOTT: Okay. Move to enter State's Exhibit 40 into
6 evidence, Your Honor.

7 MR. PALMER: Objection. Lacks Foundation; lacks
8 authentication.

9 THE COURT: Overruled.

10 MR. PALMER: Thank you, Your Honor.

11 MR. SCOTT: Please answer any questions the Defense may
12 have.

13 CROSS-EXAMINATION

14 BY MR. PALMER:

15 Q. Hey, Mr. Green?

16 A. Yes, sir.

17 Q. Hey, how old is that system?

18 A. I've been a (inaudible). I can't remember, but
19 it's been there a while.

20 Q. A while? More than 10 years.

21 A. 10 years a vet.

22 Q. And what's the purpose of it?

23 A. To take the videos of around the building there
24 to, you know, watch for security reasons and we've had a
25 couple of incidents where somebody tried to rob by force. So

1 we put them all around just to be able to see what's going on
2 outside and inside.

3 Q. And is it your understanding those cameras are
4 designed to capture images right around the building?

5 A. It catches images around the building and it -- it
6 also catches parts of Bleakley Street and John C Calhoun
7 Drive.

8 Q. Okay. And you maintain that system yourself?

9 A. No.

10 Q. Who does?

11 A. We got -- we used to be Blackwater when they went
12 out and we -- I called another security system and we ever
13 had a problem or had to have maintenance on it.

14 Q. You had to have maintenance on it?

15 A. Pardon?

16 Q. You -- you said you had to have maintenance on it?

17 A. I said if we ever had to have.

18 MR. PALMER: Oh, if you ever had. Okay. Thank you very
19 much, sir. No further questions.

20 THE COURT: Any redirect?

21 MR. SCOTT: No redirect, Your Honor.

22 THE COURT: All right, Mr. Green, you'll be excused.

23 Thank you for being here.

24 THE WITNESS: Thank you.

25 MR. SCOTT: State calls Vernon Hochstetler. Stand there

1 and listen to the clerk.

2 THE CLERK: Please place your left hand on the Bible and
3 read your right hand.

4 VERNON HOCHSTETLER,
5 being first duly sworn, testifies as follows:

6 THE CLERK Thank you. You may have a seat. Please
7 state your first and last name for the record.

8 THE WITNESS: Vernon Hochstetler.

9 DIRECT EXAMINATION

10 BY MR. SCOTT:

11 Q. Can you spell your last name please?

12 A. H-O-C-H-S-T-E-T-L-E-R.

13 Q. All right. And I'm just want to remind you to
14 keep your voice up. Speak into the microphone. Where do you
15 work at?

16 A. At Brand Wright Sign Company.

17 Q. All right. What is your job title?

18 A. Shop Manager.

19 Q. Okay. Where did you work May 10, 2020?

20 A. The same. Brand Wright Sign Company.

21 Q. What is Brand Wright?

22 A. We've manufactured and install signs.

23 Q. Where's it located?

24 A. 313 John C. Calhoun Drive in Orangeburg.

25 Q. On May 10, 2020, did Brand Wright have a security

1 camera system?

2 A. Yes.

3 Q. Were you familiar with it?

4 A. Yes.

5 Q. All right. How many outdoor cameras did it have?

6 A. Nine or 10 of them, something like that.

7 Q. Okay. Was the security camera system able to save
8 the recordings to a computer or some digital storage device?

9 A. Yes.

10 Q. Did you provide officers some security camera
11 footage from Brand Wright for the date of May 10, 2020?

12 A. Yes.

13 Q. All right. I'm going to show you what's been
14 marked in the State's Exhibit 41. Do you recognize this?

15 A. Yes.

16 Q. What is it?

17 A. It's a CD of the security camera footage.

18 Q. This the security camera footage that you provided
19 to law enforcement?

20 A. Yes.

21 Q. How do you know that the CD contains that footage?

22 A. Because I reviewed it and initialed it.

23 MR. SCOTT: Thank you. Move to enter State's Exhibit 41
24 into evidence, Your Honor.

25 MR. PALMER: Objection. Lacks Foundation; lacks

1 authentication.

2 THE COURT: Overruled. It'll be admitted as State's
3 Exhibit 40.

4 MR. SCOTT: 41, Your Honor.

5 THE COURT: 41?

6 MR. SCOTT: Yes, Your Honor.

7 THE COURT: Yes, you're right. Sorry about that.

8 (State's Exhibit 41 was introduced into evidence.)

9 MR. SCOTT: Please answer any questions the Defense may
10 have.

11 MR. PALMER: No questions.

12 THE COURT: All right, Ms. Hochstetler, you are excused.
13 Thank you for being here.

14 MR. SCOTT: May I please the court?

15 THE COURT: Yes, sir.

16 MR. SCOTT: State calls Sam Jenkins.

17 SAM JENKINS,

18 being first duly sworn testifies as follows:

19 THE CLERK: Thank you. You may have a seat. Please
20 state your first and last name for the record.

21 THE WITNESS: My name is Samuel Jenkins.

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q. Good morning.

25 A. Good morning.

1 Q. And where are you employed?

2 A. I'm employed by the Orangeburg Department of
3 Public Safety.

4 Q. And how long have you worked for Public Safety?

5 A. March the 10th of -- 37 years.

6 Q. 37 years. All right. And were you involved in
7 the investigation relating to the homicide of Najee Sanders?

8 A. I was.

9 Q. And specifically on May the 12, 2020, so two days
10 after the incident, were you given the task of interviewing
11 the defendant, Karl Ryant?

12 A. Yes, sir.

13 Q. And where did this interview take place?

14 A. At DPS headquarters located at 1320 Middleton
15 Street, Orangeburg, South Carolina in our interview room.

16 Q. And who was present for that interview, do you
17 remember?

18 A. Yes, I do. Detective Bryan Haynes. Investigator
19 Albert Black, and myself.

20 Q. Okay. And at the time of the interview were you
21 aware that Investigator Brightwell and Detective Haynes had
22 interviewed the Defendant two days earlier?

23 A. Yes, I was.

24 Q. Okay. And why did Public Safety want to interview
25 Mr. Ryant, again?

1 A. Well, they had obtained some videotape and they
2 knew from the first interview that Mr. Ryant was not telling
3 the truth, so they wanted to interview him the second time
4 and see if he would tell the truth about what happened on the
5 10th of May.

6 Q. Okay. And before interviewing the Defendant, did
7 you advise him of his Miranda rights?

8 A. Yes, I did.

9 Q. And was the advisement of the Miranda rights as
10 well as the interview, was that all recorded?

11 A. Yes, sir.

12 Q. All right. I want to show you what's been marked
13 as State's Exhibit 43. Do you recognize that?

14 A. Yes, I do.

15 Q. And is that the advice of rights form that you
16 used with Mr. Ryant on May the 12th of 2020?

17 A. It is.

18 Q.

19 All right. Is it in substantially the same condition as
20 when you used it with Mr. Ryant on May the 12th -- May the
21 12th of 2020?

22 A. Yes, sir.

23 MR. SCOTT: Okay. We would ask that State's Exhibit 42
24 -- 43 be admitted into evidence?

25 MR. PALMER: No objection.

1 THE COURT: All right. It'll be admitted without
2 objection.

3 (State's Exhibit 43 was introduced into evidence.)

4 BY MR. SCOTT:

5 Q. Let you hold on to it. How did you use -- well,
6 what -- what's at the top of the form? What are the blanks
7 that are filled in?

8 A. This is a -- a Miranda form, and it has place, and
9 I wrote -- DPS stands for Department of Public Safety
10 Headquarters. It also has a date, which I put May 12, 2020.
11 And the time was 10:49 a.m. when I started the Miranda right.

12 Q. And then you -- you advised the defendant of his
13 rights using this form?

14 A. Yes, I did.

15 Q. You read each one to him?

16 A. Yes, and I -- I asked him to initial behind it
17 each sentence if he understood the sentence.

18 Q. Okay. And I'm not going to have you read each
19 right, because it's going to be on video, correct?

20 A. Yes, it is.

21 Q. Okay. And what does the form say after the last
22 right? Does it say I understand my rights?

23 A. Well, he signed it, that he understand the rights
24 and then I read him a waiver of his rights.

25 Q. Okay. And did he sign there?

1 A. Yes, he did.

2 Q. And then at the bottom, who signed as a witness?

3 A. Myself and Investigator Albert Black. And then
4 Albert Black wrote the time when we finished the Miranda,
5 which was 10:52 a.m.

6 Q. And then after you finished advising Mr. Ryant of
7 his rights, that's when you began to interview him?

8 A. Yes.

9 Q. Okay. Did you ever force Mr. Ryant to speak with
10 you?

11 A. No, sir.

12 Q. Did you ever threaten him?

13 A. No, sir.

14 Q. Did you deny him any comfort such as food, water,
15 or bathroom breaks?

16 A. Well, I asked him if he wanted some water, but I
17 didn't deny him anything.

18 Q. Did you take a written statement from the
19 Defendant?

20 A. No, I did video.

21 Q. All right. I want to show you what's been marked
22 this State's Exhibit 42. Do you recognize that?

23 A. Yes, I do. This is a copy of the interview with
24 the case number and I signed my initials on it.

25 Q. Okay. And that's from the interview on May the

1 12, 2020 with Mr. Karl Ryant?

2 A. Yes, sir.

3 Q. And that's a fair and accurate recording of that
4 interview?

5 A. Absolutely, yes.

6 MR. SCOTT: Your Honor, at this time we ask that this
7 exhibit be admitted into evidence, State's Exhibit number 42.

8 MR. PALMER: No objection.

9 THE COURT: Be admitted as State's 42 without objection.
10 (State's Exhibit 42 was introduced into evidence.)

11 MR. SCOTT: All right. Your Honor, at this time we're
12 going to publish -- similar to yesterday, we're going to
13 publish a portion of this interview of. There's about two or
14 three minutes at the beginning that we can skip through. So
15 I -- I'd like to start around 5:35 and 55 seconds and go to
16 5:46 and 59 seconds. So about 11 minutes.

17 THE COURT: Mr. Palmer, are you okay with that?

18 MR. PALMER: Yes, sir, Your Honor, but we've discussed
19 it.

20 THE COURT: Okay.

21 MR. SCOTT: And Your Honor, I -- I can't make the volume
22 go any louder. I could try to take the microphone and hold
23 it near a speaker because I know yesterday's video is hard to
24 hear.

25 THE COURT: And again, ladies and gentlemen, the parties

1 agreed on the portions of the video that they thought were
2 most relevant. So in the interest of time we're just going
3 to show you a portion of it. Again, nobody's hiding anything
4 from you, just -- just to speed things up. These things get
5 very long and if we watch the entirety of every video and
6 every case, we might be here a couple weeks. So trying to
7 help you guys out.

8 (Video plays)

9 LIEUTENANT JENKINS: Karl, I need to talk with you about
10 some things, and before we do that, I got to advise you your
11 rights (inaudible) Miranda. Okay? Today's date is Tuesday,
12 May 12, 2020. The time now is 10:47 a.m. My name is
13 Lieutenant Samuel Jenkins and in this room today is?

14 DETECTIVE HAYNES: Detective (inaudible).

15 LIEUTENANT JENKINS: Detective Haynes? Haynes.

16 Okay. We're going to talk with you a little bit about a
17 -- a situation that happened. It'll be in reference to case
18 number 20-00966. And this incident happened on May 10, 2020,
19 at approximately 5:20 p.m. And it happened on the -- that's
20 not Whitman -- this is the Whitman Street or?

21 DETECTIVE HAYNES: Whitman Street.

22 LIEUTENANT JENKINS: The Whitman Street. Okay. And
23 it'll be in reference to, you know, either somebody by the
24 name of Kumo ---

25 DETECTIVE HAYNES: Sumo.

1 LIEUTENANT JENKINS: Sumo. Okay. Tell me on the
2 morning of Sunday, that Sunday morning, that'll be Mother's
3 Day morning, tell me -- I want to know what happened -- and
4 before we get started, I need to -- we here at DPS
5 headquarters. And today's date is May the 12th, 2020, and
6 the time now is 10:49 a.m. Okay. Can you read and write?

7 MR. RYANT: Yes.

8 LIEUTENANT JENKINS: Okay. I'm going to read this to
9 you, and then I want you to put your initials that you just
10 understand it and that I read it to you. Okay? So you hold
11 this pen. We going to -- we going to take those because
12 (inaudible). As I read the sentence, I want you to read it
13 with me. Okay? And you initial that I read it to you. Grab
14 the pen. All right. Before we ask you any questions, you
15 must understand your rights. Put your initials here and
16 here.

17 You have the right to remain silent. Anything you say
18 can be used against you in court. You have the right to talk
19 to a lawyer court advice before we ask you any questions that
20 you have them with you during questions. If you cannot
21 afford a lawyer, one will be appointed for you before any
22 questions if you wish. If you decide to answer questions now
23 without a lawyer present, you still have the right to stop
24 answering at any time. You also have the right to stop
25 answering at any time until you talk to a lawyer. Do you

1 understand that?

2 If you understand what I read to you, I need you to sign
3 your name there, sir. And this here are just a waiver of
4 your rights. I have read this statement of my rights and I
5 understand what my rights are. I'm willing to make a
6 statement and answer questions. I do not want a lawyer at
7 this time. I understand (inaudible) I'm doing no promise or
8 threat have been made to me and no -- no pressure or
9 diversion of any kind has been used against me.

10 That's simply as saying I'm not sitting here beating you
11 with a knife, trying to get you to have conversation with me.
12 Okay? I need you to sign it right now. And I need you to
13 initial that I read that to you. That's simply saying, I
14 read it to you and you understand it.

15 MR. RYANT: (Inaudible).

16 LIEUTENANT JENKINS: Sure.

17 Listen, are you familiar what I'm talking about?

18 MR. RYANT: Yeah.

19 LIEUTENANT JENKINS: Tell me what happened.

20 MR. RYANT: (Inaudible).

21 LIEUTENANT JENKINS: I can't -- I don't understand. I
22 can't -- I ---

23 MR. RYANT: I was with him all day.

24 LIEUTENANT JENKINS: So tell me about that Sunday
25 morning. What ---

1 MR. RYANT: (Inaudible), all day for (inaudible).

2 LIEUTENANT JENKINS: Tell me about Sunday morning, what
3 time you got with him on Sunday morning?

4 MR. RYANT: 12:00 in the morning. About 12:00 in the
5 morning.

6 LIEUTENANT JENKINS: 12:00?

7 MR. RYANT: Or 1:00.

8 LIEUTENANT JENKINS: All right. Where did you all get
9 together at? How you got with him?

10 MR. RYANT: Met him at his house.

11 LIEUTENANT JENKINS: So you went to his house that
12 morning ---

13 MR. RYANT: He texted me.

14 LIEUTENANT JENKINS: He text you, what he -- what time
15 he text you?

16 MR. RYANT: Man, I'm not even sure. Around like 12:00
17 (inaudible).

18 LIEUTENANT JENKINS: Okay. So you -- how did you get to
19 his house?

20 MR. RYANT: I walk.

21 LIEUTENANT JENKINS: Okay. And when you got to his
22 house on that Sunday morning, was that (inaudible) attempt
23 Sunday morning?

24 MR. RYANT: Yeah.

25 LIEUTENANT JENKINS: Okay. All right. When you got

1 there, what happened?

2 MR. RYANT: (Inaudible) around the house (inaudible) or
3 something.

4 LIEUTENANT JENKINS: So why -- why did mom told you not
5 to come to the house?

6 MR. RYANT: She didn't say that. She told me she was
7 like, (inaudible) coming around the house (inaudible).

8 LIEUTENANT JENKINS: And then what happened?

9 MR. RYANT: Me and him just walked around.

10 LIEUTENANT JENKINS: Walk around where?

11 MR. RYANT: Like, I (inaudible).

12 LIEUTENANT JENKINS: Huh?

13 MR. RYANT: At Bayne Street and all (inaudible)
14 Sprinkle.

15 LIEUTENANT JENKINS: Okay. What would you wear?

16 MR. RYANT: Black.

17 LIEUTENANT JENKINS: Tell me -- explain to me the
18 clothes that you ---

19 MR. RYANT: Oh. A black shirt and some black pants.

20 LIEUTENANT JENKINS: And what was he wearing?

21 MR. RYANT: (Inaudible) my man had some red shorts, and
22 black color jeans?

23 LIEUTENANT JENKINS: Okay. How do you know -- how do
24 you know Sumo?

25 MR. RYANT: (Inaudible) elementary.

1 LIEUTENANT JENKINS: Elementary school? So is he --
2 tell me how you -- is he ---

3 MR. RYANT: I mean like how I know him from outside of
4 school?

5 LIEUTENANT JENKINS: Uh-uh.

6 MR. RYANT: It's like they have a nephew or cousin.
7 That's the baby daddy. My mama. Other than that I always
8 see him running around.

9 LIEUTENANT JENKINS: So what is he to you?

10 MR. RYANT: He (inaudible). He's just like my homeboy.

11 LIEUTENANT JENKINS: So your homeboy. So is it fair to
12 say your homeboy is your friend?

13 MR. RYANT: Yeah.

14 LIEUTENANT JENKINS: Okay. So that's your friend? Your
15 buddy?

16 MR. RYANT: Yeah.

17 LIEUTENANT JENKINS: You like him, care for him?

18 MR. RYANT: Yeah.

19 LIEUTENANT JENKINS: Okay. And you all hang out?

20 MR. RYANT: Yeah.

21 LIEUTENANT JENKINS: Okay. So when you went to his
22 house that morning around -- did you say 12-ish?

23 MR. RYANT: (Inaudible).

24 LIEUTENANT JENKINS: All right. Then what happened when
25 you got there?

1 MR. RYANT: I was just sitting on the porch (inaudible)
2 mom came outside and (inaudible) down the street or
3 something.

4 LIEUTENANT JENKINS: Okay. And then what happened?

5 MR. RYANT: I just came outside and went walking around
6 Sprinkle, Bayne Street area.

7 LIEUTENANT JENKINS: Okay. You all was having a
8 conversation?

9 MR. RYANT: Yeah.

10 LIEUTENANT JENKINS: What's some of the conversation you
11 all had?

12 MR. RYANT: Really about females.

13 LIEUTENANT JENKINS: Okay.

14 MR. WALL: (Inaudible).

15 LIEUTENANT JENKINS: Okay. And what'd you say you was
16 wearing again?

17 MR. RYANT: Black. A black shirt. That's gray pants.
18 (Inaudible).

19 LIEUTENANT JENKINS: Okay. And what else you had with
20 you? Did you have anything else on your person?

21 MR. RYANT: I had a book bag.

22 LIEUTENANT JENKINS: Okay. What was in your book bag?

23 MR. RYANT: My jacket. I was going to wear when it get
24 cold.

25 LIEUTENANT JENKINS: So you had a jacket, what else you

1 had in the book bag.

2 MR. RYANT: That's it really.

3 LIEUTENANT JENKINS: Well, when you say, that's it
4 really, sounded like something else was in the book bag. I
5 need to know everything you had in the book bag.

6 MR. RYANT: Just my jacket and another black jacket.

7 LIEUTENANT JENKINS: So you had absolutely nothing else
8 in the book bag?

9 MR. RYANT: No.

10 LIEUTENANT JENKINS: (Inaudible)?

11 MR. RYANT: Yes.

12 LIEUTENANT JENKINS: Then what happened?

13 MR. RYANT: I don't have nothing (inaudible).

14 LIEUTENANT JENKINS: You all walking. You got a book
15 bag. Where -- where did you go next?

16 MR. RYANT: You talking about, man, we just pass a block
17 back to usual. We had a long day. That's when he say he was
18 ready to go home (inaudible) straight. So at the end of the
19 road, like a stop sign, I just went straight. (Inaudible) go
20 back to Sprinkle. We made a left to go home, like walk
21 (inaudible).

22 LIEUTENANT JENKINS: So where you all was when you all
23 decide -- when he said he ready to go home?

24 MR. RYANT: When he say he was going home, we was still
25 like about making to Trailer Park, but I walked (inaudible).

1 LIEUTENANT JENKINS: So you'll was at Metts Trailer
2 Park. Well, how -- how did you all ---

3 MR. RYANT: Not in Metts Trailer Park. Five minutes to
4 Trailer Park.

5 LIEUTENANT JENKINS: All right. You was at Metts
6 Trailer Park. So where did you and him separate at? Where
7 were you when you -- when he started to go home?

8 MR. RYANT: The end of the road.

9 LIEUTENANT JENKINS: The end of what road?

10 MR. RYANT: The same road as Metts Trailer park. At the
11 stop sign if you go straight, hit the (inaudible), you going
12 to Sprinkle. You take a left so you go home.

13 LIEUTENANT JENKINS: No, no, that's -- that's not true.

14 MR. RYANT: So if you go left right there, The Keg and
15 all that ain't updated, if you go straight, it ain't a
16 (inaudible) that take you on Sprinkle. Say if you on Metts
17 Trailer Park Road and you go all the way down, and on the
18 right next stop will be right there if you keep going. If
19 you cross the street, keep going straight around the
20 (inaudible), you wouldn't go on Sprinkle.

21 (Video stops)

22 BY MR. SCOTT:

23 Q. And Lieutenant Jenkins, was that the extent of
24 your involvement in this case?

25 A. Yes.

1 Q. Interviewing the Defendant on May the 12, 2020?

2 A. Yes, sir.

3 MR. SCOTT: All right. All right. Please answer any
4 questions Mr. Palmer has for you.

5 THE WITNESS: Thanks.

6 CROSS-EXAMINATION

7 BY MR. PALMER:

8 Q. Lieutenant, I do have a few questions. At any
9 time during this interview did Mr. Ryant indicate to you that
10 he had been anywhere near Duke's Bar-B-Que on May 10th?

11 A. No, he didn't -- he -- he stated he didn't go near
12 Duke's Bar-B-Que.

13 Q. And did he ever admit or confess or have any
14 indicate he had anything to do with the shooting of Mr.
15 Sanders?

16 A. He didn't confess or indicate he didn't have
17 anything to do with the shooting, that's correct.

18 MR. PALMER: Thank you very much. No further questions.

19

20 THE COURT: Anything on redirect?

21 MR. SCOTT: No, Your Honor.

22 THE COURT: All right, Lieutenant, you can step down.

23 MR. SCOTT: I can call the next witness. He's probably
24 going to take 45 minutes.

25 THE COURT: All right. Well we've been going a little

1 while. Why don't we take a break until 10:45. Give
2 everybody a chance to stretch their legs. Take a bathroom
3 break.

4 MR. SCOTT: Thank you, Your Honor.

5 (Off the record.)

6 THE COURT: Got everybody out there? All right. Ready
7 to proceed?

8 MR. SCOTT: Yes, Your Honor. State calls Lieutenant
9 Albert Black.

10 THE CLERK: Please place your left hand on the Bible and
11 raise your right hand.

12 LIEUTENANT ALBERT BLACK,
13 being first duly sworn testifies as follows:

14 THE CLERK: Thank you. You may have a seat. Please
15 state your first and last name for the record.

16 THE WITNESS: Albert Black.

17 DIRECT EXAMINATION

18 BY MR. SCOTT:

19 Q. Good morning. Where are you employed?

20 A. The Orangeburg Department of Public Safety.

21 Q. And how long have you worked for Public Safety?

22 A. 11 and a half years.

23 Q. And what is your current position with Public
24 Safety?

25 A. Lieutenant with the patrol division.

1 Q. And back in May of 2020, what was your position
2 with Public Safety?

3 A. Sergeant in the investigative division.

4 Q. And back in May of 2020, did you assist with the
5 investigation relating to the murder of Najee Sanders?

6 A. Yes.

7 Q. And that murder took place on Sunday, May the 10th
8 of 2020; is that correct?

9 A. That is correct.

10 Q. And the following day on Monday may the 11th of
11 2020, did you attempt to locate surveillance video from
12 various locations in the area where the incident occurred?

13 A. Yes.

14 Q. All right. Well I kind of want to go through some
15 of this video with you. I want to start with the Whaley
16 Street, Salton Street video that's already been admitted into
17 evidence. Before we do, I want to show you what's been
18 marked as State's Exhibits 22 and 23. Do you recognize those
19 two pictures?

20 A. Yes.

21 Q. Then, what's depicted in State's Exhibits 22 and
22 23?

23 A. In 23, that is a picture of, pointing towards
24 Salton Court from Whaley Street. And on 22 it's a picture
25 Salton Court just to the right.

1 Q. And are these actual pictures of the camera boxes
2 that's located at that intersection?

3 A. Yes, it is.

4 Q. These are fair and accurate depictions?

5 A. Yes.

6 MR. SCOTT: We'd ask that 22 and 23 be admitted.

7 MR. PALMER: I've seen them, Judge. No objection.

8 THE COURT: All right. It'll be State 22 and 23 without
9 objection.

10 (State's Exhibit 22 and 23 was introduced into
11 evidence.)

12 BY MR. SCOTT:

13 Q. So I have a pointer here. Can you step down and
14 -- and just point out the camera box and the different
15 cameras?

16 A. Yeah. That's the camera box right there. It has
17 four cameras on it. One, two, three. And there's one on the
18 other side, that's right there.

19 Q. Can you go to the next exhibit (inaudible).

20 A. That's Salton Court back towards Whaley. That's
21 the camera --

22 UNKNOWN JUROR: I'm having a hard time hearing the
23 witness.

24 BY MR. SCOTT:

25 Q. She can -- she can't hear you.

1 A. Four cameras. This is Salton Court back towards
2 Whaley Street. One, two, three, four. And that's our camera
3 box with our logo on it. You hear me?

4 Q. Yes. All right.

5 UNKNOWN JUROR: It's just hard for me. Hard to hear
6 through this glass.

7 THE WITNESS: Okay.

8 MR. SCOTT: Okay. Your Honor, do you mind if I work the
9 computer and ask questions from a seated position?

10 THE COURT: That -- that's fine. Yes, sir. Are you
11 getting ready to publish those videos, Mr. Scott?

12 MR. SCOTT: Yes, Your Honor.

13 THE COURT: Okay.

14 Q. And while Mr. Riley is pulling the video up, can
15 you point out where that camera box would be on -- on State's
16 Exhibit 14.

17 A. Okay. This is the aerial view, Whaley Street,
18 Greenery. The camera box is at the front of Salton, right
19 here. Salton and Whaley.

20 Q. Okay. Do you know the name of the business that's
21 right there across the street?

22 A. That's, we call Orangeburg Mill.

23 Q. Orangeburg Mill. Okay. And you said the street
24 along the side is Salton Court?

25 A. That's correct.

1 Q. Okay. All right. All right. So basically I want
2 to go through these videos chronologically for the most part,
3 but initially I kind of want to jump to get a close-up view
4 of -- of the people of interest in these videos. So this is
5 State's Exhibit 39, and I'm going to skip ahead to 5:05:22.

6 A. Okay.

7 Q. And as these two people are walking, I'm going to
8 pause it in just a minute. I am going to pause it right
9 here. Detective Black, do you recognize the two people in
10 this video?

11 A. Yes.

12 Q. And who's the individual on the left?

13 A. On the left, it's going be Mr. Karl Ryant.

14 Q. And who's on the right?

15 A. Najee Sanders.

16 Q. Okay. And were you familiar with both of these
17 individuals prior to May the 10th of 2020?

18 A. Yes.

19 Q. Okay. And so if I back it up, can we see how they
20 got to this location?

21 A. Yes.

22 Q. But I need to go to a different camera view?

23 A. That's correct.

24 Q. So this is the same State's exhibit, but I've
25 switched to channel 4, or camera 4. So what street is this

1 that we're looking at?

2 A. You're looking at Salton Court, right here.

3 Q. Okay. And you pointed that out earlier on this
4 map that's right here?

5 A. Yes.

6 Q. Okay. And where are we going to see those same
7 two individuals come from?

8 A. They're going to appear from down here, come
9 across, and up here, and walk off camera to the left.

10 Q. Okay. I'm going to skip ahead 30 seconds. So --
11 so what's the time there?

12 A. 1642.

13 Q. That would be 4:42?

14 A. 4:42.

15 Q. Okay. 20 seconds?

16 A. That's correct. Yes.

17 Q. May the 10th of 2020?

18 A. May the 10th of 2020.

19 Q. Let me ask you, when you pulled this video, was
20 there anything about the times that made you think the times
21 were off when you looked at these videos?

22 A. No idea. Would feel accurate at the time.

23 Q. Okay. So they walked out of camera at 4:42, so we
24 can pick that back up at this different camera angle at 4:42?

25 A. Yes.

1 Q. Do we know who this individual is on the front
2 porch?

3 A. No.

4 Q. I just want to kind of point out a couple things.
5 So you said this was Salton up here?

6 A. Yes.

7 Q. And what street is this right here?

8 A. This is Whaley Street.

9 Q. Whaley Street. And these mobile homes, what's
10 this area called?

11 A. Metts Trailer Park.

12 Q. Is this house in Metts Trailer Park?

13 A. No.

14 Q. Okay. And this brick building up here, what is
15 that?

16 A. Metts Laundromat.

17 Q. And if you see a car passing by up here, maybe
18 going left to right, what street would that be?

19 A. That would be Bleakley Street.

20 Q. And if you turn left on Bleakley, what business
21 would be down on your left?

22 A. The Keg and Abc store.

23 Q. And so how long do they sit on the front porch or
24 hang out on the front porch?

25 A. Several minutes.

1 Q. It's about 20 minutes, isn't it?

2 A. Yeah.

3 Q. Okay. Back we see Najee Sanders take a seat?

4 A. Yes, sir.

5 Q. Okay. And as far as this video clip goes, when it

6 ends, they're still sitting there, correct?

7 A. Yes.

8 Q. All right. So I'm going to fast forward at just

9 32nd intervals. And what's the time?

10 A. 1700.

11 Q. So 5:00 and about 50 seconds?

12 A. Yes.

13 Q. So if we go to the next clip. Skip to 5:00 and 50

14 seconds?

15 A. Yes.

16 Q. And I'm just going to skip to about 7:04. So

17 we're at 1705 and 23 seconds, and they appear to be leaving?

18 A. Yes. He helps them up. They handshake

19 (inaudible) and porch. They walk towards the camera.

20 Q. And will -- will this pretty much be the best view

21 that we see of these two subjects?

22 A. Yes.

23 Q. Thank you. But you're familiar with both of these

24 subjects?

25 A. Yes.

1 Q. Did -- as we watch the rest of the videos going
2 forward, was there anything distinguishing about the clothes
3 that they're wearing that you kind of used to help follow
4 them in the other videos?

5 A. Yes.

6 Q. What -- what were those -- what were those
7 distinguishing factors?

8 A. Mr. Ryant was wearing a dark top, dark pants, dark
9 shoes, and a lighter color book (inaudible) camouflage. And
10 Mr. Sanders was wearing black T-shirt, blue jeans, and the
11 black purple jeans. Jordan sneakers.

12 Q. And those blue jeans are kind of lighter?

13 A. Yeah, lighter color. And a red underwear, all
14 those short underneath.

15 Q. So as we see them leave the house, they're walking
16 on Whaley Street?

17 A. They're walking on Whaley Street now.

18 Q. Okay. And you said that's Metts Trailer Park on
19 their right?

20 A. That is Matts Park on the right.

21 Q. And they're walking towards that -- that
22 Laundromat that you identified earlier?

23 A. Yes.

24 Q. Okay. And where are they going to go next?

25 A. They going to walk where the -- and cut across

1 Whaley Street.

2 Q. And what if anything happens near the Laundromat?

3 A. Repeat the question, please?

4 Q. What if anything happens near the Laundromat?

5 A. They do talk with a female.

6 Q. They stop?

7 A. Yeah, they stop.

8 Q. To the right of those cars or to the left of those
9 cars?

10 A. It's sort of (inaudible) right here.

11 Q. Okay. So we're at 5:08:28?

12 A. Yes.

13 Q. And they're in the roadway?

14 A. In the roadway.

15 Q. Appear to be stopped?

16 A. Yes.

17 Q. And how do we identify who that female is?

18 A. She walks back, closer to the camera, and she's
19 identified that way.

20 Q. So it's been about a minute. They appear to be
21 departing company?

22 A. Yes.

23 Q. I'm just going to -- I want to switch to a
24 different camera angle, but before I do, I just want to fast
25 forward a little bit. So we can see where that female comes.

1 That's the female they were talking to?

2 A. Yes.

3 Q. So what I want to do, is I -- I want to switch
4 camera angles and I'm going to play the next angle through
5 VLC media player and can we zoom in using media player?

6 A. Yes.

7 Q. All right. And you said that was around 1709 that
8 they were speaking with the female?

9 A. Yes.

10 MR. SCOTT: And Your Honor, if it's okay, I'd like to
11 move the TV a little closer to the jury? Just for this next
12 part. So -- so we just saw a car go by to the left?

13 THE COURT Yes.

14 BY MR. SCOTT:

15 Q. What street would that be going?

16 A. That's Whaley Street.

17 Q. Okay. And this camera angle's a little different
18 because it kind of jumps out into the roadway; is that
19 correct?

20 A. Yes.

21 Q. And this tree that we see to the right of this
22 white building, is that tree before or after the stop sign at
23 Whaley Street?

24 A. It is before the stop sign.

25 Q. So what are the subjects doing now?

1 A. (Inaudible) cross sidewalk Whaley Street.

2 Q. Can you still see them?

3 A. Yes. They're about to take the little footpath
4 that crosses (inaudible).

5 Q. Have they made it to the stop sign?

6 A. No.

7 Q. Do they go all the way to the stop sign?

8 A. No.

9 Q. All right. Can you still see him?

10 A. Yes. They are going out it now, out of the
11 camera.

12 Q. All right. So I'm going to scoot the TV back. I
13 -- I want to show you a few more pictures. I'm going to show
14 you State's Exhibits 24 through 30. Hold the microphone. Do
15 you -- do you recognize those pictures?

16 A. Twenty-four, yes.

17 Q. You can just flip through them off. Do you
18 recognize all those?

19 A. Yes.

20 Q. Are -- are these fair and accurate depictions of
21 the area near Whaley Street?

22 A. Yes.

23 MR. SCOTT: We'd ask that 24 through 30 be admitted in
24 evidence, Your Honor.

25 MR. PALMER: I've seen them, Judge. No objection.

1 THE COURT: (inaudible) State's 24, 25, 26, 27, 28, 29,
2 30.

3 (State's Exhibit 24, 25, 26, 27, 28, 29, 30 was
4 introduced into evidence.)

5 BY MR. SCOTT:

6 Q. What are we looking at State's Exhibit 24, right
7 here?

8 A. This is on Whaley street, at the Laundromat
9 pointing back towards Salton Court.

10 Q. Pointing back towards the camera box?

11 A. Yes.

12 Q. So this would be the opposite angle that we just
13 saw?

14 A. Yes.

15 Q. What do we see in State's Exhibit 25?

16 A. Metts Laundromat, Meadows Court. And this is
17 Whaley Street.

18 Q. And where's the stop sign at Bleakley Street?

19 A. Stop sign is right here.

20 Q. Okay. And the white building that we saw then
21 kind of disappear behind the last video. Where is that?

22 A. Right at left.

23 Q. Okay. What's in State's? 26. What do you see in
24 State's 26?

25 A. This is Whaley Street. This is Whaley and ---

1 Q. Is this the tree I asked you to point out earlier
2 in the video?

3 A. Yes.

4 Q. Okay, sir.

5 A. This is the stop sign. This is Bleakley
6 (inaudible) going -- going across right here. And this is
7 Whaley Street.

8 Q. What do we see at the bottom left of 28?

9 A. So this is the footpath that's known that normally
10 traveled to the stop sign. It's right there. That's
11 Bleakley. This is Whaley.

12 Q. And what are we seeing in State Exhibit 29?

13 A. Okay. This is across that corner lot. It's the
14 footpath that is normally traveled. This is Bleakley Street
15 and Whaley Street (inaudible).

16 Q. And are these -- what do we see in State's Exhibit
17 30?

18 A. Okay. This is Whaley Street right here. This is
19 going to be Bleakley Street. And this is the The Keg right
20 here. You can see the red (inaudible).

21 Q. And that would be where John C. Calhoun is?

22 A. Yes. Right here.

23 Q. And actually on this aerial map that we have, can
24 you actually see the footpath in State's Exhibit 14?

25 A. Yes.

1 Q. All right. So I want to show you video from The
2 Keg, next, which is State's Exhibit 40. Did you actually
3 assist in kind of downloading this video from The Keg as well
4 as Duke's Bar-B-Que?

5 A. Yes.

6 Q. And are these surveillance clips as clear as the
7 video from the city owned cameras?

8 A. It is not.

9 Q. Okay. And is it uncommon to get blurry or fuzzy
10 video from businesses and convenience stores?

11 A. It's not uncommon.

12 Q. When you assisted with the downloading of the
13 surveillance video from The Keg, did you make note that their
14 time on their system appeared to be off?

15 A. Yes.

16 Q. And how far off was the time on The Kegs video?

17 A. It's about 38 minutes slow.

18 Q. 38 minutes slow?

19 A. Yes.

20 Q. I'm going to pause and let you kind of orient the
21 jury as to what we're looking at, please.

22 A. Okay. What you're looking at right now is a video
23 from The Keg pointed towards John C -- John C Calhoun Drive.
24 That's -- that's right here. And then Bleakley Street is
25 right here. Cutting across.

1 Q. Okay. And you went to the -- to the right of the
2 screen. Are you heading towards town or away from town?

3 A. Away from town.

4 Q. Okay. Do you have experience downloading camera
5 footage?

6 A. Yes.

7 Q. Okay. Do these cameras appear to be motion
8 activated?

9 A. Yes.

10 Q. And you say this is about 40 minutes slow. So
11 this is 4:34, you added 40 minutes?

12 A. Yeah.

13 Q. Sometime after 5:00?

14 A. Yes.

15 Q. Yeah, okay. So what do we see as, I'm pausing,
16 timestamp 4:34:32 seconds. May the 10th of 2020. What --
17 what is it from -- while you're conducting this
18 investigation, what is it about this video that you thought
19 was relevant?

20 A. Well, they walking from the direction of Whaley
21 Street down Bleakley street, tall subject has on a dark color
22 top, black color pants. Second subject has on dark color
23 top, dark color pants. And it appears that he has a light
24 color book bag on his back, and the height difference.

25 Q. Okay. So what are they going to do next?

- 1 A. They're going to cross on the John C Calhoun Drive
2 to Plywood.
- 3 Q. Plywood is the street that runs next to Duke's
4 Bar-B-Que?
- 5 A. Yes.
- 6 Q. All right. Before I go, I want to kind of skip
7 ahead, just real briefly. What's the -- what's the time
8 here? 4:49 and 36 seconds?
- 9 A. 36 seconds.
- 10 Q. So this is about 15 minutes later. I think it
11 said 4:34 earlier. Is that ---
- 12 A. Yes.
- 13 Q. Okay. So this is 15 minutes later, approximately?
- 14 A. Yes.
- 15 Q. And this is Public Safety responding?
- 16 A. Yes.
- 17 Q. That's the black police car?
- 18 A. Yes.
- 19 Q. Did you all have a lot of those in May of 2020?
- 20 A. That would've been all I've been on the road.
- 21 Q. Let me show you just a couple pictures. I want to
22 show you what's been marked as 30 -- State's Exhibits 31 and
23 32. Do you recognize those photographs?
- 24 A. Yes.
- 25 Q. And are those photographs from, kind of, from The

1 Keg and one looking back towards The Keg?

2 A. Yes.

3 Q. These are fair and accurate depictions?

4 A. Yes.

5 MR. SCOTT: We'd ask that 31 and 32 be admitted in
6 evidence.

7 MR. PALMER: No objection.

8 THE COURT: States 31, 32 without objection.

9 (State's Exhibit 31 and 32 was introduced into
10 evidence.)

11 BY MR. SCOTT:

12 Q. So what are we looking at at -- at 31?

13 A. So this is Bleakley Street right here. This is
14 John C Calhoun Drive. Right here, The Keg is to the back.
15 That's The Kitchen. Plywood Street is up there.

16 Q. And is that the parking lot across Bleakley Street
17 that we just saw the subjects walk through?

18 Q. Yes.

19 A. Okay. You go to 32. So what -- what's the
20 intersection where the photographer took this picture?

21 A. This is at the corner of Plywood and John C
22 Calhoun Drive. Plywood is to your back. That's John C
23 Calhoun Drive. This is the business of The Keg and this is
24 the business of The Kitchen.

25 Q. Okay. So not too far of a walk from The Keg to

1 Plywood Street, is it?

2 A. No.

3 Q. All right. So I want to publish the video from
4 Duke's Bar-B-Que, which is State's Exhibit 38. Did you
5 assist with downloading this video as well?

6 A. Yes.

7 Q. And when you did these downloads, did you notice
8 whether their camera times were off?

9 A. Yes.

10 Q. And how far off were their camera times?

11 A. They were about eight or -- eight or nine minutes
12 faster.

13 Q. That -- eight or nine -- eight to nine minutes
14 fast?

15 A. Faster than the actual time, yes.

16 Q. Okay. Not faster than The Kegs?

17 A. No, it's faster than actual time.

18 Q. Got you. And again, this footage is fairly fuzzy
19 as well, correct?

20 A. Yes.

21 Q. Hang on one second. I'm sorry. So the timestamp
22 on this video says 5:26 ---

23 A. Yes.

24 Q. --- 06. It's obviously very blurry?

25 A. Yes.

1 Q. This is eight to nine minutes fast. It would
2 before 5:20, obviously?

3 A. Yes.

4 Q. The car that just passed by, what street would
5 that car be on?

6 A. John C Calhoun Drive.

7 Q. Did you notice anything as they walked past that
8 white background?

9 A. Yes. Two of the subject, dark top, black color
10 bottom, dark pants, and all black. This second subject, all
11 black. And you see the hump or a book bag? A silhouette
12 purple bag.

13 Q. Is there another angle that's kind of similar?

14 A. Yes.

15 Q. So you say that's John C Calhoun up there?

16 A. John C Calhoun Drive right here.

17 Q. Is there another camera that points towards
18 Plywood, but points more towards Whitman Street?

19 A. Yes.

20 Q. So what do you see here at 5:27 and 42 seconds?

21 A. Two of the subject. Dark top, black color
22 bottoms, dark color shoes. Second subject, dark top, dark
23 bottom. Dark shoes. You see (inaudible). You see the black
24 color bag. And a book bag. See all clear right here.

25 Q. You see (inaudible)?

1 A. You see all there.

2 Q. And they going to go out of camera for a few
3 minutes or a few seconds, and then --

4 A. For a few seconds, yes. (Inaudible) subject is
5 walking behind.

6 Q. If you run behind that building, where can you go
7 to?

8 A. There's a lot at Ticket Street, straight back to
9 John C Calhoun Drive.

10 Q. And what businesses are over there?

11 A. You got Brand Wright and you have Palmetto
12 Transmission.

13 Q. Okay. And this area that we're looking at, is it
14 residential?

15 A. It's commercial.

16 Q. And on Sunday afternoons, are there a lot of
17 businesses open in this area?

18 A. No.

19 Q. Okay. So the direction the victim and the
20 defendant were walking, what would've been the next kind of
21 major road that they would've hit? Do you -- would it be
22 Myers Road?

23 A. Yes.

24 Q. Okay. And Myers Road would take you back to
25 Whittaker Parkway?

1 A. Yes.

2 Q. And that's where Najee Sanders lived?

3 A. Yes.

4 Q. How long is it before somebody stops, do you know?

5 A. Not that long.

6 Q. Okay. Is that Officer Grant's black crew --
7 Cruiser?

8 A. Yes.

9 Q. Time is 5:39 and 36 seconds?

10 A. Yes.

11 Q. All right. I want to show you some photographs
12 that have been marked State's Exhibit 33, 34, 35, and 36. Do
13 you recognize those?

14 A. Yes.

15 Q. Are these fair and accurate photographs?

16 A. Yes.

17 Q. This is the area near Duke's Bar-B-Que?

18 A. Yes.

19 MR. PALMER: No objection.

20 MR. SCOTT: We -- we move to admit (inaudible).

21 THE COURT: All right. Be state's 33, 34, 35, 36.

22 Admitted without objection.

23 (State's Exhibit 33, 34, 35, 36 was introduced into
24 evidence.)

25 BY MR. SCOTT:

1 Q. So what are we looking at here?

2 A. This Duke's Bar-B-Que right here. This is Whitman
3 Street. This is (inaudible). And going back towards this
4 direction, this John C Calhoun Drive.

5 Q. What street is this that we are looking at?

6 A. This (inaudible) Street.

7 Q. And where is Duke's Bar-B-Que?

8 A. To the left.

9 Q. The individuals we saw, where were they walking?

10 A. They walking around here, then they turned right
11 here.

12 Q. And of course all those cars weren't there on a
13 Sunday?

14 A. No.

15 Q. Okay. What are we looking at here?

16 A. This is the open lot that leads from Whitman
17 towards John C Calhoun Drive, behind the building that you
18 see.

19 Q. All right. Is that 18-wheeler that we see? What
20 street is that on?

21 A. John C Calhoun Drive.

22 Q. All right. And then I'm just going to hold this
23 picture up. What -- what do we see in 36?

24 A. This a open field and John C Calhoun Drive
25 (inaudible).

1 Q. Okay. So this open field would be -- past these
2 trees and bushes that we see in Exhibit 35?

3 A. Yes.

4 Q. Okay. And in fact, can we kind of look at that
5 open field on this tax map, State's Exhibit 14?

6 A. Yes.

7 Q. This is the incident location. This is that
8 field?

9 A. Yes.

10 Q. And if you come across this field, what -- what
11 major road is that?

12 A. John C Calhoun Drive.

13 Q. Okay. And then we -- we've heard testimony from
14 two people, one who worked at Palmetto Transmissions and one
15 worked at Brand Wright. Are those businesses in that area?

16 A. Yes.

17 Q. Okay. And it's kind of interesting, this is
18 Plywood Street, correct?

19 A. Yes.

20 Q. But it actually crosses over 301; is that correct?

21 A. Yes.

22 Q. But it kind of cuts across at this weird angle?

23 A. Yes.

24 Q. And have you been in this area before?

25 A. Yes.

1 Q. And what -- what's kind of in this area behind
2 Plywood?

3 A. It is just -- just a thick of woods that lead you
4 back towards Whaley Street.'

5 Q. Okay. Are there any paths or anything that you
6 can take to get into this neighborhood?

7 A. Yes.

8 Q. And what's -- what's this street right here at the
9 end of Plywood?

10 A. Sprinkle Avenue.

11 Q. In an attempt to just kind of further the
12 investigation, did -- did Public Safety try to get video from
13 Palmetto Transmissions and Brand wright?

14 A. Yes.

15 Q. All right. Did you find anything glaringly
16 helpful?

17 A. Not really.

18 Q. Okay. If we can play those videos anyway. So I'm
19 going to publish State's Exhibit 41, which is Brand Wright.
20 So what are we looking at in this video?

21 A. This is the back of Brand Wight. That's John C
22 Calhoun Drive.

23 Q. Okay.

24 A. To your right.

25 Q. Here?

1 A. And that's the lot. That was it. It was just a
2 short video.

3 Q. Okay. Can we back it up?

4 A. Sure.

5 Q. Can we play it again? Can you focus down Plywood
6 Street? Can you tell us what we're looking at?

7 A. Just Plywood Street.

8 Q. All right. What -- what part of this -- can we
9 play it?

10 A. Yeah.

11 Q. What do we -- what do we see here?

12 A. So at this time you see a -- a figure across the
13 street, just walking.

14 Q. This would be shortly after the murder?

15 A. Yeah. 5:31.

16 Q. Can you -- can you play Palmetto Transmission,
17 which is State's Exhibit -- is that 21? And again, this is
18 just Public Safety that are checking to find any video that
19 we can correct?

20 A. Yes.

21 Q. All right. You can return to your seat. Were --
22 were you in the second interview with the Defendant when
23 Lieutenant Jenkins conducted the interview?

24 A. Yes.

25 Q. And what did the Defendant say he was wearing on

1 the incident date?

2 A. He said he was wearing black and described it as
3 dark black top, black pants. And he said he had a book bag.
4 He didn't really go into detail about the book bag, but he
5 said he had his coats in there.

6 Q. All right. And again, you're familiar with Karl
7 Ryant, correct?

8 A. Yes.

9 Q. And you identified him in that first video near
10 Whaley and Salton -- and Salton?

11 A. Yes.

12 MR. SCOTT: That's all I have. Please answer any
13 questions Mr. Palmer has.

14 MR. PALMER: Thank you. May I please the Court?

15 THE COURT: Yes, sir.

16 CROSS-EXAMINATION

17 BY MR. PALMER:

18 Q. How are you, sir?

19 A. Good.

20 Q. I have a few questions. First with regard to the
21 Duke's Bar-B-Que videos, and what I mean by is the first one
22 that you commented on that's looking down Plywood towards
23 John C. Calhoun. You -- you with me?

24 A. Yes.

25 Q. Okay. You noted in your testimony that the

1 timestamp was off eight or nine minutes, I think you said?

2 A. Yes, about eight or nine minutes.

3 Q. So you would agree that that is an inaccuracy in
4 that particular video. And in that sense, the -- that video
5 doesn't accurately -- accurately portray what it's purported to
6 portray. Would you agree with that statement? The time is
7 off.

8 A. The time is off.

9 Q. Okay. And then the other one that's looking
10 straight across to that warehouse also has a problem with the
11 timestamp. Isn't that what you testified to?

12 A. The time is off on all video.

13 Q. Okay. And you noted that in your report. Do you
14 recall that?

15 A. Yes.

16 Q. Okay. Now, you seem to have a lot of experience
17 with the security cameras. You agree with that?

18 A. Yes.

19 Q. And that -- that camera, the second one we talked
20 about, that's looking straight across Plywood at the
21 warehouse, would you agree that that camera isn't designed to
22 capture images of that kind of distance?

23 A. I agree with that.

24 Q. Okay. Well, the owner of the establishment
25 testified that that system had some age to it. Do you

1 remember that?

2 A. I remember.

3 Q. And would you agree with my suggestion that those
4 cameras are more designed to capture images in a closer range
5 to protect the business?

6 A. They're designed to capture what's in there. What
7 it sees. What it is pointing at.

8 Q. Now, could you estimate the distance between the
9 camera that was looking across Plywood at -- from Duke's
10 Bar-B-Que, and what you were pointing to when the two figures
11 go off camera for a few seconds as you said and come back?
12 How -- how much distance that was?

13 A. Probably -- my estimate would probably been about
14 30, 40 feet.

15 Q. Well, it's a -- it's all the way across the street
16 and then some, is that something you'd agree with? The way I
17 describe it?

18 A. My estimate would ---

19 Q. So it's not surprising that the image that that
20 camera pictured, that captured is not the best clarity.
21 Would you agree with that?

22 A. It could have been clear.

23 Q. Okay. And then when you were describing the --
24 what you were -- what we were looking at in those two videos,
25 and what I mean is the two Duke's Bar-B-Que videos -- there's

1 actually three, so I'll include that one, too. You pointed
2 out certain characteristics with regard to the shade of the
3 clothing and the figures. And then you said there was a, I
4 believe you said there was a hump that would be created a
5 silhouette that would be consistent with a book bag.

6 A. Yes.

7 Q. Other than those characteristics that you observed
8 and pointed out to the jury, there's nothing else about those
9 images that would allow you to positive -- positively
10 identify those figures. Is there anything else?

11 A. I also said the height difference.

12 Q. The height difference, right. You did mention
13 that. Other than that it -- it's impossible to -- other, for
14 example, make a facial recognition. Do you agree with that?

15 A. No facial recognition on the video.

16 Q. Okay. And the same with the Brand Wright video,
17 where that figure appears for momentarily across the -- the
18 road there. I mean, that could be anybody assuming they're
19 dressed in that shade of clothing.

20 A. The question is?

21 Q. The question is that could be anybody? There's
22 not enough detail to positively identify whoever that figure
23 is?

24 A. Not sure.

25 Q. And then finally, the -- the Palmetto Transmission

1 video, same question, there's no way to positively identify
2 that figure, whoever it was, other than it was wearing dark
3 clothing? Facial --

4 A. No.

5 MR. PALMER: Thank you. No further questions.

6 THE COURT: Anything on redirect?

7 MR. SCOTT: Yeah, just briefly.

8 REDIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q. When you look at the Duke's Bar-B-Que video, as an
11 investigator and you're investigating this case, are you
12 looking at that video by itself? Are you looking at it in
13 context with all the videos?

14 A. We're looking at the totality of all the videos.

15 MR. SCOTT: Thank you.

16 MR. PALMER: No re-cross, Your Honor.

17 THE COURT: All right sir, you can step down.

18 THE WITNESS: Thank you.

19 THE COURT: Thank you, Lieutenant. Scott?

20 MR. SCOTT: State calls Shanna Johnson.

21 THE CLERK: Please place your left hand on the Bible and
22 raise your right hand.

23 SHANNA JOHNSON,

24 being first duly sworn testifies as follows:

25 THE CLERK: You may be seated.

1 THE CLERK: Please state your first and last name for
2 the record.

3 THE WITNESS: Shanna Johnson.

4 DIRECT EXAMINATION

5 BY MR. SCOTT:

6 Q. You doing okay?

7 A. Yes.

8 Q. Where are you from, Ms. Johnson?

9 A. I stay on -- I stay on Bleakley Street.

10 Q. Bleakley Street, here in Orangeburg?

11 A. Yes.

12 Q. And how many children do you have?

13 A. I have two boys.

14 Q. And how old -- how old are they?

15 A. 15 and my oldest about to be 17.

16 Q. How long have you lived on Bleakley?

17 A. More than five years.

18 Q. Are you familiar with the business known as The

19 Keg?

20 A. Yes. I'm -- I grew up over there. Yeah.

21 Q. You grew up over there. Okay.

22 A. My -- my whole life, yeah.

23 Q. How far away do you live from The Keg?

24 A. The Keg is probably like one minute. Like I could
25 just straight walk out the door and go straight to The Keg.

1 Q. Okay. Couple houses away. Is that fair?

2 A. Two houses away.

3 Q. Two houses. Okay. Are you familiar with Metts
4 Trailer park?

5 A. Yes.

6 Q. Is that close to your house as well?

7 A. Yes.

8 Q. Back in May of 2020, did you know the victim in
9 this case, Najee Sanders?

10 A. Yes.

11 Q. And what did you know about Sanders?

12 A. Sumo.

13 Q. You called him Sumo. And how did you know Sumo?

14 A. His mom and my friend are like my sisters.

15 Q. Okay.

16 A. And I -- I call him my nephew.

17 Q. Okay. Back in May of 2020, did you know the
18 Defendant Karl Wright?

19 A. No.

20 Q. All right, Let me -- let's talk about Sunday, May
21 the 10th of 2020. What, if anything, were you doing that
22 afternoon around 5:00?

23 A. I decided to go for a walk because I was kind of
24 bored.

25 Q. Okay. And while you were out walking, did you see

1 Sumo?

2 A. Yes.

3 Q. And where did you see Sumo?

4 A. Right over there by Metts Trailer Park.

5 Q. Okay. And what street is that; do you know?

6 A. That's Whaley Street.

7 Q. Okay. Do you remember kind of where on Whaley
8 Street you saw Sumo?

9 A. Like right there by the trails, in between like
10 the Laundromat and where the trail was at.

11 Q. Okay. Were you all walking in the same direction
12 or opposite directions?

13 A. It was -- I was coming from Bleakley Street,
14 coming down that way towards the Laundromat. And Sumo was
15 coming from the -- the seed place or whatever I want to call
16 it. It was coming from that way.

17 Q. From the seed place? S-E-E-D?

18 A. Yeah.

19 Q. Orangeburg Milling?

20 A. Yeah, that.

21 Q. Okay, I got you. Did you stop and speak with
22 Sumo?

23 A. Yes.

24 Q. Was Sumo alone?

25 A. No.

1 Q. How many people was he with?

2 A. It was Sumo and another young gentleman.

3 Q. Okay. About the same age as Sumo?

4 A. They looked about the same age.

5 Q. Okay. White or black?

6 A. Black.

7 Q. Okay. The person that was with Sumo, do you
8 remember anything about his appearance or what he was
9 wearing?

10 A. Yes. I remember the pants that he had on. I
11 remember he had the book bag on his back. And then I also
12 remember that it was something -- it looked like something
13 was around his head, but I wasn't really sure.

14 Q. Okay.

15 A. I can't remember that far back.

16 Q. How long did you speak with Sumo?

17 A. Not long. He just, I -- he asked me while I was
18 walking and I told him I just kind of bored because I didn't
19 have a softball game. And --

20 Q. You played -- you played softball back then?

21 A. Uh-uh.

22 Q. Okay.

23 A. And that was it.

24 Q. So you spoke with Sumo, did you talk at all with
25 the person that was with Sumo?

1 A. He spoke to me. He asked me about my son, and I
2 told him that my son was locked up still.

3 Q. Locked up in DJJ?

4 A. Yes.

5 Q. Okay. After speaking with Sumo and the person he
6 was with, what did you do?

7 A. I kept walking. I kept walking towards -- past
8 the -- past Metts Trailer Park to Pageant Trailer Park. I
9 went walking that way and then I walked like, around the
10 block.

11 Q. Okay. And which direction did Sumo go?

12 A. Towards Bleakley street.

13 Q. I'm sorry, I -- I'll put that thing away and I
14 think I need it. Can I get the tripod? Ms. Johnson, Can I
15 -- can I get you to step down with the court's permission?

16 THE COURT: Yes, sir.

17 BY MR. SCOTT:

18 Q. And so they have -- can you -- well, I know you
19 need to find it first. Can you kind of point out where The
20 Keg is?

21 A. It's at Bleakley Street, so The Keg is right
22 there.

23 Q. Okay. Can you step back so they can see. Can --
24 can you pull out kind of where your house is?

25 A. This is my house. Right here.

1 Q. Okay. And so when you went walking, where did you
2 walk to?

3 A. Walked down -- oh, I'm sorry. I was pointing at
4 the wrong house. That's across the road. My house is right
5 here.

6 Q. Okay. So when you went walking, where did you
7 walk to?

8 A. I walked down here. I got right here, and I
9 walked down the street.

10 Q. So did you go to the stop sign or did you take
11 that footpath?

12 A. I went to the stop sign because I feel like
13 (inaudible).

14 Q. Okay. So you don't take the footpath?

15 A. No.

16 Q. Okay. All right. And so where did you walk to --
17 or where did you see Sumo?

18 A. Right -- it was like right here.

19 Q. Okay.

20 A. It was like right here, like in between the --
21 this the Laundromat, right here. And these are the trails
22 right here. So it was like right up in here somewhere.

23 Q. Okay. And when you left Sumo, where did you go?

24 A. Let's see, the Laundromat. I turned -- oh, I
25 don't think it's on here.

1 Q. Yeah.

2 A. But I came through like by -- this is Bayne
3 Street, it's like a little -- a road right here. And then I
4 came around. This is Bayne Street. I came on around, came
5 back on around, came back around, came back out the Whaley,
6 and I came back up.

7 Q. And still afraid of snakes, you didn't take the --
8 the path?

9 A. Nope.

10 Q. Okay. You went all the way to the stop sign?

11 A. Yes.

12 Q. And then when you got to the stop sign, where did
13 you go?

14 A. Let's see. Back -- I came back by my house and I
15 decided like I was still bored. I was going to keep walking.

16 Q. And where did you walk to?

17 A. I walked over here. I said I was going feed
18 because my mom used to hang out to the spot over there, so I
19 was like, I'm go across the road and see my mom was over
20 there. Mr. Brown house over there. So I decided to walk
21 across. I came right here. This is The Keg right here. So
22 I had to cross over the road and come over here and I'm not
23 going to walk in any grass, so I kept walking this way.

24 Q. Okay. And what happened when you got -- I see
25 you're pointing at Whitman Street. What happened when you

1 got to Whitman Street?

2 A. I started hearing yelling and I went to look down
3 there. And I was like, what's going on? So I got up. I --
4 I started to walk a little closer that way, and then I
5 realized that Sumo (inaudible) laying on the ground.

6 Q. Laying on the ground near Duke's Bar-B-Que?

7 A. Yes.

8 Q. Okay. All right. If you can have a seat for a
9 second. When -- when you saw all the commotion -- I'm just
10 going to pause this. When you saw all the commotion up by
11 Duke's Bar-B-Que and you walked up there and learned what had
12 happened to Sumo, did you speak with law enforcement?

13 A. I think we all were in a group just talking and
14 yeah, I did.

15 Q. Okay. And the description that you just gave the
16 jury, did you give a similar description to law enforcement?

17 A. Yes.

18 Q. Okay. All right. I want to show you some video.
19 And you've seen this video before, right? In the office?

20 A. Yes.

21 Q. All right. And you can step down if you need to,
22 but can you tell us who that is in the blue.

23 A. That's me.

24 Q. That's you? All right. And so if we back it up.
25 And what's going on in this picture?

1 A. That was me talking to Sumo.

2 Q. Okay. So what -- which direction on Whaley Street
3 at this point? If you went all the way down Whaley Street
4 here, what would you hit?

5 A. Where would I go next?

6 Q. Yeah -- no, no. Where -- if you were just driving
7 in a car and you were going down Whaley Street, what would be
8 at the end of Whaley Street? Do you know?

9 A. The (inaudible).

10 Q. So is this you at 5:11:46?

11 A. Yes.

12 Q. And where are you going to -- can you point -- did
13 I take your pointer away? Can you kind of point where you're
14 going to go next?

15 A. I'm going to turn to this little road right here.
16 That's the road that was on the side.

17 Q. Okay. So I skipped ahead 30 seconds. That's you
18 kind of cutting the corner?

19 A. Yeah.

20 Q. I guess you're not afraid of snakes in the parking
21 lot.

22 A. I'm not.

23 Q. And I know you said it's not on this map, State's
24 Exhibit 14, but I believe you testified that that road that
25 you are turning up right now in the video, eventually you'll

1 hit Bayne Street?

2 A. Yes.

3 Q. And you pointed out Bayne Street on this map right
4 here. And that'll kind of take you back around to the
5 Laundromat?

6 A. Yes.

7 Q. Okay, So we are at 5:13:42 on the video. I want
8 to go to a different camera angle. And this is the camera
9 angle that showed you talking with Sumo; is that correct?

10 A. Correct.

11 Q. Okay. And if we skip ahead to 5:22. And actually
12 what I'm going to do, I'm sorry, I'm going to open this a
13 different way.

14 MR. SCOTT: What we doing?

15 THE COURT: Take a quick break.

16 MR. SCOTT: Okay.

17 THE COURT: We'll take a quick two minute break and then
18 we'll finish this witness and get something to eat.

19 (Off the record.)

20 THE COURT: All right, Mr. Scott. And sorry about that
21 ladies and gentlemen. I was trying to get through this
22 witness, but if again, if anybody needs a break, feel free to
23 raise your hand like you did. That's no problem at all.

24 BY MR. SCOTT:

25 Q. So Ms. Johnson, is this coming you -- is this you

1 coming back on the Whaley Street at 5:22?

2 A. Yes.

3 Q. Okay. And you can have a seat, I think, but I am
4 going to move the TV closer to the jury. When you testified,
5 you're going to go all the way to the stop sign; is that
6 correct?

7 A. Uh-uh.

8 Q. You turn left and go back up Bleakley?

9 A. Yeah.

10 Q. You testified as you walked back towards The Keg?

11 A. Yes.

12 Q. Can you step down and tell us -- is that you?

13 A. Yeah.

14 Q. Okay. And where are you going to go?

15 A. Across the road.

16 Q. Across the road?

17 A. Uh-uh.

18 Q. You say once you crossed the road, you went up to
19 Whitman Street?

20 A. Uh-uh.

21 MR. SCOTT: Okay. All right. Thank you. Ms. Johnson.
22 Please answer any questions Mr. Palmer might have?

23 CROSS-EXAMINATION

24 BY MR. PALMER:

25 Q. Hi, Ms. Johnson. I have a couple questions. You

1 testified earlier that you knew Najee Sanders?

2 A. Yes.

3 Q. And his mom and your friend were sisters? Is that
4 what you said?

5 A. They were like -- they were like my sisters.

6 Q. Oh, they're like your sisters. Okay. But you
7 didn't know the other guy?

8 A. No.

9 Q. And you only talked with him for a minute?

10 A. Yes.

11 Q. Okay. And you haven't seen him since?

12 A. No.

13 Q. You see him at all? Any -- any other time that
14 day?

15 A. That day?

16 Q. Yeah.

17 A. No.

18 MR. PALMER: All right. Thank you very much. No
19 further questions, Judge.

20 MR. SCOTT: Hang on one second.

21 THE COURT: You want to redirect?

22 MR. SCOTT: No redirect.

23 THE COURT: All right, ma'am, you can step down.

24 All right. Do you want a break now for lunch or do you
25 have a short one?

1 MR. SCOTT: I do not believe I have a short one.

2 THE COURT: Okay. Why -- why don't we break for lunch
3 now. Let's just be back here at 2:00. Ladies and gentlemen,
4 just get back here as close to 2:00 as you can and we'll keep
5 moving. Thank you you all.

6 (Off the record.)

7 THE COURT: We ready?

8 MR. SCOTT: So just to be clear, I think I have three
9 witnesses this afternoon that probably won't take us past
10 3:00. And then two witnesses in the morning.

11 THE COURT: All right, we'll see. I got it. Are you
12 all back?

13 UNKNOWN FEMALE: Yes, Your Honor.

14 THE COURT: All right. Well, let's (inaudible).

15 UNKNOWN FEMALE: Yes, Your Honor.

16 THE COURT: All right. Everybody back? All right, Mr.
17 Scott.

18 MR. SCOTT: May I please the Court?

19 THE COURT: Yes, sir.

20 MR. SCOTT: State calls -- I -- I call Nicole Hardin. I
21 believe she's been married and I don't remember her last
22 name, though.

23 MS. WILDEVOER: Wildevoer.

24 MR. SCOTT: Wildevoer -- Nicole Wildevoer. Formerly
25 known as Nicole Hardin.

1 THE CLERK: Please place your left hand on the Bible and
2 raise your right hand.

3 NICOLE WILDEVOER,
4 being first duly sworn, testifies as follows:

5 THE CLERK: Thank you. You may have a seat. Please
6 state your first and last name for the record.

7 THE WITNESS: Nicole Wildevoer, W-I-L-D-E-V-O-E-R.

8 DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. So we've had microphone issues this week, so try
13 to talk into it as much as you can. Where are you employed?

14 A. I'm employed of the South Carolina Law Enforcement
15 Division, also known as SLED.

16 Q. And how long have you worked at SLED?

17 A. In December, it will be five years.

18 Q. And what is your position at SLED?

19 A. I am a forensic scientist in the Trace Evidence
20 Department of the Forensic Services Laboratory.

21 Q. And can you explain to the jury what -- what trace
22 evidence is and what you do as a trace evidence examiner?

23 A. Sure. Trace evidence is evidence that is very
24 hard or unable to be seen with the naked eye. At SLED, those
25 things would be fire debris, glass, paint, fibers, and also a

1 gunshot residue.

2 Q. And can you tell the jury a little bit about your
3 educational background, and your training as a trace evidence
4 examiner?

5 A. Yes. I had a Bachelor of Science degree in
6 chemistry with a concentration in forensic science from
7 Methodist University. And then when I started at SLED, I
8 began a year and a half long training program that consisted
9 of written practical and oral examination, all of which I had
10 to pass. I then began case work under direct supervision of
11 a (inaudible) analyst. I had a competency exam where I had
12 to correctly report my findings, and then I also had a mock
13 court on that case. And I also attended classes at the Hook
14 College of Applied Sciences in Westmont, Illinois. Some of
15 those being scanning electron microscopy and gunshot residue
16 identification.

17 Q. Have you ever been qualified as an expert in
18 gunshot residue analysis?

19 A. I have.

20 MR. SCOTT: And Your Honor, at this time we ask that Ms.
21 Wildovoer be qualified as an expert in gunshot residue
22 analysis.

23 MR. PALMER: Will so stipulate, Your Honor.

24 THE COURT: Okay. Ladies and gentlemen, I need to
25 explain something to you. Normally a witness can't give

1 opinion testimony. Typically the -- when a person testifies,
2 they have to tell you what they either saw, heard, sense,
3 smell, or something of that nature. However, there's an
4 exception when someone is qualified because of education or
5 experience, they're permitted to give their opinion in
6 certain areas if the Court qualifies them in the -- the
7 witness as an expert.

8 This witness will be qualified in the area of gunshot
9 residue analysis. Now, you can give her opinion testimony in
10 that area whatever weight you wish. You do not have to
11 accept the opinion, but is evidence for you to use in any way
12 you see fit and give whatever weight and credibility you
13 believe is appropriate. Also, just for the record, I find
14 that this expert testimony is necessary to assist the jury in
15 resolving factual questions. This witness is qualified in
16 the area of gunshot residue analysis. And the science and
17 methodology behind the testimony is reliable. You proceed.

18 MR. SCOTT: Thank you, Your Honor.

19 BY MR. SCOTT:

20 Q. Ms. Wildovoer, will you tell the jury what gunshot
21 residue is?

22 A. Gunshot residue is a mixture of chemicals that
23 comes out of a gun when it is discharged. This mixture comes
24 from the primer, the propellant, and the projectile. What
25 we're specifically looking for comes from the primer and our

1 microscopic molten particles containing the elements lead
2 barium and antimony.

3 Q. And -- and how is it discharged from the firearm?
4 How -- how does a GSR gunshot residue come out of the
5 firearm?

6 A. It comes out of any opening of the firearm and
7 also follows the path of the bullet.

8 Q. So this gunshot residue, does it -- is it safe to
9 say it kind of comes out as a cloud?

10 A. Yes, sir. A cone-shaped cloud.

11 Q. And when these microscopic particles of -- of
12 gunshot residue come out of the gun as a cloud, do these
13 particles end up on people that are within the vicinity of
14 the gun being fired?

15 A. They can. The gunshot residue, it settles on
16 anything in the immediate vicinity to that discharge. That
17 being things, people.

18 Q. Clothing?

19 A. It can, yes.

20 Q. In general, where do you expect to find gunshot
21 primer residue on clothing if the individual is in the
22 vicinity of the gun being discharged?

23 A. I would expect to find it on the outermost layer
24 of clothing.

25 Q. And can you tell the jury what a gunshot residue

1 collection kit is?

2 A. Sure. The gunshot residue collection kit is how
3 hand kit or GSR particle lifts are submitted to the lab. In
4 this GSR kit there are particle lifts and whoever is
5 collecting this kit off of the individual will open the kit.
6 Inside there are particle lifts, that is what I analyzed.
7 They look like the top of a roofing nail. So they're super
8 flat and they have a sticky adhesive on them. So it's sticky
9 like tape. Those will be dabbed repeatedly. On the area of
10 interest, this being normally the right hand and the left
11 hand. They are -- after they're collected off of the
12 individual - there is a GSR information sheet that is filled
13 out by the collecting officer, then it is put back in the
14 envelope, sealed, initialed, and then sent to sled.

15 Q. And can you tell us a little bit about how you
16 analyze these items once they're sent or received at SLED?

17 A. Yes, sir. These particle lifts are analyzed using
18 a scanning electron microscope paired with an X-ray detector.
19 The scanning electron microscope allows me to see very tiny
20 things unable to be seen with the naked eye, such as gunshot
21 residue. And the X-ray detector allows me to see what
22 chemical elements are present such as lead barrier.

23 Q. What can you determine by the presence of gunshot
24 residue?

25 A. Defining gunshot residue on something, it tells me

1 that this person was either in the vicinity to the discharge
2 of the firearm, discharged the firearm, or came into contact
3 with something that had gunshot from residue on it.

4 Q. And when we talk about individuals who have
5 actually been shot themselves, what is your expectation as
6 far as GSR being all that person who was shot?

7 A. So if a subject has a gunshot wound, I would
8 expect to find gunshot crime residue on them because they had
9 that wound, and part of the gunshot residue, it follows the
10 path of that bullet. And they have been struck by a said
11 bullet

12 Q. And in fact has SLED's policy recently changed as
13 to whether or not you even analyzed GSR kits on people who
14 have been shot?

15 A. It has since this case was submitted. Currently,
16 we no longer accept kits from victims of gunshot wounds
17 unless it's a very specific scenario.

18 Q. How long will gunshot residue remain on a person's
19 hands?

20 A. On a living individual, I would expect it to
21 remain -- or I would expect it to be removed after around
22 four to six hours. Gunshot residue is very fragile piece of
23 evidence, so anything that someone does with their hands
24 could remove it. So if you were to put your hands in and out
25 of your pockets or wash them or run them through your hair,

1 shake someone else's hand, all of those things can remove it.

2 Q. How about sweating?

3 A. Sweating, it can also remove it.

4 Q. Okay. Can being inside or outside make a
5 difference on whether or not GSR is found on a surface or on
6 somebody's hands?

7 A. With being outside versus inside, in a room that
8 is contained, if the gun were to produce gunshot residue, it
9 would be contained to being inside that room. If you were
10 outside and there wasn't walls containing you, it would still
11 come out of the gun the same way and it would settle on
12 anything. However, you also have environmental factors to
13 factor in, such as whether it's windy or whether it's raining
14 so.

15 Q. Is gunshot residue hard to remove?

16 A. It is very easy to remove.

17 Q. When you say easy, like how can you remove it?

18 A. By washing your hands, doing anything with your
19 hands, putting them in and out of your pockets.

20 Q. All right. In this particular case, were you
21 asked by the Orangeburg Department of Public Safety to
22 analyze a gunshot residue kit from the victim in this case,
23 Najee Sanders?

24 A. May I refer to my notes?

25 Q. Yes. Okay.

1 A. Yes, I received one GSR kit from Najee Sanders.

2 Q. And what were your findings?

3 A. For item 3, "My result, he has particles
4 characteristic of gunshot primer residue were found. In
5 general, particles characteristic of gunshot primer residue
6 are microscopic molten particles that contain the elements
7 lead barium and antimony. Gunshot primer residue can come
8 from being in the vicinity to the discharge of a firearm to
9 include sustaining a gunshot wound, discharging a firearm, or
10 coming into contact with the surface that has gunshot primer
11 residue on it. It should be noted that the presence or
12 absence of gunshot primer residue on the victim of a gunshot
13 wound cannot determine whether the shooting was the result of
14 a homicide assault, accident, suicide, or self-defense."

15 Q. Do your notes tell you how many microscopic
16 particles of GSR you found in Mr. Sanders?

17 A. I found three.

18 Q. And is there a -- can you tell the jury kind of
19 how SLED counts particles and when it stops counting
20 particles?

21 A. So when the particle lifts are analyzed on the
22 scanning electron microscope, we set up an automated analysis
23 to scan the sample. And as the instrument does that, it will
24 flag particles of interest. Then I will manually relocate to
25 those particles of interest and see if it fits the definition

1 of gunshot residue. So whether if it has the correct shape
2 and then also contains lead barium and antimony. If it does,
3 then I consider that a particle of gunshot primer residue.
4 Our automated analysis is the methods that we use. It is set
5 up to stop analyzing the sample if it reaches 25 particles.

6 However, for me, when I relocate and look at these
7 particles that the instrument has flagged in order to finish
8 on my end of a particle lift, I only need to find two and
9 then I can move on. On this, I found three.

10 Q. Did you also receive a gunshot residue collection
11 kit from the Defendant Karl Ryant?

12 A. I did.

13 Q. And what, if anything, were the results of your
14 analysis regarding Mr. Ryant's GSR kit?

15 A. For one GSR kit from Karl Kayshon Ryant, my result
16 is "No gunshot primer residue analysis performed.
17 Supplemental information indicated that the amount of time
18 between the shooting incident and the sampling for this item
19 was beyond six hours. It should be noted that the optimal
20 window of opportunity for sampling the hands of a living
21 individual lasts for up to four to six hours after the
22 shooting incident."

23 Q. So Mr. Ryant's GSR collection kit wasn't analyzed?
24 That's correct?

25 A. It was not due to it being over our six hour time

1 limit.

2 Q. Did SLED also receive a pair of blue athletic
3 shorts for analysis?

4 A. Yes, sir. One pair of dark blue athlete tech
5 athletic shorts.

6 Q. And what were the results of that analysis?

7 A. For that item, "No particles characteristic of
8 gunshot primer residue detected. The absence of primer
9 residue on the item is consistent with, but not limited to
10 the following scenarios: The item not being in the vicinity
11 to the discharge of a firearm, cleaning of the item,
12 excessive blood or debris on the item, environmental factors
13 including wind and rain, the ammunition" -- "ammunition
14 discharged, lead free non-toxic or sum 22 caliber rim fire
15 ammunition, not producing particles characteristic of the
16 conventional gunshot primer residue, or the firearm not
17 producing primer residue on the item when discharged."

18 Q. And finally, Ms. Wildovoer, did you receive a
19 black shirt in this case?

20 A. I did not receive a black shirt.

21 Q. Did you receive a pair of black pants?

22 A. I did not receive a pair of black pants.

23 Q. Did you receive a backpack?

24 A. No, sir.

25 MR. SCOTT: Thank you. Please answer any questions Mr.

1 Palmer has?

2

CROSS-EXAMINATION

3 BY MR. PALMER:

4 Q. Good afternoon.

5 A. Good afternoon.

6 Q. Just have a few questions. Based on solicitor's
7 last question, is there a difference between human skin and
8 say fabric, as far as retention of GSR?

9 A. So with a living individual and someone's hands
10 for our protocol at SLED, we will not analyze a kit that is
11 committed -- submitted off of individual in living
12 individual's hands if it's over six hours, because we would
13 not expect there to be GSR after that, because it's easily
14 removed. For an item of clothing there is no time limit for
15 the item of clothing because gunshot crime residue will
16 remain on that item until it is removed. So that -- that's
17 the difference.

18 Q. Okay. So is the six hour you just mentioned, is
19 that a SLED policy?

20 A. Yes, sir.

21 Q. Okay. So if you -- just so I'm clear, if you get
22 a GSR kit, say from law enforcement, not necessarily this
23 one, and then you're informed, as in this case, that it was
24 collected six hours and one minute ago, you -- you won't test
25 it per your policy?

1 THE WITNESS: Randy Hughes.

2 DIRECT EXAMINATION

3 BY MR. RILEY:

4 Q. All right. Where do you work and what is your job
5 title?

6 A. I work at Orangeburg Department of Public Safety.
7 I work at Narcotic Division.

8 Q. And what's your title?

9 A. First Sergeant.

10 Q. How long have you been there?

11 A. I've been with Orangeburg Department of Public
12 Safety since June of '99. I'm sorry. I've been with
13 Orangeburg Department of Public Safety since June of '99. It
14 was 23 so years. I got 24 in law enforcement.

15 Q. Okay. What are your duties in narcotics?

16 A. (Inaudible) narcotic cases and vice cases mostly.

17 Q. All right. What were your duties in May of 2020?

18 A. Narcotics.

19 Q. What type of training or experience do you have
20 specifically involving a cell phone?

21 A. I started when -- in 2010 I took a task working at
22 the DEA task force in Colombia and I was introduced to
23 Cellebrite, which is what you downloaded phones with. And I
24 downloaded phones at the DEA Office of Columbia 2010
25 (inaudible) about 2015. And then in 2016 we got Cellebrite

1 end with Orangeburg Safety and Narcotic Division and I've
2 downloaded right at 263 cell phones since then.

3 Q. Since they came to Orangeburg?

4 A. Yeah, since they came to Orangeburg. I have about
5 30 to 50 cellphones maybe with the DEA cell phone cell
6 (inaudible) up there Cellebrite.

7 Q. Okay. Can you briefly explain what you do -- what
8 you physically do whenever you do an extraction on an iPhone?

9 A. When you get iPhone, first thing you do is make
10 sure is you charge it up and then second thing you -- you go
11 to the setting on it and change where the iPhone's halfway,
12 they will go to sleep in three to five or 10 minutes, however
13 you set it. You got set to never. You go open the - your
14 Cellebrite program, you plug it up, it recognizes the phone
15 the -- the Cellebrite software's going to tell you that the
16 phone wants you to hit the "trust" button, and you hit the
17 "trust" button, and only put the passcode in again. And on
18 that point it just, it runs itself.

19 Q. Would you -- would you say it's pretty much plug
20 and play?

21 A. Plug and play.

22 Q. All right. Does that extraction generate a data
23 file?

24 A. Yes, sir.

25 Q. Contain quite a bit of data?

1 A. Yes, sir. Phones go between 30 gigabytes. I've
2 had them up 80 gigabytes with the new phones.

3 Q. All right. And how did you be -- how did you come
4 to be involved in this case?

5 A. Started Brightwell. I -- I think CSI Wolfe had
6 brought me a phone and later on started Brightwell, picked me
7 a phone with a search warrant to download on each phone.

8 Q. Okay. And were these cell phone extractions
9 pursuant to the search warrant?

10 A. Yes, sir.

11 Q. Okay. What type of phone did Karl Ryant have?

12 A. I'm going to refer to my note, so I won't tell you
13 wrong.

14 Q. Okay.

15 A. -- that. I know it was iPhone 7 plus and a iPhone
16 8 plus. I don't -- Ryant actually had this iPhone -- iPhone
17 7 Plus.

18 Q. All right. And what type of phone did Najee
19 Sanders have?

20 A. iPhone 8 plus.

21 Q. Okay. After you performed the extractions, what
22 did you do with the information you got from the phones?

23 A. Placed the data found in the evidence.

24 Q. And I'm going to show you something.

25 MR. PALMER: I've seen it, Your Honor. No objection.

1 BY MR. RILEY:

2 Q. Do you recognize this?

3 A. Yes, sir.

4 Q. All right. What is it?

5 A. This is a flash drive with the data from the
6 Cellebrite on it.

7 Q. Do you know for which phone it was?

8 A. This is the victim's phone.

9 Q. Okay.

10 A. My initials on there.

11 Q. So you viewed the file on there?

12 A. Yes.

13 MR. RILEY: Okay. Your Honor --- like to mark this as
14 Court Exhibit, this Court Exhibit 1.

15 THE COURT: Court exhibit or State's exhibit?

16 MR. RILEY: I'm sorry?

17 THE COURT: Court exhibit or State's exhibit?

18 MR. RILEY: Court exhibit.

19 THE COURT: Okay.

20 (Court's Exhibit 1 was introduced into evidence.)

21 MR. RILEY: I'm going to show you another one.

22 MR. PALMER: No objection, Your Honor. But I would like
23 to clarify that I'm not objecting to the admission of the
24 physical storage item. I'm -- I'm -- but I'm reserving
25 objection to possibly its contents, if they're analyzed and

1 offered into evidence. If that -- if that's clear.

2 THE COURT: No, I understand. You're -- the -- just so
3 I'm make sure I understand, you're -- you're okay with the
4 actual physical evidence coming in? And -- and that for what
5 he's got in his hand coming in, but not necessarily the
6 contents when they begin testifying about it.

7 MR. PALMER: Exactly.

8 THE COURT: Okay. I'll -- I'll note your objection, if
9 you have one at that time.

10 MR. PALMER: Thank you, Your Honor.

11 THE COURT: We're on the same page.

12 BY MR. RILEY:

13 Q. All right. Do you recognize this one?

14 A. Yes, sir. That would be the suspects and I
15 initialed it (inaudible).

16 Q. And you viewed the files on them?

17 A. Yes. Got that on exhibit.

18 MR. RILEY: Okay. I'd like to enter this as Court
19 Exhibit number 2, Your Honor.

20 (Court's Exhibit 2 was introduced into evidence.)

21 THE COURT: Yes, sir. They'll -- they'll -- again,
22 they'll both be entered as Court exhibits with Mr. Palmer's
23 potential objections reserved.

24 MR. PALMER: Thank you, Your Honor.

25 BY MR. RILEY:

1 Q. Now, did you analyze the files of either of these
2 section?

3 A. No, sir.

4 Q. What did you do with the files?

5 A. I just put them into evidence.

6 MR. RILEY: Okay. Please answer any question Mr. Palmer
7 may have.

8 CROSS-EXAMINATION

9 BY MR. PALMER:

10 Q. Just to be clear, sir, I -- I think you just
11 answered this, but you're not able to testify or comment on
12 any of the contents of either of those thumb drives?

13 A. I just downloaded them -- the data file.

14 MR. PALMER: Very good, thank you very much. No further
15 questions.

16 THE COURT: Any redirect?

17 MR. RILEY: No redirect, Your Honor.

18 THE COURT: All right, Mr. -- Officer Hughes, you can
19 step down. Sorry. First Sergeant Hughes.

20 THE WITNESS: Thank you, sir.

21 THE COURT: Ready?

22 MR. SCOTT: State calls Jana Weaver.

23 THE CLERK: Please place your left hand on the Bible and
24 raise your right hand.

25 JANA WEAVER,

1 being first duly sworn testifies as follows:

2 THE CLERK: Thank you. You may have a seat. Please
3 state your first and last name for the record.

4 THE WITNESS: Janna Weaver.

5 DIRECT EXAMINATION

6 BY MR. SCOTT:

7 Q. Good afternoon. What is your occupation?

8 A. I am a firearms examiner and a forensic
9 laboratory.

10 Q. And how long have you worked as a firearms
11 examiner?

12 A. Including training, about four years.

13 Q. Okay. And can you tell the jury about your
14 educational background and your qualifications as a firearms
15 examiner?

16 A. I have a Bachelor's of Science degree in criminal
17 justice. I've completed SLED's in-house firearms examiner
18 training. It's about two years of extensive reading,
19 studying numerous written and oral tests, hands-on practices,
20 practicals, that includes probably thousands of comparisons.
21 Assisting court qualified firearms examiners with their
22 casework, also going to GLOCK armor courses, as well as
23 completing the Bureau of Alcohol Tobacco Firearm and
24 explosive serial number restoration course. I've also
25 completed the ATF's, not even entry and correlation training.

1 And I'm also a national authorized trainer for not entry and
2 correlations.

3 Q. And where are you currently employed?

4 A. Currently, I'm Richland County Sheriff's
5 Department in the forensic laboratory.

6 Q. And how long have you been at the Richland County
7 Sheriff's Office?

8 A. Two months.

9 Q. Okay. And you're a firearms examiner there?

10 A. Correct.

11 Q. Okay. And prior to working at Richland County
12 Sheriff's Office, where did you work?

13 A. I was at SLED, South Carolina Law Enforcement
14 Division.

15 Q. And how long did you work for SLED?

16 A. About eight and a half years.

17 Q. And during your career, have you ever been
18 qualified as an expert in the field of firearms
19 identification in either state or federal court?

20 A. I have.

21 Q. Approximately how many times?

22 A. About 10 times.

23 MR. SCOTT: Your Honor, at this time we'd ask that Ms.
24 Weaver be qualified as an expert in the field of firearm
25 identification?

1 MR. PALMER: And Defense shall so stipulate, Your Honor.

2 THE COURT: All right. Based on that, I'll find that
3 expert testimony is necessary to assist the jury in resolving
4 factual questions.' This witness is qualified as an expert in
5 this particular area, in the science and methodology behind
6 her testimony is reliable. Ladies and gentlemen, just I
7 won't read you the entire instruction I did earlier, but
8 again, the same rules apply. She's been qualified as an
9 expert, so you may accept her opinion as you wish, just like
10 any other evidence.

11 MR. SCOTT: Thank you, Your Honor.

12 BY MR. SCOTT:

13 Q. Can you explain to the jury what you do as a
14 firearms examiner?

15 A. As a firearms examiner, we examine ammunition
16 components, fire bullets, firecracker cases, firearms. We do
17 functionality tests on the firearms, make sure they're
18 working properly. We also conduct the serial number
19 restorations. We will take those fire components and we can
20 compare them in a comparison microscope. Essentially you
21 have two pieces of evidence, two bullets on two different
22 stages, and looking through a binocular, for lack of better
23 terms on the microscope, you can compare both items side by
24 side. And when a firearm fires or discharges a -- a
25 cartridge case in a bullet, the firearm leaves marks,

1 (inaudible) scratches, impressions of that nature on bullets
2 and cartridge cases.

3 We look at those marks to determine whether or not the
4 evidence was fired by the same firearm -- by a specific
5 firearm if we have one or by -- by a different fire than what
6 we may have. Or we can also measure bullets, and possibly
7 determine calibers of bullets doing that. We also -- in our
8 evidence cartridge cases into (inaudible), which is a
9 database to try to possibly link other cases that may be
10 unknown related to -- for the investigators.

11 Q. Can you kind of explain to the jury how a firearm
12 works and explain to the jury the difference between a
13 semi-automatic handgun and a revolver?

14 A. Sure. And I'm sorry about my voice. A
15 semi-automatic pistol essentially has cartridges in a
16 magazine and normally go in the -- the grip of the firearm.
17 When you pull the slot back, that will chamber around into
18 the firearm, and essentially, at that point it's ready to
19 fire, depending on the safeties and safety mechanisms, you
20 may or may not have to -- to turn on or off. Pulling the
21 trigger will fire one bullet out of the barrel, and at that
22 point the action of the firearms ejects or extracts it and
23 ejects it out of the firearm, the cartridge case typically
24 goes out of the ejection port and onto the ground or in the
25 environment in which the shooter's in.

1 During that action, it also takes another cartridge from
2 the magazine and chambers it, as long as there are other
3 cartridges in the magazine to be loaded in. Typically, if
4 it's functioning properly, a semi-automatic firearm, you will
5 have to release that trigger for the action to reset and pull
6 the trigger again to fire another round. As long as there's
7 ammunition in the magazine, it will continue to do that until
8 the ammunition runs out.

9 Q. And how about a revolver?

10 A. A revolver's a handgun as well. It has a cylinder
11 that holds cartridges. When it is fired, those cartridges,
12 fire cartridges, stay within that cylinder. So when you pull
13 the trigger, it will fire, the bullet goes out of the
14 (inaudible), the firearm. Depending on a single action,
15 double action, there's different types of revolvers. You
16 still have to release the trigger in order for another
17 cartridge to be under the hammer, under the firearm pin, in
18 order to fire that handgun again. However, those cartridge
19 cases have to be manually extracted out of that cylinder
20 after they're fired.

21 Q. So they're not expelled like a semi-automatic?

22 A. Correct.

23 Q. Okay. All right. So let's talk about your
24 involvement in this case. How many items did you receive?

25 A. I just received one bullet.

1 Q. Okay. And I want to show you what's been marked
2 as State's Exhibit 15, and I'll ask you if you recognize
3 that.

4 A. I do.

5 Q. And what is that?

6 A. It's one fire bullet.

7 Q. All right. Did you receive that for analysis?

8 A. I did.

9 Q. And when it was -- when you received it, was it
10 sealed in -- in a tamper proof packaging?

11 A. Yes, it was.

12 MR. SCOTT: Okay. And, Your Honor, we'd ask that
13 State's Exhibit 15 be admitted evidence.

14 MR. PALMER: No objection.

15 THE COURT: What number was that?

16 MR. SCOTT: 15.

17 THE COURT: All right. It'll be admitted as 15.

18 (State's Exhibit 15 was introduced into evidence.)

19 BY MR. SCOTT:

20 Q. And were you able to examine this item?

21 A. Yes, I did.

22 Q. And what were your findings?

23 A. I have to look at my notes here. Is that okay?

24 THE COURT: Yes ma'am, please.

25 THE WITNESS: Based on the observable physical

1 characteristics, the weight, the diameter the shape of the
2 bullet, I was able to conclude that it's consistent with
3 bullets loaded into some nominal 38 caliber cartridges, which
4 includes 38 Special, 357 Magnum, as well as 9 mm Luger, among
5 others.

6 BY MR. SCOTT:

7 Q. Did any of those firearms that you just mentioned,
8 a 38 Special, 9mm, 357 Magnum, can those be a revolver?

9 A. Yes.

10 Q. Can you tell the jury kind of what lands and
11 grooves are and what twist is?

12 A. Lands and grooves are I guess scratches or during
13 the manufacturing process of a firearm, the -- when the
14 barrels are made, manufacturers determine their lands and
15 grooves. So they give a number, 5, 6, 7, 8. They'll
16 determine which twist they want going down the barrel, you
17 can have a right-handed twist or a left-handed twist. And
18 there are different types of rifle. You have conventional,
19 which is more of like a right angle at the -- the corners,
20 and polygonal, it's kind of more rounded. And so that the
21 manufacturers take a machines tools, and they put those lands
22 and grooves inside of the barrel and that's what imparts the
23 spin on a bullet, kind of like a football that a quarterback
24 has thrown, you know, a nice tight spiral. That's what gives
25 the bullet the spin.

1 Q. Were you able to determine the number of lands and
2 grooves on State's Exhibit 15?

3 A. Yes, I did.

4 Q. What was it?

5 A. This bullet was a six, right conventional.

6 Q. And what about the direction of twist?

7 A. It was right-handed twist.

8 Q. And based on these lands and grooves and the
9 direction of twist, were you able to generate a list of
10 possible gun types and manufacturers that could have produced
11 the firearm that fired State's Exhibit 15?

12 A. Yes, that's -- that's one thing we're able to do.
13 If we can get the number of lands and grooves and the
14 direction to twist, there's a database that we can use in our
15 discipline to put those parameters in and measure the widths
16 of the lands in the grooves. And it will generate a list of
17 possible manufacturers of firearms that could have fired the
18 -- the bullet.

19 Q. Could State's Exhibit 15 have been fired by Rossi
20 357 Magnum Revolver?

21 A. Oh, yes. Rossi is on the list for 357 Magnum.

22 Q. I want to show you a picture that's only been
23 marked for identification as 44. Have you seen this picture
24 before?

25 A. I have.

1 Q. Okay. You saw that picture when you met with me a
2 couple weeks ago?

3 A. Correct.

4 Q. And what is depicted in that picture?

5 A. This is a revolver. It appears to be a Rossi 357
6 Magnum caliber.

7 MR. SCOTT: Thank you. That's all I have, Your Honor.

8 MR. PALMER: May I please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. PALMER:

12 Q. Good afternoon, Ms. Weaver? Or did -- do you have
13 a rank I need to be attention to?

14 A. Ms. Weaver is fine.

15 Q. Okay. All right. You were just talking about
16 Rossi's, and you identified a picture of a Rossi revolver.
17 Have you been shown the actual revolver?

18 A. No, sir.

19 Q. Just a photograph of it?

20 A. Correct.

21 Q. Okay. And also your report - I counted them --
22 your report as has two full pages or two full columns and
23 then four more on the third page of different brands of
24 firearms. And they're classified as 357 Magnum. Looks like
25 about a dozen of those. 38 specials, and then there's a

1 whole bunch of 9mm. I counted a total of 84 different brands
2 and types of firearms. Just so I'm clear, your report says
3 that any one of those firearms could have fired this
4 projectile?

5 A. That is correct. I didn't put the -- the list in
6 the report, but that's my case file.

7 Q. Okay. say that again, please.

8 A. The case file has the -- the list in it, but it
9 was so extensive that I didn't add -- include it in the
10 report.

11 Q. Okay. And -- and is that the list I'm referring
12 to with the 84 different, do you need to see it?

13 A. No sir, I have it.

14 Q. You have it?

15 A. That is correct, yes.

16 Q. All right. Are there any other firearms that
17 could have utilized that -- that bullet?

18 A. That's -- it is possible that this list is not all
19 inclusive.

20 Q. Yeah. One thing I noticed where's Smith & Wesson,
21 they kind of wrote the book on revolvers, didn't they? Now,
22 I -- go ahead.

23 A. Oh, I was -- typically, Smith & Wesson are
24 (inaudible).

25 Q. Oh, they're what?

1 A. They have five Lansing groups with (inaudible).

2 Q. Okay. So they're -- these are the weapons that
3 have the same type of lands and grooves and twists that
4 you're describing --

5 A. Yes.

6 Q. -- On your list? Okay. All right, so just to be
7 clear, a Rossi 357 Magnum, according to your list, which is
8 one of 84 different firearms that could have fired this
9 bullet?

10 A. I haven't counted the 84, but it is one of many,
11 yes.

12 MR. PALMER: Okay, great. Thank you very much.

13 THE COURT: Any redirect?

14 MR. SCOTT: No, Your Honor.

15 THE COURT: All right. You can step down.

16 THE COURT: All right. Ladies and gentlemen we're going
17 to break for the day. So you get to go home a little early
18 and that's not anybody's fault. Sometimes, as you can see,
19 we've had to bring in a number of witnesses here. And the
20 parties have all done a great job of getting schedules
21 arranged and getting them here. But sometimes folks have to
22 be in other courts, have other obligations and they can't get
23 here. So we're going to stop for today. We have a few more
24 witnesses tomorrow, and then it's going to be time for you
25 folks to go to work. But that's why we're breaking today.

1 We're -- we're not taking the afternoon off, and, you
2 know, going to play golf or anything, but it's just the way
3 the schedule's worked out, that we had to do it that way. So
4 it's -- it's nobody's fault. Nobody is shutting their
5 responsibilities. We're just at the mercy of a bunch of
6 different schedules. So you folks have a good afternoon. We
7 will start back 9:30 tomorrow?

8 MR. SCOTT: Yes, sir.

9 THE COURT: All right, so be here by 9:20. And we'll
10 try to get moving about 9:30. All right. We are in recess.

11 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED)

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CERTIFICATE OF TRANSCRIBER

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I, NATASHA BARRIENTOS, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 1 of Orangeburg County, South Carolina, on the 18th Day of October, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 8, 2023

Natasha Barrientos

Transcriber

1 CONTINUATION OF PROCEEDINGS - OCTOBER 19, 2023

2 THE COURT: Good morning, ladies and gentlemen. Sorry
3 to keep You all waiting for a few minutes, but we ran into
4 something but we got it all squared away and we're ready to
5 go. So Mr. Scott?

6 MR. SCOTT: Thank you, Your Honor. State will call Dr.
7 Kelly Rose.

8 THE CLERK: Please place your left hand on the back and
9 raise your right hand.

10 DR. KELLY ROSE,
11 being first duly sworn testifies as follows:

12 THE CLERK: Thank you. You may have a seat.

13 MR. SCOTT: So we've had volume problems this week, so
14 try to talk into the microphone.

15 THE WITNESS: Okay. Sometimes I'm really loud though.

16 THE CLERK: Please state your first and last name for
17 the record.

18 THE WITNESS: Kelly Rose.

19 DIRECT EXAMINATION

20 BY MR. SCOTT:

21 Q. Good morning.

22 A. Good morning.

23 Q. What is your occupation?

24 A. I am a forensic pathologist.

25 Q. And what do you do as a forensic pathologist?

1 A. I conduct autopsies to determine cause and manner
2 of death.

3 Q. And how many autopsies have you performed in your
4 career?

5 A. Over 4,000.

6 Q. And what is Newberry Pathology?

7 A. It's a private forensic pathology group and we do
8 autopsies for 16 counties in South Carolina.

9 Q. And is one of those counties Orangeburg County?

10 A. Yes.

11 Q. And where do you perform your autopsies?

12 A. We use the morgue at Newberry County Memorial
13 Hospital.

14 Q. And will you tell the jury a little bit about your
15 educational background?

16 A. I went to college at College of Charleston. I got
17 my Bachelor of science there. From there I went to medical
18 school at Medical University of South Carolina. I started my
19 additional training in pathology there. So that's called
20 your residency. I started my residency there. Finished it
21 at Emory in Atlanta, stayed on for another year and did only
22 forensics through the -- it's through Emory and through
23 Fulton County Medical Examiner's office in Atlanta.

24 Q. And you testified you had performed an excess of
25 4,000 autopsies. Have you had the occasion to go to court

1 and testify about your findings in some of those autopsies?

2 A. I have.

3 Q. And -- and approximately how many times do you
4 think you have testified?

5 A. Thirty.

6 Q. And were you qualified as an expert on those
7 occasions?

8 A. I was.

9 MR. SCOTT: And Your Honor, at this time we would offer
10 Dr. Rose as an expert in the field of forensic pathology.

11 MR. PALMER: Your Honor, Defense will stipulate that she
12 is.

13 THE COURT: All right. I'll find that expert testimony
14 is necessary to assist the jury in resolving a factual
15 question in this case. Dr. Rose is an expert and is
16 qualified in this particular area. And the science and
17 methodology behind her testimony is reliable. So she would
18 be admitted as an expert in the field of forensic pathology.
19 Ladies and gentlemen, same rules that I -- I told you
20 yesterday about experts, and you're free to give whatever way
21 you wish to Dr. Rose's testimony.

22 BY MR. SCOTT:

23 Q. Dr. Rose, did you perform an autopsy on Najee
24 Sanders?

25 A. I did.

1 Q. And when did you perform this autopsy?

2 A. It was May the 13, 2020 around 1:30 p.m.

3 Q. And where did you perform this autopsy?

4 A. In the morgue at Newberry County Memorial
5 Hospital.

6 Q. And after receiving the body of Najee Sanders, can
7 you -- can you tell the jury how you began your examination?

8 A. We always begin by photographing the body bag. We
9 verify name, we verify that the person who was sent is the
10 person who were to be autopsy. And then we photograph the
11 bag before we open it. Then we open it and we photograph the
12 decedent as we receive them, if they're wearing clothes, if
13 they're not, et cetera. We start photographing and we make
14 notes throughout the whole process.

15 Q. And can you describe or do your notes reflect any
16 articles of clothing that Mr. Sanders was wearing when you
17 received his body?

18 A. Yes. He was wearing -- well, be able recall it
19 all from memory -- but he was wearing a T-shirt. I have it
20 written here in my report. Let's -- let's do that. Light --
21 they were like these light denim jeans that were torn. Two
22 high top tennis shoes that were black and white. Some boxer
23 shorts. And he had a cigarette lighter.

24 Q. Okay. And do you remember what color his T-shirt
25 was?

- 1 A. His T-shirt was black. Dark -- was it black?
- 2 Q. So you -- and I -- I may have missed it. He had
- 3 on light denim pants, some boxer shorts ---
- 4 A. Yes.
- 5 Q. --- and did he also have another pair of shorts
- 6 on?
- 7 A. Yes, he had a pair of blue boxers as well.
- 8 Q. Okay.
- 9 A. And two black socks.
- 10 Q. And the shorts in your report, did you note what
- 11 color the shorts were?
- 12 A. Okay. So he had a pair of black shorts, blue
- 13 boxers, and a pair of red shorts.
- 14 Q. During your initial external examination of Mr.
- 15 Sanders, did you observe any gunshot wounds?
- 16 A. I did.
- 17 Q. And how many gunshot wounds did you observe?
- 18 A. I observed one gunshot wound.
- 19 Q. And where was this wound?
- 20 A. It was on the back of his neck.
- 21 Q. And --- in your report you noted that there was no
- 22 soot or stippling. Can -- can you tell the jury what soot
- 23 and stippling are and what the absence of soot or stippling
- 24 tells you as a forensic pathologist?
- 25 A. So, gun powder, when you fire a gun, comes out of

1 the barrel with the bullet. Some of it will be all the way
2 burned up and it's basically ash, like you would have in your
3 fireplace, and that's what we call soot. To get soot on a
4 wound, you have to be extremely close within inches. The
5 other form of gunshot residue is what we call it is
6 stippling. So in addition to the fully burned up gunpowder
7 that comes out, some little flecks of gunpowder come out that
8 are not -- they haven't caught fire, they're not burned up.
9 So they just fly out kind of like very small pepper flakes
10 and when they'll strike the skin and leave a little abrasion
11 and it's very characteristic. Because they're heavier, they
12 will travel farther, so you can get stippling further than
13 soot. And we called it abrasion stippling from the unburned
14 gunpowder. And you can get that usually it's within 2 feet.

15 Q. All right. So did you find any soot or stippling
16 on Najee sanders wound?

17 A. I did not.

18 Q. And that tells you what about as far as distance?

19 A. He -- he was more than 2 feet.

20 Q. Okay. How long would you say this pointer is?

21 A. About 2 feet.

22 MR. SCOTT: All right. Your Honor, can I have her step
23 down?

24 THE COURT: Yes, sir.

25 BY MR. SCOTT:

1 Q. Dr. Rose, can you use this pointer and just kind
2 of demonstrate on me exactly where this bullet entered Mr.
3 Sanders and -- and what direction it was heading as well?

4 A. Okay. So the bullet came in here, went into his
5 skull like so, but you know, over here, went into the back of
6 his skull, brain. It took out the brain stem. That was --
7 that was very important in this case. So it took out the
8 brain stem and then you could follow the path into the, what
9 we call the nasopharynx. That's just the space behind your
10 nose that gets really stopped up in your signs infections.
11 And we followed it into the nasopharynx and then it stopped
12 there. So that's where the track stopped. There was no
13 bullet there. It had fallen out.

14 Q. Thank you. So -- so there -- basically, there was
15 no exit wound, right?

16 A. No external exit wound, right.

17 Q. Okay. And so if the bullet was found on the
18 ground, next to the victim, how -- how could that happen?

19 A. It probably fell out his nose during CPR. If you
20 just find someone and you, oh, you okay. And you touch them,
21 if it's right there, it's going to fall out.

22 Q. Okay. Did you notice any other wounds to Mr.
23 Sanders such as abrasions or bruises or anything like that?

24 A. Yeah, he did. He had these abrasions on his, I
25 believe it was his right shoulder.

1 Q. Okay. And could that be consistent with
2 collapsing to pavement?

3 A. It -- they were very rough looking. Like if you
4 -- when you're a kid and you fall on the road and you scuff
5 your knee, they looked like that. So very consistent with
6 that.

7 Q. Okay. And I -- while you were demonstrating on
8 me, I think you -- you said what the direction of the wound
9 trap was, that it was back to front?

10 A. Uh-Uh.

11 Q. Upward.

12 A. And then it didn't go left or right very much. It
13 stayed straight like as far as it didn't veer to the right
14 and it didn't veer to the left.

15 Q. As part of your autopsy, Dr. Rose, did you collect
16 a blood sample from Mr. Sanders and have it sent to sled for
17 toxicology analysis?

18 A. I -- I did. We always collect where (inaudible).

19 Q. And did you do that in this case?

20 A. I did.

21 Q. And did you get a -- a report back from SLED?

22 A. I did.

23 Q. And was there any alcohol or drugs in Mr. Sander's
24 system?

25 A. There was some THC and some metabolites of THC,

1 and that was all.

2 Q. When we talk about THC, we're talking about?

3 A. Marijuana -- the active substance and marijuana.

4 Q. Finally, Dr. Rose, within a reasonable degree of
5 medical certainty, do you have an opinion as to the cause of
6 death of Ms -- Mr. Sanders?

7 A. His cause of death, I determined to be transection
8 of the brain due to a single indeterminate range gunshot of
9 neck in two head.

10 Q. And what about, do you have a -- within a
11 reasonable degree of medical certainty, do you have an
12 opinion as to the manner of death?

13 A. I do. And I classified his death as homicide.

14 MR. SCOTT: Thank you, Dr. Rose. Please answer any
15 questions the Defense has for you.

16 MR. PALMER: No questions, Your Honor.

17 THE COURT: Very good. Dr. Rose, you can step down.
18 Thank you for being here.

19 THE WITNESS: Thank you for having me.

20 MR. SCOTT: Can she be excused?

21 THE COURT: Yes.

22 THE COURT: Unless Defense counsel, you don't need her
23 (inaudible)?

24 MR. PALMER: No, please.

25 THE COURT: Our next witness?

1 MR. RILEY: State calls Mike Phipps.

2 THE CLERK: Please place your left hand on the back and
3 raise your right hand.

4 MIKE PHIPPS,
5 being first duly sworn testifies as follows:

6 THE CLERK: Thank you. Please state your first and last
7 name for the record.

8 THE WITNESS: I'm Michael Phipps.

9 DIRECT EXAMINATION

10 BY MR. RILEY:

11 Q. All right. Tell us a little bit about yourself.
12 Where are you employed and in what capacity?

13 A. I'm employed with the Lexington County Sheriff's
14 Department. I'm assigned to their forensic services unit.
15 My official title is a forensic technology examiner, which is
16 a fancy way of saying I look at digital items, electronic --
17 excuse me -- electronic items and try to recover evidence off
18 of those that may be used in the criminal investigation.

19 Q. Are you also assigned to a special unit?

20 A. Yes. Currently I'm a full-time task force officer
21 assigned to the United States Secret Services, Columbia Field
22 Office with the South Carolina Cyber Fraud Task Force.

23 Q. All right. How long have you been in law
24 enforcement?

25 A. 25 years.

1 Q. And what is your job description with the Secret
2 Service Task Force?

3 A. I'm a forensic examiner, so basically the same
4 thing I do with the sheriff's department.

5 Q. All right. And how long have you been doing
6 examinations on digital evidence?

7 A. Since 2005.

8 Q. And when you talk about digital evidence, does
9 that include smartphones?

10 A. It does.

11 Q. Does that also include cell phone extractions?

12 A. Yes, sir.

13 Q. All right. Can you say approximately how many
14 cell phone extractions you've done throughout your career?

15 A. It's hard to say because I didn't keep really good
16 records, especially in the beginning, but conservative
17 estimates well over a thousand.

18 Q. And what kind of training have you had specific to
19 cell phones?

20 A. I've had training dating back to 2007,
21 approximately 240 hours or more of training specific to cell
22 phone impact forensics. I'm sorry, what was the rest of --

23 Q. Does that include Cellebrite?

24 A. Yes, it does. So I'm currently Cellebrite
25 certified physical analyst ---

1 Q. Okay.

2 A. --- Cellebrite.

3 Q. And have you ever testified in this state as an
4 expert in the field of cell phone extraction and analysis?

5 A. Yes, sir.

6 Q. How many times have you testified as an expert
7 regarding cell phone extraction or analysis of digital
8 evidence?

9 A. Twenty-one times.

10 MR. RILEY: All right, Your Honor, I move to qualify
11 this witness as an expert in cell phone extraction and
12 analysis.

13 THE COURT: Okay.

14 MR. PALMER: We'll stipulate, Your Honor.

15 THE COURT: All right. I'll find that expert testimony
16 is necessary to secure in resolving certain factual
17 questions. Mr. Phipps is an expert and is qualified in the
18 area of cell phone extraction and analysis. And the science
19 and methodology behind this testimony is reliable. Same
20 rules apply, ladies and gentlemen. He's been qualified as an
21 expert.

22 BY MR. RILEY:

23 Q. All right. Can you explain to the jury what a
24 cell phone extraction is?

25 A. It's similar to what happens when you take your

1 phone into a cell phone repair shop, when you buy a new phone
2 and you transfer your data over. So we have forensic tools
3 that we connect the phone to, and it queries the phone and
4 causes the phone to give up its data either like a backup or
5 either install a client, and that client will download a
6 physical image of that button.

7 Q. Did you have an opportunity to review cell phone
8 extractions performed by Randy Hughes relating to this case?

9 A. Yes, sir.

10 Q. And which cell phone is identified as Karl Ryant's
11 phone?

12 A. Karl Ryant's was a iPhone 7 Plus. It was a black
13 iPhone in a gold case.

14 Q. And what information leads you to that conclusion?

15 A. When I examined the extraction, there was an IMEI
16 number; which is, an IMEI an International Equipment
17 Identifier. So it's like a digital serial number for the
18 phone. So that number is reported out in the extraction that
19 was made previously and I was able to visually identify that
20 with the actual phone. Additionally, the data on the phone
21 had data that associated Mr. Ryant with the device and the
22 search warrant description of the phone also matched.

23 Q. All right. Which cell phone is identified as
24 Najee Sanders' phone?

25 A. Mr. Sanders phone was an iPhone 8 plus. And

1 similarly, it was identified in the search warrant as a gray
2 iPhone with purple and teal case. When I examined the phone
3 that matched and the IMEI number that was reported out and
4 the data that was extracted off and match what was physically
5 on the phone.

6 Q. Did you provide any service to our office in
7 preparation for this trial regarding these cell phones?

8 A. Yes, sir, I did.

9 Q. What did you do?

10 A. I took the data that was previously extracted and
11 I just combined it into one report so that it was -- could be
12 searched and viewed you know, in a clearer manner.

13 Q. All right. So why we compiled those extractions
14 two years later?

15 A. The -- the technology back then didn't allow all
16 that data to be combined together. So originally, it was
17 reported out separate little individual reports and like
18 anything that software gets updated; gets improved. So now
19 you have the ability to take those individual reports,
20 combine them into one coherent report that can be viewed all
21 at one time so you're not confusing duplicate data or missing
22 out certain aspects of data.

23 Q. All right. In preparation for this trial, were
24 you able to compile reports from the Cellebrite data
25 concerning the evidence we intend to introduce today?

1 A. Yes, sir.

2 Q. How -- tell me, how did Karl Ryant primarily
3 communicate with others on his phone?

4 A. It appeared that he didn't have a -- a cellular
5 service active on the phone and he was using Facebook
6 Messenger and Wi-Fi connectivity to chat and to make phone
7 calls through Facebook.

8 Q. Were you able to tell what Karl Ryant's Facebook
9 name was?

10 A. Yes, sir.

11 Q. What was it?

12 A. His Facebook name was Enfant Hoodsta. It's
13 spelled E-N-F-A-N-T H-O-O-D-S-T-A.

14 Q. All right. And were you able to tell what Najee
15 Ryant's Facebook name was?

16 A. Yes, sir.

17 Q. I'm sorry. Najee Sanders?

18 A. Yes, sir.

19 Q. What is -- what is it?

20 A. It's YSN Jacceoy. And it's spelled J-A-C-C-E-O-Y.

21 Q. Were you able to look at -- at Najee Sanders' call
22 log on the date of May 10th?

23 A. I was.

24 Q. And can you tell the jury how many people tried to
25 contact him after his last outgoing message on that day?

1 A. After the last point where it appeared that he was
2 using the phone, there were 21 individual people that tried
3 to communicate with him.

4 Q. Were any of those people Kari Ryant or Enfant
5 Hoodsta?

6 A. No, sir.

7 Q. Okay. I'm going to show you what has previously
8 been marked as Exhibits 4 -- as Exhibit 44 -- State's Exhibit
9 44, State's Exhibit 45, and State's Exhibit 46. Do you
10 recognize these?

11 A. Yes, sir, I do.

12 Q. How do you recognize them?

13 A. I recognize the images because I pulled them off
14 of the phone and I previously looked at these printouts and
15 they have my initials on them.

16 MR. RILEY: Okay. I'd like to introduce State's Exhibit
17 44, 45 and 46 into evidence.

18 MR. PALMER: Objection, Your Honor. Lack of foundation,
19 lack of authentication, and prejudicial effect outweighs
20 prohibited value.

21 THE COURT: I don't even know what they are.

22 MR. RILEY: You want to see?

23 THE COURT: Yeah.

24 THE COURT: You said objection to authentication and
25 then 403(b)?

1 MR. PALMER: Yes, Your Honor.

2 THE COURT: Mr. Riley, why don't you follow up a little
3 bit on the authentication?

4 MR. RILEY: Okay.

5 BY MR. RILEY:

6 Q. Did you personally take these photos off of the
7 cell phone extraction?

8 A. I did.

9 Q. Did you provide them to our office?

10 A. Yes, sir, I did.

11 Q. Were they on the Defendant's phone?

12 A. Yes, sir, they were.

13 Q. Could you determine a date that they were taking
14 at least -- or at least one of the pictures?

15 A. Yes, sir.

16 THE COURT: All right. I'll note your objection,
17 Counsel, and be overruled. Thank you.

18 MR. PALMER: Thank you, Your Honor.

19 BY MR. RILEY:

20 Q. Show you State's Exhibit 44 . Can you see it?

21 A. No, sir.

22 Q. You want to step up? I'll give you a pointer in
23 case you want to point anything out. Tell the jury what
24 we're looking at.

25 A. You said it was 44?

1 Q. 44, yes.

2 A. So this image is a, still frame from a video and
3 we know that because the path of the -- the video -- the path
4 of the image clip shows that it was a -- a video file that's
5 associated with, so when you take a video on your phone and
6 you go to looking like the gallery for your phone, the video
7 will be there and it'll have like a still image representing
8 that video. So in this instance, this is a still image from
9 a video and that video had been deleted, but the thumbnail
10 for the video is still there.

11 Q. Okay. And you -- you said the video was deleted,
12 correct?

13 A. Yes, it was.

14 Q. Okay, let me show you number 45. What is that?

15 A. So 45 is an actual photo that was taken with the
16 Defendant's phone. The metadata associated with it indicated
17 that it was taken with an iPhone 7 plus. The image was taken
18 May 7, 2020 at 7:13 p.m.

19 Q. May 7, 2020.

20 A. Yes, sir.

21 Q. Can you read what that says on there? What --
22 what does it say on the barrel of that gun?

23 A. The barrel indicates it's a 357 Magnum.

24 Q. Okay.

25 MR. PALMER: Your Honor, I object to testifying about

1 what the picture depicts. This gentleman is qualified as a
2 computer forensic expert, not a firearms expert. And so his
3 expertise is -- isn't necessary to determine what's in the
4 photograph.

5 MR. RILEY: Your Honor, I just simply asked him to read
6 what was very visible on -- on there.

7 MR. PALMER: The photograph speaks for itself. The jury
8 can determine what it is just as easily as this gentleman
9 can.

10 THE COURT: Well, I'll note your objection. It's
11 overruled. But I do agree with you, he is not qualified as
12 an expert in firearm, so we'll make sure he doesn't go too
13 far.

14 MR. PALMER: Thank you, Your Honor.

15 BY MR. RILEY:

16 Q. And I'll show you -- next image is 46. And what
17 do we have there?

18 A. It's another image that was recovered from the
19 Defendant's phone. This image had also been deleted.
20 Because it was deleted, we couldn't recover any metadata for
21 it. But the numbering sequence, when you take a picture in
22 incrementally numbers, it's in the same sequence as the other
23 image. And with this, it's a -- it's a reversed image. So
24 the text, you can see it's like a mirror image, which
25 indicates that it's taking on the forward facing camera of an

1 iPhone. And even though it's reversed, you can see some of
2 the indicators, the -- the serial number on the phone, which
3 appears to match the serial number that appears at the other
4 image.

5 Q. So you said it's a reverse image. Would that --
6 would that be as if it's a selfie?

7 A. Yeah. Like you took it in a mirror. When you see
8 yourself in the mirror and text and everything are reverse.

9 Q. All right. You can have a seat. I want to show
10 you one other thing here. Do you recognize this?

11 A. Yes, sir, I do.

12 Q. What is it?

13 A. It's a listing of the last two web searches that
14 were conducted on the defendant's phone.

15 Q. And did you pull those yourself?

16 A. I did.

17 Q. From -- you're able to find what -- what he
18 searched on his phone?

19 A. Yes, the search term that was actually queried on
20 the internet.

21 Q. And did you provide that to our office?

22 A. Yes, sir, I did.

23 Q. And how do you know that that is the -- the one
24 that you provided to our office?

25 A. This is the report that I printed. I initial and

1 dated at the bottom.

2 MR. RILEY: Your Honor, move to introduce State's
3 Exhibit 47 into evidence.

4 MR. PALMER: Object, Your Honor. Authentication, lack
5 of foundation, prejudicial outworks, outweighs probative, and
6 I would further submit that if it was an internet search, the
7 -- the burden would be on the State to provide a certificate
8 from the internet service provider that this is an authentic
9 search that was actually done.

10 THE COURT: I will overrule the objection. And you're
11 certainly free to cross-examine on that issue.

12 MR. PALMER: Thank you, Your Honor.

13 THE COURT: Yes, sir.

14 MR. RILEY: Thank you, Judge.

15 THE COURT: What number is that going to be?

16 MR. RILEY: This is going to be number 47.

17 (State's Exhibit 47 was introduced into evidence.)

18 BY MR. RILEY:

19 Q. All right. I'm now going to publish number 47 to
20 the jury. I'm going to zoom in so that -- so that I can read
21 it. Can you show the jury what the last two searches on the
22 Defendant's phone were and the dates -- date and times that
23 you -- that you made them. Starting with the --- the first
24 ---

25 A. (Inaudible) step down?

1 Q. Yes -- yes, please step down and use the pointer.

2 A. So this first column here actually tells us what
3 path this data came from -- from within the phone. The
4 reason we know it's a internet search is because it's within
5 the Safari, which is an iPhone application for, you know,
6 internet connectivity as far as doing web searches. So being
7 passed out from the Safari path, we know that that's what
8 this is, a keyword search that was conducted. So we have two
9 searches here. The first done at 10:28 p.m. on the 10th.
10 And the search term was how'd to get residue off Hamds. And
11 it's actually spelled H-A-M-D-S. Which is another indicator
12 this is actually what was typed into the field and not
13 something auto generated by the phone. The second search was
14 done a few minutes later at 10:34 p.m. on the same date. And
15 the search term was, "How to get gun residue off."

16 MR. RILEY: Okay. Thank you. You may have a seat.
17 Please answer any questions that the Defense may have.

18 CROSS-EXAMINATION

19 BY MR. PALMER:

20 Q. Let's have a couple questions.

21 A. Yes, sir.

22 Q. I didn't catch, did you have a rank that I need to
23 address you with?

24 A. No sir, I'm just an investigator.

25 Q. Okay. Thanks. Okay, just a few questions. With

1 regard to the photos and this internet search your work is
2 not able to determine who made these searches, who took the
3 photographs, et cetera?

4 A. No, sir.

5 Q. Okay. And really your testimony basically is that
6 it was on the phone and what date and time?

7 A. Yes, sir, that's correct.

8 MR. PALMER: Okay. Thank you very much. No further
9 questions, Judge.

10 THE COURT: Thank you, sir. Any redirect?

11 MR. RILEY: No redirect, Your Honor.

12 THE COURT: All right. You be accused. Investigator
13 Phipps, you can step down. Unless these guys need you for
14 anything else, you can head back to Lexington.

15 THE WITNESS: Thank you, Judge.

16 THE COURT: Yes, sir.

17 MR. RILEY: May I please the Court?

18 THE COURT: Yes, sir.

19 MR. RILEY: At -- at this time the State would rest.

20 THE COURT: All right. Ladies and gentlemen the State
21 has now rested their case. They have presented all the
22 evidence they tell me they were going to present. So I have
23 some matters of law that I need to take up outside of your
24 presence. And so go -- I can't promise you how long it's
25 going to take. Might take 10 minutes, might take 30, but

1 we'll get it done and get you back out here and then back to
2 work as soon as possible.

3 (JURY EXITS)

4 THE COURT: All right. First thing I need to do is
5 advise Mr. Ryant of his rights, then I'll hear your motion.
6 Madam Clerk, can you please place Mr. Ryant under oath?

7 THE CLERK: Please stand and raise your right hand.

8 KARL RYANT,

9 being first duly sworn testifies as follows:

10 THE CLERK: Thank you.

11 MR. PALMER: Do you want him on the stand, Your Honor?

12 THE COURT: No, I can -- I can do it there.

13 MR. PALMER: Okay.

14 THE COURT: All right. Mr. Ryant, this time I'm going
15 to explain you some of your rights. If you don't understand
16 anything I say, please let me know. If you want me to
17 explain anything in more detail, please let me know. We've
18 reached a stage of the trial where you may present your
19 defense.

20 You have the right to claim the protection given to you
21 by the Fifth Amendment to the United States Constitution,
22 which states in part no person shall be compelled in any
23 criminal case to be a witness against themselves. This means
24 you cannot be required to testify in this case. You have the
25 right to testify on your own behalf. However, nobody can

1 make you do that. It's a personal right. No one can waive
2 the right for you. If you decide to testify, you'll be
3 subject to the same rules that govern other witnesses and you
4 may be examined and cross-examined on any relevant issue in
5 this case.

6 In addition, if you have any convictions involving
7 dishonesty or false statement for crimes punishable by
8 imprisonment for more than one year, this court determines the
9 probative value admitted. This evidence outweighs the
10 prejudicial value. The solicitor will be able to introduce
11 your record to attack your credibility. If you decide to
12 testify, this decision on your part must be freely,
13 voluntarily, intelligently made with knowledge of the
14 protection given to you by the Fifth Amendment and the
15 consequences of your decision to testify.

16 If you decide not to testify, I'll instruct the jury
17 that they cannot give the fact that you do not testify any
18 consideration whatsoever. And there is absolutely no
19 prejudice to you because you did not testify. It is left
20 entirely up to you whether or not you testified. You may
21 talk to your attorney, your family, your friends, or anyone
22 else, but the final decision will be left entirely up to you.
23 Do you understand what I've explained to you?

24 MR. RYANT: Yes, sir.

25 THE COURT: Do you have any questions about any of that?

1 MR. RYANT: No, sir.

2 THE COURT: Have you discussed with your attorney
3 whether you should testify or not?

4 MR. RYANT: Yes, sir.

5 THE COURT: Would you like to talk to him anymore at
6 this time?

7 MR. RYANT: No, sir.

8 THE COURT: Do you wish to testify?

9 MR. RYANT: No, sir.

10 THE COURT: Okay. All right. We got that done. And I
11 guess you have a matter of law.

12 MR. PALMER: Yes, sir. First I'd like to renew all my
13 objections made during the State's case.

14 THE COURT: Yes, sir.

15 MR. PALMER: Especially with regard to the -- the videos
16 that we talked about outside the presence of the jury, the
17 video evidence specifically, the Duke's Bar-B-Que videos.
18 And those are based on the rules of evidence, authentication,
19 foundation. And particularly with those videos, the
20 extremely poor quality of the videos. And it -- it would,
21 Your Honor, I think the -- the jury considering those videos,
22 they're so low quality. It's the equivalent of -- of them
23 being presented a witness who really couldn't see what they
24 were testifying about. And with regard to the other
25 objections I made with regard to photographs and the ones

1 just now, I simply renew those for the record.

2 THE COURT: Yes, sir.

3 MR. PALMER: I also move for a directed verdict on -- in
4 favor of the Defendant. And the grounds are as follows: The
5 State has done a beautiful job proving that there was a life
6 taken in this case. But that's not all they have to prove.
7 They also have to prove is, Your Honor has told the jury,
8 malice of forethought. There's really no evidence of malice
9 of forethought. There's no evidence of motive in this case.
10 And I think on that ground, the State fails and the Defendant
11 is entitled to a directed verdict. Thank you, Your Honor.

12 THE COURT: Yes, sir. As you know, I'm required to take
13 -- I hope -- Mr. Scott?

14 MR. SCOTT: I kind of like where you were going. I
15 think there's been -- I think taking that the evidence in the
16 light most favorable to the State I think there was ample
17 evidence to give this case to the jury. We have the video
18 evidence. We have, I think when you look at Ms. Williams'
19 testimony, Ms. Johnson's testimony; we combine that with the
20 video testimony. We combine that with the -- the evidence we
21 got from the Defendant's cell phone. I think there's more
22 than sufficient evidence for this case to go to the jury.

23 THE COURT: I would -- I would agree. As, you know, I
24 have to take evidence in light most favorable to State. At
25 this juncture, I guess it's the -- the old criminal defense

1 lawyer in me. I do have some questions myself. But I think
2 the State has presented a -- a circumstantial case and has a
3 lot of direct evidence as well that -- that warrants this
4 case going to a jury, you know. I know where you're going
5 with the motive and malice, but if he didn't commit this
6 murder, he knows who did. Because we know what happened when
7 they turned that corner. So I think this -- it -- this is
8 properly a jury question and so I'll deny your motion.

9 MR. PALMER: Thank you, Your Honor.

10 THE COURT: All right. We have the charge ready. Do
11 you all want to look at that briefly before you do your
12 closing to make sure we're all on the same page? I -- I
13 don't mind giving you a few minutes.

14 MR. PALMER: Was it the same one attached to the email
15 that came in yesterday? I -- I read it, Your Honor. I'm --
16 I'm fine with all of it.

17 THE COURT: She's -- she's a step ahead of me. I just
18 work for her.

19 MR. SCOTT: So I -- I did not read it. Does the charge
20 include firmly convinced?

21 THE CLERK: I think that's in a reasonable charge, but
22 I'll double check.

23 MR. SCOTT: Credibility of witnesses?

24 THE COURT: Yep.

25 MR. SCOTT: I would like -- I would like, like five

1 minutes just to get set up.

2 THE COURT: Yeah, I will give you all the time you need
3 for your closing. You guys got the firmly convinced language
4 ---

5 THE CLERK: Yeah, in a reasonable doubt charge.

6 THE COURT: --- in reasonable doubt.

7 MR. SCOTT: Thank you. I have nothing additional.

8 THE COURT: Okay. So you all want to just be at ease
9 for 10 minutes till 10:30. Is you all time to get you tossed
10 together and get everything organized?

11 MR. SCOTT: Yes, Your Honor.

12 THE COURT: And folks, again, I'm going to remind you,
13 we are in a serious place. In a serious case. There's not
14 going to be any outbursts during closings or at the end. I
15 don't -- I don't want any extracurriculars in the hall or in
16 here. Somebody's going to be disappointed when this -- this
17 verdict comes back. And I understand that. But you're not
18 going to express it in here, in this courtroom. You're going
19 to be respectful to one another. Just as everybody has done
20 this entire trial. And we're going to keep that up. I -- I
21 do -- I acknowledge that and appreciate that. Everybody has
22 been in a tough spot.

23 But again, these are not easy cases. But we're not
24 going to do anything to disrespect one another when this
25 verdict comes in. So if you do, you'll be removed from the

1 courtroom and the courthouse and we might have another
2 charge. So again, thank you thus far. Let's -- let's get
3 through it. We're going to get this done today though.

4 MR. SCOTT: Thank you, Your Honor.

5 THE COURT: All right. We'll be back about 10:30 or
6 10:35.

7 MR. SCOTT: Thank you.

8 (Off the record.)

9 THE CLERK: Court in session.

10 THE COURT: All right. Bring the jury in.

11 THE CLERK: Yes, Your Honor.

12 THE COURT: All right, ladies and gentlemen. The
13 parties have presented all the evidence in this case. It's
14 now time for the lawyers to make their closing arguments.

15 MR. SCOTT: Can we -- can we approach real fast?

16 (Sidebar with judge and respective counsel.)

17 THE COURT: Yeah.

18 MR. PALMER: Just for the record, Your Honor, Defense
19 rests.

20 THE COURT: Okay. All right. Now, it's time for the
21 lawyers to make their closing arguments. Begin like those
22 opening statements that they gave you at the beginning. It's
23 not evidence, it is their argument and what they believe the
24 evidence shows. They will obviously be very contrasting and
25 different spent on the evidence. But that's -- that's what

1 the arguments are about. You should disregard any remarks,
2 statement, or argument that is not supported by the evidence
3 -- during that was presented during the trial or the law that
4 I'll explain to you a little bit later. So please give the
5 lawyers your attention.

6 MR. SCOTT: May I please the Court?

7 THE COURT: Yes, sir.

8 MR. SCOTT: Mr. Palmer?

9 How can there be any doubt, much less a reasonable
10 doubt, that that man is a cold-blooded killer. How can there
11 be any doubt, much less a reasonable doubt that that man
12 senselessly, and without just cause or excuse executed Najee
13 Sanders on May the 10th of 2020. And I submit that Karl
14 Ryant did this for one reason, for one reason only, because
15 he thought he could get away with it. Prove him wrong.
16 Senseless acts of violence or an epidemic, whether it's armed
17 robberies, home invasions, murders. These crimes are
18 becoming more and more prevalent in our community.

19 But what we can do about it is we can bring the people
20 responsible for these acts into a courtroom, just like this,
21 just like what the state is doing with Karl Ryant this week.
22 And hold them -- seek to hold them accountable. And the
23 evidence that has been presented these past several days
24 proves, not just beyond a reasonable doubt, but beyond any
25 doubt that Karl Ryant murdered Najee Sanders on May the 10th,

1 2020.

2 Ladies and gentlemen, on behalf of the state of South
3 Carolina, I want to thank you for your service here this
4 week. It's often said that jury service is one of the most
5 important functions you can perform for your country. And I
6 certainly concur with that.

7 The truth of the matter is, we all have a job. It's the
8 State's responsibility to be a minister of justice. It's Mr.
9 Palmer's job to be a zealous advocate for his client. It's a
10 judge's job to administer the law. And it's your job to
11 closely consider the evidence, listen to the law, and when
12 it's time for you to deliberate, you have to deliberate. And
13 if you recall, the most important thing you've done this week
14 up until now, is you took an oath. You took an oath that you
15 have put aside any bias against the State or the Defense, and
16 base your verdict, your truthful verdict on just two things.
17 The evidence and the law. Not on speculation, not on
18 assertions, not on what you think the law should be, but on
19 the evidence and the law.

20 Before we talk about the facts in this case, I want to
21 briefly take just a few minutes and talk about the law. As I
22 told you in my opening, murder is the unlawful killing of
23 another with malice and forethought. Either express or
24 implied. Premeditation is not an element of murder. That is
25 not something the state needs to prove. Key to that

1 definition is the word "malice." And malice has multiple
2 definitions under our law. It could be an intentional act of
3 violence, a reckless disregard for the safety of others,
4 conduct that signifies a conscious effort of creating a high
5 risk of serious bodily injury to another. Malice has no time
6 (inaudible). Before the blink of an eye, pulling of a
7 trigger. And as the law says, can be expressed or implied.

8 Example of expressed malice would be somebody saying,
9 I'm going to kill you and then kill that person. But the law
10 also recognizes what we call implied malice. And implied
11 malice based on the facts. Use of a deadly weapon by itself
12 is evidence of malice. Shooting someone in the head is
13 evidence of malice. Using a gun to shoot somebody in the
14 head from 2 feet away is the evidence of malice.

15 There's no doubt that Najee Sanders was murdered. You
16 just have to decide who did it. There are two types of
17 evidence, direct evidence and circumstantial evidence.
18 Direct evidence is what a witness sees, hears, smells,
19 touches.

20 Circumstantial evidence is evidence you can gather based
21 on a chain of evidence proving the existence of the fact. So
22 let's say it is a cold night in January. You're getting
23 ready to go to sleep; getting ready to go to bed. You look
24 out your bedroom window and there's no snow. You wake up the
25 next morning, you look out your window and your whole

1 neighborhood is covered in snow. It's not snowing anymore,
2 but your whole neighborhood is covered in snow. You know,
3 from the chain of events, that while you were sleeping, it
4 snowed outside. You didn't actually see it snowed, but you
5 know it snowed outside.

6 Somebody might try to get you to believe that somebody
7 came through your neighborhood with a snow blower (inaudible)
8 snow all through your neighborhood. But you know that
9 wouldn't be reasonable. That is circumstantial evidence.

10 And under our law, circumstantial evidence and direct
11 evidence are equal. The Judge will also charge you on the
12 credibility witnesses. The Judge will instruct you that you
13 can believe all, some, or none of what a witness tells you.
14 And I -- I submit you've been training for this your whole
15 life. You know, judging people's credibility. You know, if
16 they're telling the truth. Do you think they're not telling
17 the truth? But Judge Taylor can also give you some other
18 factors you can look at. What was the demeanor of the
19 witness on the witness stand? Was the witness forthright or
20 hesitant? Was the testimony of the witness consistent? This
21 is my favorite one. Was the testimony of the witness
22 corroborated? Did the witness have a reason to be biased or
23 prejudice? Those are factors you can use to determine
24 whether or not you think a witness is telling the truth.

25 And the last legal phrase I want address is the "burden

1 of proof." The State, as in all cases, has burden of proof.
2 It's our responsibility to prove the Defendant is guilty. And
3 we must convince you the jury of the Defendant's guilt by
4 proof beyond a reasonable doubt. And what that means is
5 after hearing all the evidence and you are firmly convinced
6 that the Defendant is guilty, then it's your responsibility
7 to find him guilty. I submit the evidence in this case
8 leaves you much, much, much more than just thoroughly
9 convinced. If there was ever a case where a Defendant's
10 guilt is proved beyond any doubt, It's this one.

11 Now the lay down rules of procedure (inaudible) is this
12 -- this is my only one and only opportunity to argue on
13 behalf of the State. After I've finished, Mr. Palmer's going
14 to stand up. He's going to give a closing argument on behalf
15 of his client and I won't get a chance to respond whatever
16 Mr. Palmer says. So I'm kind of at a disadvantage and I have
17 to anticipate what I think Mr. Palmer might argue to you.

18 But I can tell you what, he will not ask you to base
19 your verdict on facts. He'll ask you to base your verdict on
20 speculation, assertion, and complete conjecture. Kind of
21 reminds me I like to refer to it as a octopus (inaudible).
22 You know anything about an octopus? It doesn't have claws
23 like a bear. It doesn't have teeth like a tiger. It's got a
24 tiny little (inaudible). And when it gets in trouble, he
25 tries to muddy the water and slither away. That is exactly

1 what the Defense is trying to do this week. So let's talk
2 about some of these assertions that I think you might hear
3 from the Defense, that I -- I won't get a chance to respond
4 to them.

5 They might argue that Najee Sanders and Mr. Ryant were
6 such friends that Mr. Ryant would never do this. Let --
7 let's break this down a little bit. Just because Najee and
8 Mr. Ryant grew up together, went to school together, hang out
9 from time to time at Ms. Patrina Williams' house and other
10 places. Does it really sound like Mr. Ryant thought of Najee
11 as a friend? You saw his demeanor in the interview room, the
12 very night -- five hours after Najee has been murdered. You
13 saw his demeanor in that interview. Did he seem upset that
14 his friend had just been murdered? Shot in the back of the
15 head?

16 But let's -- after he gets advised of his Miranda
17 rights, after he gets advised of his Miranda rights,
18 Investigator Brightwell says, he puts the pen down and put
19 the advice of Brightwell (inaudible) away. And Investigator
20 Brightwell says, do me a favor, tell me what you did today.
21 What does he say? You talking about as far as being around
22 that man? Does that sound like his friend? Later
23 Investigator Brightwell says -- or the Defendant says, he
24 called me. Investigator Brightwell says, who called you?
25 Mr. Ryant says the dude that's dead now. Sound like his best

1 friend.

2 When Najee's body was found on Whitman Street. You
3 heard Mr. Phipps or Investigator Phipps from Lexington
4 County, cell phone guy. I don't remember what he testified
5 to. Twenty something odd messages and texts going to Najee's
6 phone, (inaudible) his friend. They just spent four hours
7 with him? No. Remember his statement? When he says the guy
8 at the stop sign went around Sprinkle. Najee is dead laying
9 of the road over by Duke's Bar-B-Que. I mean Sprinkle,
10 Duke's Bar-B-Que. He's finding out his friend's just been
11 murdered. And what's he doing? Just Hanging out. I'm not
12 going to go check on him. I'm not going to call him. Does
13 that sound like his friend?

14 (Video played)

15 LIEUTENANT JENKINS: I -- I'm saying who called you and
16 told you that he got shot?

17 MR. RYANT: People I know around the street and my
18 cousin, so.

19 LIEUTENANT JENKINS: They didn't say how they found out?

20 MR. RYANT: Oh, they say it was on a Facebook live.

21 LIEUTENANT JENKINS: (Inaudible)?

22 MR. RYANT: I guess, you know. (inaudible).

23 LIEUTENANT JENKINS: And that's what somebody told me
24 (inaudible) to told you.

25 MR. RYANT: Somebody called me on the phone (inaudible)

1 Facebook live.

2 LIEUTENANT JENKINS: And what -- and so, I mean what did
3 they tell you? Tell me what they told you?

4 MR. RYANT: They was like, yo, yo, yo, yo. He kept
5 saying yo, that's how (inaudible) went. I'm like, where is
6 Sumo at? I was like, (inaudible) people saying he dead.

7 LIEUTENANT JENKINS: And what did you do?

8 MR. RYANT: Tell that's (inaudible) Facebook
9 (inaudible).

10 (Video stopped)

11 MR. SCOTT: So three things I'm finding interesting
12 about that -- that clip. One, what does he say? The man
13 just left me. Just left me. He's talking about Sumo. Sumo
14 just left me. Second, how do all these people that -- he had
15 -- he says it. How do all -- he says all these people are
16 calling him. How do these people know to call him, that Sumo
17 has been killed.

18 And then the third thing I find interesting about this
19 clip, these people are calling him and what does he say? He
20 says they kept going on and on and on about it. And that's a
21 spread, right? That's a spread.

22 But then there's more stuff in this interview, right?
23 He don't want to -- he -- he don't want to give Brightwell --
24 Investigator Brightwell any information whatsoever. He tells
25 him -- he tells Investigator Brightwell that he and Sumo

1 walked to see a friend who recently got shot in the leg.
2 Brightwell says, who was that? Another dude I know. I don't
3 want to throw his name out. What were you all -- you talked
4 about what we were doing? Just steady going to homeboy's
5 house. We only went to dude's house back behind Metts to
6 check on him. Other dude's house was my homeboy's house.
7 And where is that at? You don't have to tell me who it is?
8 Right there by Metts store. And you don't want to tell me
9 whose house that was? No, not really.

10 What's he hiding? But I mean, who is it that calls you
11 and told you, or messaged you and told you that Sumo would've
12 been shot in the head? It was about three people. I don't
13 really want to throw their names out. Does he care about his
14 friend? Is he helping the police make the track down some
15 leads? That wasn't his friend? I mean this is his reaction,
16 four hours after his friend has been executed in the back of
17 the head.

18 Let's talk about motive. Because I know Mr. Palmer's
19 going to get up here and say the State hasn't offered any
20 motive. This is the indictment in this case. It says that
21 the Defendant Karl Ryant did in Orangeburg County, on or
22 about May 10, 2020, unlawfully, on the malice of forethought
23 killed Najee Sanders by means of shooting the victim with the
24 gun. And the victim did die as approximately assault their
25 gun. That's what's in the indictment.

1 Who, what, when and where? Who? Karl Ryant. When?
2 May the 10th of 2020. What? Murder. Where? Orangeburg
3 County. That's what the State must prove. We don't have to
4 prove, why. We don't have to prove motive. Just like when I
5 told you premeditation is sounded on the murder, neither is
6 motive. But when you see the Defendant's interview, you see
7 how cold and indifferent he is talking about Najee
8 (inaudible) five to six hours earlier. Do you really need to
9 know exactly why he did it? I mean think about it, he's
10 saying we heard from Ms. Williams and we heard the Defendant
11 said his statements, that the victim's house got shot up two
12 days before this happened.

13 The Defendant tells you, we went to see a friend who got
14 shot, he was crippled. These are facts that I'm assuming
15 most of us don't deal with on a day-to-day basis. I can't
16 tell you why a 17-year-old kid would want to kill another
17 17-year-old kid. And if there was a motive out there, he
18 wasn't helping the police track it down by telling them whose
19 houses they went to and everything else that day. The State
20 doesn't have to prove motive.

21 Let's turn that upside down a little bit more. You've
22 seen the video, right? And then walking at Duke's. One
23 behind the other. Sumo just walking down the road. Somebody
24 else trailing 4 feet behind. Doesn't the person who killed
25 Najee have to be his friend? He's not letting his moral

1 limit him. Just walked 4 feet behind him while they walked
2 into a -- a quiet part of the business district in Orangeburg
3 on Sunday on Mother's Day when everything's closed. You're
4 not going to let somebody who knows -- wants to kill him,
5 just walk right behind him 4 feet like nothing's going on.
6 If Najee Sanders didn't know Karl Ryant had a motive, how is
7 the State supposed to know what his evil intentions were?

8 Defense might get up here and talk about GSR gunshot
9 residue. You heard the victim had gunshot residue on his
10 hands. Three particles at (inaudible) at 25. You also heard
11 that he was shot in the back of the head. Analysts say you
12 expect to find GSR on people who have been shot. In fact,
13 it's gotten to the point where SLED doesn't even analyze GSR
14 kits on victims anymore who have been shot because you expect
15 to find GSR on Najee Sanders.

16 GSR kit on the Defendant's hands was not tested. It was
17 outside the window. She said four to six hours was the
18 optimal time. Four to six hours was the optimal time. And
19 what kind of factors can affect that? Sweating, (inaudible)
20 rub off. What do we know about the person who shot Najee
21 Sanders? Took off running. What does Karl Ryant said he did
22 that afternoon. Well, after I left Najee, I went over to
23 Sprinkle. And then I walked home. Says he lives off Russell
24 Street, Highway 33.

25 Sumo, you heard from Ms. Williams they lived on Walker

1 Avenue up here, Whittaker Parkway. You all know where the
2 Bojangles is by (inaudible). Way up here. And he lives past
3 that. You walk from Sprinkle all the way up Highway 33,
4 especially when you're the type of person who likes to walk
5 around with two jackets in May. You're probably going to be
6 sweaty. That GSR is going to come off. But how do we know a
7 GSR kit on the Defendant wouldn't have done us any good. He
8 searches how to remove GSR the night of this incident,
9 minutes before he turns himself in.

10 There was no GSR on those blue shorts that was tested.
11 We know he changed clothes. We don't know if he's wearing
12 those blue shorts at the time of the incident or not. And
13 even if those wore the blue shorts that he was wearing on
14 Whaley Street, hanging out in the back, you notice you
15 couldn't see them from the front. You can only see them
16 hanging out in the back when they went around that fence
17 after leaving that house. The GSR expert says we -- we
18 expect to find GSR on the outermost (inaudible) clothing, not
19 a pair of jeans that are underneath your pants. And your
20 common sense tells you if the gun's pointed this way and the
21 only part of your shorts that are exposed are in the back.
22 Not to mention, don't you think if you're getting ready to
23 shoot somebody in the back of the head and take off running,
24 you might pull your pants up. The

25 Defense has no burden of proof. They don't have to ask

1 a single question. But once they start throwing out
2 assertions and speculation, it is subject to scrutiny just
3 like everything else. The evidence is what you hear from
4 this witness standpoint and the exhibits you get to take
5 back. So let's talk about the evidence in this case and how
6 we know the Defendant murdered Najee Sanders. Not just
7 beyond a reasonable doubt but beyond any doubt.

8 My boss, he uses a phrase in every one of his trials and
9 that phrase is, facts are strong opinions. Facts are strong
10 opinions. Because no matter how much the defense tries to
11 twist the facts, you know you can nitpick at all the various
12 facts. But we can put them all together. All together. It
13 proves the big puzzle, right? So let's talk about, second
14 witness was Ms. Williams, Najee's mom. On the incident date,
15 Ryant came looking for her son. Karl was wearing a backpack.
16 Ms. Williams told Karl Ryant her son was not at home and
17 tried to get him to leave twice. She FaceTimed with her son
18 twice that afternoon, after Najee went walking. And when she
19 FaceTimed her son, who was her son in that? Karl Ryant.
20 Then who else do we hear from? Shanna Johnson. But woman
21 who's afraid of snakes and didn't have a softball game on
22 Mother's Day. So she went for a walk. What did she tell
23 you? On the incident day she saw Sumo on Whaley Street,
24 which is very close to the murder location.

25 She said Sumo was with one other person, and that person

1 was wearing a backpack. Ten minutes later she finds out Sumo
2 is dead. That's proof beyond a reasonable doubt. Those two
3 witnesses by themselves is proof beyond a reasonable doubt.

4 Well, let's talk about the videos in this case. And
5 when we talk about the videos, I want to preface it with two
6 things, all right? The first is let's convert the video time
7 from The Keg and from Duke's Bar-B-Que, which we know is
8 wrong, right? We know this times are wrong. Can't we
9 convert them to their real time? Officer Grant's patrol car
10 passing through The Keg. Time on the video at The Keg,
11 4:50:19. What's the time on Officer Grant's dash cam?
12 5:30:31. I would've let that play a few more seconds. So I
13 had it at 5:0:35. So the Duke's Bar-B-Que cam -- excuse me
14 -- 5:30:31 that -- that's it.

15 So The Keg video is 40 minutes and 12 seconds slow. And
16 that's pretty much close to what Detective Black told you
17 when he went to download. He said they were 38 minutes slow.
18 So when you compare it, the dash cam to the camera time, we
19 know The Keg video is 40 minutes to 12 seconds slow. Duke's
20 Bar-B-Que, when Officer Grant's pulling up and the only black
21 patrol car that Public Safety had back there. Duke's video
22 says it's 5:39:35. The time on Officer Grant's dash cam
23 5:30:53. So Duke's Bar-B-Que is eight minutes and 42 seconds
24 fast. Detective Black told you it was eight to nine minutes
25 fast when he pulled it up.

1 So that helps us put a few things in perspective, right?
2 With Najee and Ryant and -- Kari Ryant passed through The
3 Keg, it's not 4:34:29 like the video says. It's 5:14:41.
4 When they turn onto Plywood from John C Calhoun, you subtract
5 eight minutes and 42 seconds from the time of the video from
6 Duke's Bar-B-Que. We know it's five 17 and 44 seconds. At
7 the time of the murder, Duke's video says it's 5:28:44. You
8 subtract eight minutes and 42 seconds. Time of the murder is
9 5:20:02.

10 So that's the first premise. Let's convert everything
11 to real time or accurate time, actual time. The second
12 premise, we know that's Sumo, right? Those are the clothes
13 he was wearing. Don't we know that is Karl Ryant? Is there
14 any -- I -- is there any doubt that is Karl Ryant. I mean
15 can you not look at him over there and tell that's Karl
16 Ryant? If there's any doubt about it, you can look at his
17 picture from the time he was arrested; compare that to the
18 video. You really don't need a whole lot else to tell that's
19 Karl Ryant. Black shoes, black pants, black shirt, black
20 something on his head. But how else do we know that's Karl
21 Ryant?

22 Well, Ms. Williams told you that. She says she's known
23 Karl Ryant for how long? She's known him since elementary
24 school. Detective Albert Black said I recognize both these
25 individuals. That's Najee Sanders; that's Karl Ryant. And I

1 submit that the Defendant himself basically admits that's
2 him. They never showed him the video. So that he can say,
3 yeah, that's me. But what does he say? He tells
4 Investigator Jenkins, I was wearing a black shirt and black
5 pants.

6 He tells Investigator Jenkins, I was wearing a backpack.
7 He tells investigators he and Najee were walking on Whaley
8 Street. That's Whaley Street. He says they were near that
9 Trailer Park. I don't know if you caught it. At one point
10 somebody says, so you all are in that Trailer Park? He goes,
11 no, we weren't in that Trailer Park. We were by that Trailer
12 Park. This fence right here is Metts' Trailer Park. They
13 weren't in that trailer park, they were just outside.

14 And at one point -- sorry, I'm going to have to slide
15 for this. I know it was hard to hear, but Investigator
16 Brightwell says -- Karl Ryant said that Najee said he was
17 getting ready to go home. And Investigator Brightwell said,
18 do you remember what time he said he was going home? Mr.
19 Ryant says, I could estimate for you. And Brightwell says,
20 if you could remember. And Karl Ryant says, I can't give you
21 an exact answer. I would say it was at least around 4:40, I
22 want to say. 4:40. That's when Najee said he wanted to go
23 home.

24 He puts himself with Najee very close to the time of
25 murder. So that's the second premise. First premise was the

1 times. The second premise is that's Karl Ryant. Tell if
2 there's anything.

3 So with that being said, this is the tax map, very
4 similar to the ones that are in evidence. Kind of hard to
5 see, but outline the blue, what's captured on video, the
6 paths. And I wrote in here, the times. 4:42, we saw Sumo
7 and Karl walk up to that house on the corner. 5:06:10, they
8 leave. At -- between 5:08 and 5:09, they are talking to Ms.
9 Johnson outside the Laundromat. And at 5:12:15, they
10 disappear off this camera to the left, not to the stop sign.

11 I thought it was very important. I know I -- I taxed
12 your eyeballs, but I -- I thought it was very important to
13 show you what it looked like when Shanna Johnson walked all
14 the way to the stop sign, that you saw Najee and Mr. Ryant
15 disappear out of view, right there on the left, right at that
16 footpath, past that white building.

17 And then this is why it's important to convert it to
18 real time, right? Two and a half minutes later, they're
19 walking through The Keg parking lot. They went from here to
20 here in two and a half minutes. Of course, the Defendant
21 says he went straight. Says he went straight and Sumo went
22 to the left. So he wants you to believe that two and a half
23 minutes, Sumo met somebody else, who's a foot shorter than
24 him, wearing a black shirt, wearing black pants and carrying
25 a book bag. And that person decided to walk behind him as

1 Sumo walked home. And not just walk with them, but literally
2 walk a few feet behind him, you know, like they're doing in
3 all these videos.

4 And then two minutes later they made it to Plywood
5 Street. They crossed John C Calhoun, made it to Plywood
6 Street and around 5:20, Sumo's murder. There's not enough
7 time for somebody else who, same stature as Karl Ryant,
8 wearing the same clothes to take his place and kill Najee
9 Sanders.

10 So you see him leaving. Dark colored pants, dark shirt,
11 and a lighter colored book bag. You see the contrast in the
12 -- in the pants and you can see a -- a slight contrast on the
13 back, consistent with that book bag. That's at The Keg.

14 Brad, can you pause it. Can you see it better in the
15 shadow. You can see the different in the contrast there in
16 the shadow. You can see the different -- you can see the
17 book bag. Play it. We're going to give him this stretch
18 right here. Kind of see the hump of the -- of the book bag.
19 And keep in mind, I know -- I know what Mr. Palmer is going
20 to argue. He's going to say the State wants you to convict
21 Karl Ryant based on this one video. Don't let him do it.
22 This case is based on all these facts. So more we're going
23 to get to in just a minute.

24 The State is not asking you to say you have to identify
25 Karl Ryant in this video. We are not asking you to do that.

1 We've proven that's Karl Ryant in this video. But I'm not
2 asking you to look at that video and say that is Karl Ryant.
3 There's no time for anyone else to take Karl Ryant's spot and
4 be the murderer in this case. Dressed just like him. That's
5 proof beyond any doubt. But what makes this case even
6 stronger? 10:28 p.m., just minutes before he is turning
7 himself into the police, he is advised rights form says
8 they're (inaudible) at 11:07 p.m. 10:28:22, he's Googling,
9 Safari searching, "How to get residue off your hands." How
10 to get residue off your hands. And I don't know what he came
11 up with. I don't know what -- I don't know what happens when
12 you Google how to get residue off your hands. Maybe -- maybe
13 he got how to, you know, tips on how to get rid of adhesive
14 residue or something off of -- I don't know what he got.
15 Because a few minutes later he realizes this isn't what I'm
16 looking for. I need to be more specific. How to get gun
17 residue off. Minutes before he is turning himself into
18 police.

19 What else do we know he he's doing before he is turning
20 himself into police? He's changing his clothes. You saw the
21 clothes he's wearing when he goes into the interview room.
22 That's not what he's wearing hours earlier. What else is on
23 the cellphone? Video gun, not just any gun, 357 Magnum. And
24 why is this relevant? Well, what does Jana Weaver tell us?
25 Used to work at SLED Firearms Examiner. "Revolvers do not

1 extract cartridge cases." Why is that relevant? We didn't
2 find a cartridge case in that scene. The bullet next to
3 Najee is consistent with having been fired by a 9 millimeter,
4 38 special, 357 Magnum, as well as some others.

5 The bullet next to Najee was on the ground at six lands
6 and grooves, right twist and conventional rifle type. What
7 did Jana Weaver say about the picture of the gun that was on
8 Defendant's phone? It's a Rossi 357 Magnum. What can she
9 tell us about Rossi 357 Magnums? They have six lands and
10 grooves. They have right twist and they have conventional
11 rifle. Yeah, there's some other guns that could have fired
12 that bullet.

13 We may not have the actual murder weapon, but we have it
14 on his phone, and he knows where his gun is. The one thing
15 we don't do in this courtroom is reward murders for hiding
16 your weapons. Again, the Defendant, Defense, they'll try to
17 make it sound like the State is asking you to speculate that
18 that's the Defendant in that video. You know from a chain of
19 events that that's Karl Ryant in those videos. It's like
20 putting together a puzzle. Every piece matters. You can
21 critique, you can analyze every little piece if you want to,
22 but when you put it all together you see the puzzle that
23 you've been working on.

24 When they start talking about the (inaudible) in their
25 closing, what was clear? Those two people taking the path to

1 the left, not walking to the stop sign, not him going
2 straight at the stop sign. That is the one thing that is
3 absolutely clear in this case. He lied, twice, to
4 investigators. Why is he lying? That is the one thing
5 that's absolutely crystal clear in this case. He did not go
6 to the stop sign and go straight.

7 In closing, I want to thank each and every one of you
8 for your attention you giving me in my closing argument. I'm
9 sure you'll give Mr. Palmer the same degree of attention.
10 Let me just kind of throw this one last thing out at you.
11 While there are no classes you can take to teach you how to
12 be a good juror, each and every one of you has been training
13 this your entire life. You each bring a different
14 background, different life experiences. And it's that
15 diversity of experiences that we ask you to bring together
16 and use your common sense and render a verdict that speaks
17 the truth. It's not your job to search for reasonable doubt.
18 If there was a reasonable doubt in this case it would be
19 shining right back at you. It is not your job to search for
20 reasonable doubt. It's your job to weigh the evidence.

21 Do you know what I find ironic about jury service, is
22 for the past three days you haven't been allowed to say a
23 Pete, you haven't been asked, you haven't been allowed to ask
24 a question. The only thing you got to do is stand up and
25 tell us your name, where you work, whether you're married.

1 But what's ironic about jury service is pretty soon you're
2 going to have the loudest voice in this courtroom. Use your
3 voice. Let the Defendant know that his actions on May the
4 10th, 2020 were wrong. Find him guilty of murder. Thank
5 you.

6 MR. PALMER: May I please the Court?

7 THE COURT: Yes, sir.

8 MR. PALMER: Hello, again. And now it's my turn to
9 address you in closing argument. First, let me also thank
10 you for your jury service. I put a lot of stock in jury
11 service. I've only been called, as I said, once. I didn't
12 get to serve, but maybe it'll happen again. We'll see. I've
13 been looking forward to it my whole career. This is a
14 serious case. It's about as serious as it gets. This is a
15 murder case and the guy on trial here, it's Karl Ryant.

16 Now, solicitor started off his argument by making a
17 statement that I need to address. I -- I actually think it
18 was improper. I didn't object to it. You're not here to
19 clean up society. You're not here to send a message out,
20 we're not going to tolerate a crime. That is not your
21 function in this case. Your function is to decide the facts
22 of this case. That's it. I hope everybody understands that.

23 And this case is about the burden of proof, which is
24 among the strongest we have in our system of justice, beyond
25 a reasonable doubt. Now, Judge Taylor is going to tell you

1 exactly what that means. And I know what he's going to say
2 because I have a copy of it. Ms. Clerk sent it to me and he
3 sent it to the -- she sent it to the State. Beyond a
4 reasonable doubt, there's a very strong burden of proof. And
5 if they don't meet it here today in court, if you decide that
6 there is a reasonable doubt about some of this stuff, you
7 have the right to find reasonable doubt and you have the
8 right to acquit. And in fact, it's not just a right, it's a
9 duty.

10 So the State has put together quite a case. Got videos,
11 got diagrams, got photos, got bullets, 23 witnesses. Very
12 impressive. And you might remember Monday when I talked
13 about, I like to argue by analogy sometimes. And I came up
14 with my house inspector analogy, kind of corny. I get it.
15 But I think it's a good way to look at this. The State has
16 built a big shiny house. It looks great from the street.
17 And they -- they keep telling you that you need to look at
18 the house as a whole. And look at it in one setting from the
19 street. And that's how you decide the case.

20 I'm going to ask you to take a different approach
21 because you're now the house inspector. Looks great from the
22 street. But now we're going to go in and we're going to
23 crawl into the foundation. We're going to go up in the
24 attic. We're going to -- we're going to check all the
25 plumbing and electrical systems and we're going to see if it

1 passes the inspection. And I -- I'm going to suggest to you
2 that it won't. And there's some -- there's some flaws in the
3 house. And house inspectors use what's called a punch list.
4 I'm going to go over the punch list, okay?

5 23 witnesses, not one of the witnesses that took this
6 stand can put my client at his crime scene. Not one
7 eyewitness can put him at the crime scene. Instead they have
8 a camera, a video from Duke's Bar-B-Que that basically that's
9 their star witness. There's actually two videos on Plywood
10 Street. Those -- that's the State's star witness.

11 Now, the solicitor spent a lot of his time anticipating
12 what I was going to come up with and I'm -- I'm wondering why
13 he did that. Maybe he knows he's got some weaknesses. He
14 wants to head him off of the past. But you saw the video,
15 you can evaluate it. Evidence is evidence. And you know
16 you've seen some of the procedural things in trial this week
17 and there's been some talk about objections and
18 admissibility. Admissibility of evidence is an issue in
19 every trial. Because if evidence doesn't get admitted, you
20 don't see it. And there's a whole process involved with
21 that.

22 So we talk about admissibility, but once evidence is
23 into case it's been admitted, that doesn't mean it's good
24 evidence. It just means you get to it now -- you get to
25 weigh it and evaluate it and you assign and wait to it. And

1 evidence that weighs more is better quality. So back to the
2 Duke's videos, that evidence has been admitted, but I suggest
3 to you that doesn't mean it's good evidence. They're very
4 poor quality videos. And I'm ask you to take this approach.
5 If somebody said, hey come here, let me show you this video.
6 It's one video that the State says makes their case, didn't
7 tell you anything about what was happening in the video. And
8 you looked at it, what would you conclude happened? I can't
9 really tell what happened. These two figures that walk
10 across, they go off camera for -- I don't know. I didn't
11 time it, but it seemed like 10 or 15 seconds. What happened
12 during that time?

13 And then the figures seemed to come back on one drops
14 and -- and the other one leaves the scene behind the
15 building. You can't tell who that is. You can't tell what
16 they're doing. You can't see a firearm in that video. You
17 can't -- you can't really make out anything other than the
18 general motion. Think of it like this, if instead of that
19 video, the State had called an eyewitness who took the stand
20 and described what happened to that video, what would that
21 witness be able to tell you happened? First of all, they got
22 that they'd get the time wrong and you could weigh that in
23 your deliberations. This witness didn't even get the time
24 right.

25 But secondly, could that witness tell you with any

1 degree of certainty who those figures are? Could that
2 witness tell you exactly what happened? Could that witness
3 tell you that there was malice in the action of one figure
4 against the other? Did that witness tell you whether or not
5 there was a fight off camera when those two figures left the
6 scene where they left the view of the camera? That witness
7 couldn't tell you any of those things. All I could do is
8 vaguely describe some blurry figures. It is -- it's as if
9 the witness said well had to admit on cross-examination.
10 Well, I didn't really see a lot because I didn't have my
11 glasses on.

12 And now getting back to the house analogy, if you just
13 -- if that video wasn't in this case, you wouldn't have any
14 idea what happened out there. So what I'm asking you to do
15 is give that piece of evidence the weight it deserves. And
16 I'm going to suggest to you that it's a very lightweight and
17 if you agree with me, you have the right to toss it off the
18 table and not consider it. That it's not going to help you
19 decide what happened in that case. And then that's the
20 Duke's Bar-B-Que video. It's so poor quality that if you're
21 going to decide whether or not to convict this young adult,
22 are you going to do it with such poor quality evidence? I
23 would suggest to you that if you say yes to that, you're not
24 really doing your duty as jurors, because your job is to
25 weigh the evidence and give it the weight it deserves.

1 Now, some of the videos are much clearer, especially the
2 one by the Trailer Park, that's one of the city cameras.
3 That was a really good camera and you can see it clearly.
4 But that just shows two guys walking. There's no crime in
5 that scene as well as any of the other ones.

6 Also State presented you some evidence about a weapon.
7 There is no murder weapon in this case. So there's no
8 witness that can put my client at the scene of the crime eye
9 witness. And there's no murder weapon. They presented you
10 pictures of the weapon. But as the State's own expert has
11 testified to, they can't connect that bullet to that weapon
12 because it hadn't been tested. I don't know where the weapon
13 is, but it's not in this case, all you have is a picture to
14 go by. And guess what, according to the State's own witness,
15 that bullet that's in that little baggie wherever it is,
16 could have come from at least 83 other types of weapons, at
17 least. So I tried to do the math on that. They listed 84
18 different types of weapons, 38, 357, and 9mm.

19 That that bullet all could -- could have come out from
20 any one of those weapons. One divided into 84, I don't know.
21 It's a little over 1 percent chance, if you want to look at
22 it that way. It's a little over 1 percent chance that that
23 bullet came out of the weapon that they got on their list.
24 Because there's 83 others. You can consider that in deciding
25 whether or not there's reasonable doubt about this.

1 Now, next thing is the State is arguing in the negative
2 about gunshot residue. They're trying to make gunshot
3 residue part of their case, but they don't have any. So
4 they're trying to create an inference as to why there's no
5 gunshot residue, but there isn't. So are you going to decide
6 this case on gunshot residue that doesn't exist and isn't in
7 the case? So if you look at my client and say, where was the
8 gunshot residue? Well, there isn't any. And guess what,
9 they didn't test it. I know I get the explanation about the
10 four to six hours, but I -- I think you can also assume that
11 they could have tested it anyway to see if it was present.
12 They chose not to. So are you going to accept their argument
13 that there's -- there's no gunshot residue because we chose
14 not to test it. So why is it even an issue in the case? Why
15 is it even a factor?

16 If -- if there's no evidence of it, why are they
17 arguing? You got to wonder about that too. So no eyewitness
18 putting my client at the crime scene, no weapon. They want
19 you to assume that this photograph they have is the murder
20 weapon, but there's nothing connecting that to the bullet.
21 There's no expert, there's no eyewitness, there's no
22 scientific test, there's no connection. They want you to
23 assume that. And assuming is not a thing you want to do in
24 this case because his future's on the line, we need to do
25 better.

1 So the next thing, Mr. Scott talked a lot of
2 anticipatory argument about motive. And it's right, they
3 don't have to prove motive, but you can consider it. And
4 really what you need to consider is a lack of motive.
5 There's no question that these two guys were friends. I mean
6 just consider the testimony. Mr. Sanders Sumo was home that
7 day taking a nap. My client shows up once he learns that
8 Karl is out there, he goes out to join him. He wasn't
9 certainly wasn't afraid of him and they hang out together all
10 afternoon. Clearly they were friends, clearly.

11 And I don't care who's once walking behind the other in
12 the very photograph that they showed you, Karl is walking in
13 front. So what -- what difference does that make? So you --
14 you can consider motive, I mean why would he do this? That's
15 a question mark that hasn't been answered.

16 So one more thing. What -- what did happen when those
17 two figures go off the screen? You can -- there's no
18 evidence of -- of that. So how are you going to decide that
19 my client had malice of forethought? Because you could
20 actually believe that this shooting took place. And I'm not
21 saying that my client had anything to do with it, but what if
22 you assumed that he did? What would -- where would the
23 malice be? Now, my client, you know, he's rightfully
24 concerned about his future here. There's a lot of evidence
25 that's circumstantial. I'll -- I'll give the state of that.

1 But the evidence that matters is lacking in the case. Nobody
2 can put him at the scene. You got a blurry video that may
3 not -- may or may not be him. You got no weapon; you got no
4 motive.

5 If you agree with me on those points -- and I -- I'm not
6 trying to fool you here, looking at the case as I see it --
7 if you happen to agree with me, congratulations, you have
8 found reasonable doubt. And if you have found reasonable
9 doubt, it is your duty to acquit this man. Thank you again
10 for your service.

11 THE COURT: Madam, Forelady, and ladies and gentle of
12 the jury, you've heard the evidence and argument to both
13 parties. I'll now explain the law, what you'll apply in this
14 case. And ladies and gentlemen, if it looks or sounds like
15 I'm reading to you, I am. There's a lot that I got to tell
16 you and I don't want to miss anything because we've been here
17 three days and this is important, and everything I'm going to
18 read to you is important and value. So pay close attention
19 please.

20 You and I have specific duties to perform. As a trial
21 judge, it is my responsibility to preside over this trial.
22 It is your responsibility to consider the testimony which has
23 been presented from this witness stand and the exhibits
24 introduced during the trial.

25 I have the duty to charge the law applicant in this

1 case. As the presiding judge, I'm the sole judge of the law
2 and it's your duty as jurors to accept and apply the law as I
3 now stated to you. If you -- if you already have an idea as
4 to what the law is or what the law ought to be and it does
5 not agree with what I now tell you, the law is you must
6 abandon your own ideas because you are sworn to accept the
7 law and apply the law exactly as I stated to you. Your duty
8 is to determine the facts.

9 In every case the jury is the sole and exclusive judge
10 of the facts. A trial judge cannot suggest, state, comment
11 on, or make any statement to a trial jury about the facts in
12 the case. Since you the jury are the sole judge of the
13 facts, you are not to infer from what I have said during the
14 progress of this trial in ruling upon the admissibility of
15 evidence or -- or otherwise or anything that I say now during
16 the course of this instruction to you, that I have any
17 opinion about the facts in this case, the law does not allow
18 me to have an opinion about the facts. This is a matter
19 solely for you to determine as jurors. It is your duty to
20 determine the effect, value, and weight of the evidence
21 presented during this trial.

22 The indictment charge of Defendant with murder. The
23 fact that the Defendant was arrested, charged, and indicted
24 is not evidence and cannot be considered by you as evidence
25 of guilt, nor does it create any presumption or inference of

1 guilt. This indictment is simply the formal written
2 instrument which contains the charge made against the
3 Defendant. It is the formal document by what which this case
4 is brought into this court.

5 The Defendant has pled not guilty to the indictment and
6 that plea puts the burden on the state to prove Defendant
7 guilty beyond a reasonable doubt. A person charged with
8 committing a criminal offense in South Carolina is never
9 required to prove himself or herself innocent. I charge you
10 that -- that it is a guiding rule of law that Defendant in a
11 criminal trial, no matter how serious the charge is always
12 presumed innocent of the crime in which the indictment was
13 issued unless guilt is proven by evidence satisfying you of
14 that guilt beyond a reasonable doubt.

15 This presumption of innocence does not end when you
16 begin your deliberations, but it accompanies the Defendant
17 throughout the trial until you reach a verdict of guilt based
18 on evidence satisfying you of that guilt beyond a reasonable
19 doubt. The presumption of innocence is like a robe of
20 righteousness placed about the shoulders of the Defendant,
21 which remains with the Defendant until it has been stripped
22 from the Defendant by evidence satisfying you of the
23 Defendant's guilt beyond a reasonable doubt. The presumption
24 of innocence is not mere legal theory. It is not a just a
25 legal phrase. It is real and substantial to which every

1 Defendant is entitled unless you the jury are satisfied from
2 the evidence that Defendant is guilty beyond a reasonable
3 doubt.

4 What is reasonable doubt in the law? A reasonable doubt
5 is the kind of doubt that will cause a reasonable person to
6 hesitate to act. The State has the burden of establishing
7 every fact necessary to prove the Defendant guilty beyond a
8 reasonable doubt. The law presumes every person charged with
9 a crime to be innocent and the burden of establishing guilt
10 is placed solely on the State. Some of you may have served
11 as jurors in civil cases where you were told that it is only
12 necessary to prove that a fact is more likely true than not,
13 such as by the greater weight or preponderance of the
14 evidence.

15 Other civil cases use a clear and convincing evidence
16 standard. In those cases it is necessary to prove that a
17 fact is highly probable. But this is a criminal case and the
18 State's proof must also be more powerful than those burdens
19 of proof. In a criminal case, the State's proof must be
20 beyond a reasonable doubt. Proof beyond a reasonable doubt
21 is proof that leaves you firmly convinced of the Defendant's
22 guilt. There are very few things in this world that we know
23 with absolute certainty and in criminal cases the law does
24 not require proof that overcomes every possible doubt. If
25 based on your consideration of the evidence you are firmly

1 convinced that the Defendant is guilty of the crime charge,
2 you must find the Defendant guilty. The Defendant's not
3 required to prove his innocence.

4 ' If on the other hand you think there is a real
5 possibility that the Defendant is not guilty, you must give
6 the Defendant the benefit of every reasonable doubt and find
7 him not guilty.

8 Necessarily, you must determine the credibility of
9 witnesses who have testified. Credibility simply means
10 believability. It is your duty as jurors to analyze and to
11 evaluate the evidence and determine which evidence convinces
12 you of its truth. In determining the believability of
13 witnesses who have testified in this case, you may believe
14 one witness over several witnesses or several witnesses over
15 one witness. You may believe a part of the testimony of a
16 witness and reject the remaining testimony of that same
17 witness. You may believe the testimony of a witness in its
18 entirety or reject the testimony of a witness in its
19 entirety. You may consider whether any witness has exhibited
20 to you any interest, bias, prejudice or other motive in this
21 case. You may also consider the appearance and manner of a
22 witness while on the witness stand.

23 The rules of evidence ordinarily do not permit witnesses
24 to testify to opinions or conclusions. An exception in this
25 rule exists for witnesses we call expert witnesses. And

1 witness who by education and experience has become an expert
2 in some art, science, profession, or calling may state an
3 opinion as to relevant material matter, in which the witness
4 claims to be an expert and also state the reasons for the
5 opinion.

6 You should consider an any expert opinion received in
7 evidence like any other evidence and give it the weight you
8 think it deserves. If you decide that the opinion of an
9 expert witness is not based on sufficient education,
10 experience, or if you conclude that the reason given in
11 support of the opinion are not sound, or that the opinion is
12 outweighed by other evidence, you may disregard the opinion
13 entirely. An expert witness's testimony is to give be given
14 no greater weight than that of other witnesses simply because
15 the witness is an expert. Further, you are not required to
16 accept an expert's opinion even though it is not
17 contradictory.

18 In order to establish criminal liability a criminal
19 intent is required. For example, the mental state required
20 to be proven by the State for a particular crime might be
21 purpose, intent, knowledge, recklessness or criminal
22 negligence. Criminal intent must be proven by the state
23 beyond a reasonable doubt. And one intent is always a matter
24 that must be determined by the jury from the circumstances
25 existing at the time. There is no way to prove intent to a

1 mathematical certainty. There is no way medical science can
2 dissect a person's brain and determine what the person had in
3 mind.

4 So the law says the criminal intent may be inferred from
5 the circumstances shown to have existed. This is how you
6 make a determination of whether or not the element requiring
7 intent was present. It is not necessary to establish intent
8 by direct and positive evidence, but intent may be
9 established by the inference in the same way as any other
10 fact by taking into consideration the acts of the parties and
11 all the facts and circumstances of the case.

12 Criminal intent is a mental state of conscious
13 wrongdoing. It must determine what the Defendant intended to
14 do based on the circumstances existing at that time.
15 Criminal intent can arise from action or a failure to act.
16 It may arise from negligence, recklessness, or an
17 indifference to duty or to consequences that is considered by
18 the law to be the equivalent of a criminal intent. There are
19 two types of evidence which are generally presented during a
20 trial; direct evidence and circumstance.

21 Well, direct evidence directly proves the existence of a
22 fact and does not require deduction.

23 Circumstantial evidence is proof of a chain of facts and
24 circumstances indicating the existence of a fact. Crimes may
25 be proven by circumstantial evidence. The law makes no

1 distinction between the weight or value to be given either
2 direct or circumstantial evidence. However, to the extent
3 the state relies on circumstantial evidence, the
4 circumstances must be consistent with each other and when
5 taken together point conclusively to the guilt of the accused
6 beyond a reasonable doubt. If these circumstances merely
7 portray the Defendant's behavior as suspicious, the proof is
8 failed, the State has the burden of proving the Defendant
9 guilty beyond a reasonable doubt. This burden rests for the
10 State regardless of whether the state relies on direct
11 evidence, circumstantial evidence, or some combination of the
12 two.

13 I instruct you and emphasize to you that the fact the
14 Defendant did not testify is not a factor to be considered by
15 you in any way in your deliberation and in your consideration
16 on the question of guilt or innocence of the Defendant. It
17 must not be considered by you in any manner whatsoever. The
18 Defendant has the constitutional right to remain silent and
19 the assertion of his right must not be considered by you in
20 your deliberation.

21 I repeat under your oath, you are to draw no conclusion
22 whatsoever from the fact that the Defendant did not testify.
23 The fact that the Defendant did not testify should not even
24 be discussed in the jury room. The burden of proof, as I
25 have stated to you is on the State. A Defendant is not

1 required to prove his innocence. The burden of proof remains
2 on the State to prove guilt beyond a reasonable doubt as to
3 the charge against the Defendant.

4 The Defendant is charged with murder. The State must
5 prove beyond a reasonable doubt that Defendant killed another
6 person with malice of forethought. Malice is hatred, ill
7 will, or hostility towards another person. It is the
8 intentional doing of a wrongful act without just cause or
9 excuse with an intent to inflict an injury or under
10 circumstances that the law will infer an evil intent.

11 Malice of forethought does not require that malice
12 exists for any particular time before the act is committed.
13 But malice must exist in the mind of the Defendant just
14 before and at the time the act is committed. Therefore,
15 there must be a combination of the previous ill intent and
16 the act malice. A forethought may be expressed or inferred.
17 These terms expressed and inferred do not mean different
18 kinds of malice of merely the manner in which malice may be
19 shown to exist. That is either by direct evidence or by
20 inference from the facts and circumstances which are proved.

21 Express malice is shown when a person speaks words which
22 express hatred or ill will for another, or when the person
23 prepared beforehand to do the act which was later
24 accomplished. For example, lying in wait for a person or any
25 other acts of preparation, going to show that the deed was

1 within the Defendant's mind could be expressed malice.

2 Malice may be inferred from conduct showing a total disregard
3 from human life.

4 If facts are proven beyond a reasonable doubt sufficient
5 to raise an inference of malice to your satisfaction, this
6 inference would simply be an evidentiary fact to be
7 considered by you along with the other evidence in the case.
8 And you may give it the way you decide it should receive.

9 I have declared the law to you through these
10 instructions to help guide you to a verdict. Whether some of
11 these instructions apply depends on what you find to be the
12 fact. The fact that I instructed you on various subjects in
13 this case should not be taken as indicating an opinion of
14 this court as to what you should find to be the facts or as
15 to what your verdict should be. Your verdict must represent
16 the considered judgment of each juror. In -- in order to
17 return a verdict, it's necessary that each juror agree. The
18 verdict must be unanimous. All 12 of you must agree on the
19 verdict. The verdict cannot be based on sympathy, passion,
20 prejudice, emotion, or any other consideration not in
21 evidence in this case.

22 Remember, at all times you are not partisans favoring
23 one party over another. You are the judges of the facts.
24 Your sole interest is to determine whether the state has
25 proven the Defendant's guilt to charge beyond a reasonable

1 doubt and the evidence presented to you in this case.

2 As I said earlier, ladies and gentlemen, your verdict
3 must be a unanimous one. Madam Forelady, when the jury
4 reaches -- or I'm sorry -- when the jury agrees on the
5 verdict, you will write the verdict on the back of the
6 indictment and sign their name as foreperson, then knock on
7 the jury room door and inform the bailiff that you have
8 reached a verdict. At that time we will receive you back in
9 the courtroom.

10 I ask now that you return to your jury room, but do not
11 begin deliberations until you are told by the clerk or
12 bailiff to do so. There are some matters which I must
13 discuss with the lawyers before you begin your deliberations.
14 So go back to your jury room. Again, don't discuss the case,
15 don't begin deliberating and we will -- we'll take care of a
16 little bit more legal business and bring the exhibits and
17 other evidence back to you and we'll tell you when it's time
18 to get to work. Thank you very much.

19 (JURY EXITS)

20 What do you all want to do? Or first, are there any
21 exceptions to the charge?

22 MR. PALMER: None from Defense, Your Honor.

23 MR. SCOTT: No, Your Honor.

24 THE COURT: We were discussing what to do about lunch.
25 I personally prefer to let them get started and just order

1 lunch. That suit you all?

2 MR. SCOTT: Yeah. I mean, yeah.

3 THE COURT: If we let -- if we let them go to lunch,
4 it'll be 1:30 before they start deliberations, charge it, and
5 fresh in their mind.

6 MR. SCOTT: I -- I say we just not even mention lunch
7 and let them deliberate for 35, 40 minutes and then we can
8 send the bailiff. If they don't have a verdict ---

9 THE COURT: Okay.

10 MR. SCOTT: --- then we can send the bailiff in and see
11 if they want us to order the lunch.

12 THE COURT: Okay. We'll do that. All right, so we've
13 got no exceptions to the charge. Anything else before the
14 exhibits (inaudible).

15 MR. SCOTT: We just need to double check the exhibits.

16 THE COURT: Yep. All right. Where do you get the
17 alternates? What do you all want to do? Are you all good
18 releasing the alternates now?

19 MR. PALMER: Yes, sir.

20 THE COURT: Okay.

21 MR. SCOTT: My boss never does that. I'm good with it
22 because it's not even 12:00. If it was 5:00, 5:30 at night,
23 and -- and somebody couldn't make it back the next
24 (inaudible), but I'm -- I'm basically ---

25 THE COURT: I'll do whatever you want. If you want to

1 hang out for a while.

2 MR. SCOTT: No, I -- I'm fine with releasing.

3 THE COURT: Okay.

4 All right. Ms. Smith and Mr. Rutland, you all are --
5 are -- were the alternates and you've been -- you'll be
6 released now because we got through the trial with no
7 problems. Nobody got sick or got called away as an
8 emergency. But we do very much appreciate your service.
9 Again, like I told you in the beginning, we can't do this job
10 without folks like you willing to serve. I know you were
11 both very diligent and paid attention the entire time and I
12 appreciate it. Like Mr. Scott said, this is one of the most
13 important things you can do for your country and your fellow
14 citizens.

15 Again, we can't do our job without folks like you being
16 willing to be here and show up. So we very much appreciate
17 your time. You're welcome to hang out if you want to, see
18 what the verdict is. You don't have to leave. I'm just
19 excusing you. You can talk to the lawyers about it if you
20 want to. You don't have to. Sometimes lawyers like to know
21 what's going on in the minds of the jury. But that -- that's
22 certainly up to you. You're not required to do that. But
23 again, thank you very much for being here and we -- we
24 definitely appreciate you.

25 THE COURT: Thank you, sir. All right.

1 (Off the record.)

2 THE COURT: All right. We are on record?

3 COURT REPORTER: Yes, sir.

4 THE COURT: All right, counsel. Do we need to bring
5 your client in? We have a question.

6 MR. PALMER: Yeah, can we bring him in?

7 THE COURT: Yeah, bring him in. All right, Mr. Ryant is
8 in. All right, counsel, I have received a question from the
9 jury, and I've never seen one like this before. It says, can
10 we clear the gallery? I don't know what that means. I don't
11 know why.

12 MR. PALMER: Can -- so can we clear the gallery?

13 THE COURT: Yes. I don't --

14 MR. SCOTT: You assume it means the courtroom?

15 THE COURT: I guess.

16 MR. SCOTT: Okay.

17 THE COURT: I don't -- are you all okay if I go speak to
18 the foreperson and see if I can get some clarification on
19 that?

20 MR. PALMER: Yes, sir.

21 MR. SCOTT: Yes, sir.

22 THE COURT: Okay. Because I don't -- I don't know
23 whether it means they have a verdict and they don't want the
24 gallery to see it or I just --

25 MR. SCOTT: Yeah.

1 THE COURT: I don't know.

2 MR. SCOTT: Or maybe they have another question that
3 they don't want to ask in front of the gallery. I don't
4 know.

5 THE COURT: Okay. All right. Well, I'll go see if I
6 can get some clarification. Come with me.

7 All right. Both the bailiffs and I, along with my law
8 clerk, we got the forelady into the other jury room and the
9 -- the question was, could they clear the -- "Could we clear
10 the gallery for the announcement of the verdict?" I told
11 them it's a public courtroom. The -- the victim's family has
12 the right to be here for the verdict. The Defendant and his
13 family have the right to be here for the verdict. So that's
14 how I left it, unless you all want me to address it any other
15 way.

16 MR. SCOTT: I mean, did you tell them there's plenty of
17 security and --

18 THE COURT: No, I didn't get -- they didn't say there
19 was a security concern. They didn't say why. I mean, that
20 could be part of it, but ---

21 MR. SCOTT: I -- I'm fine how -- how everything stands.

22 THE COURT: Okay.

23 MR. PALMER: Same here, Your Honor.

24 THE COURT: Okay. All right. We make that a Court
25 Exhibit 2 (sic), Bethanie.

1 COURT REPORTER: Yep. Yes, sir.

2 (Court's Exhibit 3 was introduced into evidence.)

3 THE COURT: Okay. All right. Let's send them in.

4 (JURY ENTERS)

5 THE COURT: Okay. All right. Ladies and gentlemen, I'm
6 going to remind you all again, we're not going to have any
7 outbursts. We're not going to have any problems. We're
8 going to remain respectful of one another.

9 Madam Forelady, you have a verdict?

10 MADAM FORELADY: Yes, sir.

11 THE COURT: All right. You'll hand it to the bailiff.

12 THE CLERK: Your Honor, may I approach?

13 THE COURT: Yes, ma'am, please. Thank you.

14 THE CLERK: You're welcome.

15 THE COURT: Here's to be an order (inaudible).

16 THE CLERK: I call the Court's attention to indictment
17 number 2020-GS-38-01226, the State of South Carolina versus
18 Karl Ryant. We, the jury, unanimously find the Defendant as
19 to the charge of murder, guilty. This verdict is signed by a
20 foreperson, Patricia Myers, dated October 19, 2022.

21 THE COURT: All right. Anything from the Defense?

22 Anything from the Defense?

23 MR. PALMER: No, Your Honor.

24 THE COURT: Anything from State?

25 MR. SCOTT: No, Your Honor.

1 THE COURT: All right. Ladies and gentlemen, your
2 service in this trial has ended. We appreciate your hard
3 work. You have the right to -- to discuss your verdict with
4 anyone at this point to discuss the case. You also have the
5 right to refuse to discuss the case. You, again, you don't
6 -- you don't have any obligation to talk to anybody about it
7 at all. We -- on behalf of everyone here, we certainly
8 appreciate your willingness to serve. I know it's not a
9 pleasant job but you all did your job like you were supposed
10 to. You were diligent and you paid attention, and you
11 followed the evidence and you rendered a verdict.

12 Like I told you up front, our system cannot function
13 without folks like you willing to do their duty. And we
14 appreciate it. You know, again, if you would like to discuss
15 your verdict with anybody, you can, but if anybody approaches
16 you and you don't want to talk to them or -- or to harass you
17 about your verdict, you let me know and I'll take care of it.
18 Again, you're -- you're dismissed with the thanks of the
19 Court and your fellow citizens. Again, we can't do our jobs
20 without you and we appreciate your service. Thank you.

21 All right. Any post-trial motions?

22 MR. PALMER: Your Honor, I -- I might submit them within
23 the 10 days if I can?

24 THE COURT: Yep, that'll be fine. I can give you 10
25 days under Rule 29.

1 How do you all want to proceed the sentence?

2 MR. SCOTT: So he was 17 at the time. So I believe we
3 have to take the (inaudible) bias factor into consideration.

4 THE COURT: Okay.

5 MR. SCOTT: Could be mistaken on that.

6 THE COURT: All right.

7 MR. SCOTT: And I would probably need to refresh my
8 memory on that a little bit.

9 THE COURT: I would too.

10 MR. SCOTT: So, however Your Honor sees fit.

11 THE COURT: What -- do you all want to take -- go get
12 some lunch and look at that, and then we'll come back and --
13 and address sentencing?

14 MR. SCOTT: Sure.

15 THE COURT: Okay. It is 1:00. Let's -- let's say 2:30
16 and that'll give us all -- that'll give you time to eat and
17 -- and check and look at (inaudible) bias.

18 MR. SCOTT: Thank you.

19 THE COURT: Okay.

20 MR. SCOTT: All right.

21 THE COURT: All right. We'll be in recess at 2:30.

22 (Off the record.)

23 THE COURT: All right. I had the opportunity to meet
24 with lawyers and we've all done some homework or research,
25 whatever you want to call it, over the break. It appears

1 because of Mr. Ryant's age, it's not appropriate to conduct
2 the sentencing today. There's some case law out there.
3 Person's under 18 deserves some special considerations with
4 regard to sentencing.

5 So what we're going to do, I'm going to give counsel
6 some time, both of you time to prepare and we will reconvene.
7 It looks like I have another term, January 9th. And we'll
8 reconvene at some point during that week to allow you to do
9 your investigation. You to put all your stuff together. And
10 you all get together on what you can't agree on, please. So
11 we'll have, you know, less hearing time if you will. I know
12 you may need to call some live witnesses. Certainly going to
13 let you do that if you need to. And we'll make sure he is --
14 is sentenced appropriately and within the constitutional
15 guidelines.

16 MR. PALMER: Thank you, Your Honor.

17 THE COURT: All right. Thank you all.

18 MR. SCOTT: Thank you, Your Honor.

19 THE COURT: Thank you all for being professional and all
20 your hard work.

21 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT
22 1:07 P.M.)

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CERTIFICATE OF TRANSCRIBER

I, NATASHA BARRIENTOS, a court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 1 of Orangeburg County, South Carolina, on the 19th Day of October, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 8, 2023

Natasha Barrientos
Transcriber

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STATE OF SOUTH CAROLINA)
) IN THE COURT OF
 COUNTY OF ORANGEBURG) GENERAL SESSIONS
)
 THE STATE,)
 Plaintiffs,)
 Vs.) CASE NO. 2020-GS-38-1226
 KARI K. RYANT,)
 Defendant.)

JANUARY 12, 2023
 ORANGEBURG, SOUTH CAROLINA

HONORABLE HEATH P. TAYLOR, JUDGE

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

BY: THOMAS B. SCOTT, III, ESQUIRE
 Attorney for the Plaintiffs
 BY: W. SCOTT PALMER, ESQUIRE
 Attorney for the Defendant

KATHERINE A. SPIRES
 REGISTERED PROFESSIONAL REPORTER

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EX.</u>
S-1	Sentencing memo		12
S-2	Order		14
S-3	Affidavits		17
	Certificate of Reporter		21

1 THE COURT: All right. We are here
2 today for the sentencing in State of South Carolina
3 verses Kari Kayshon Ryant. He was convicted of
4 murder on -- let me get back to my notes. For the
5 record, do you know the date of the verdict?

6 MR. SCOTT: It was called on October
7 17th and we got a verdict that Wednesday which
8 would be October 19, 2022.

9 THE COURT: October 19th. Okay. He
10 was convicted of murder on October 19th in this
11 court. Because he was 17 at the time of the
12 offense, we are required to do a different
13 sentencing hearing under *Aiken verses Byars*. So
14 we're here today to do that. And let's note for
15 the record that pursuant to *Aiken verses Byars*,
16 this hearing -- in this hearing I must consider the
17 chronological age of Mr. Ryant, the hallmark
18 features of youth including immaturity,
19 impetuosity, failure to appreciate the -- and the
20 failure to appreciate risks and consequences. I
21 have to consider his family and home environment
22 that surrounded him. The circumstances of the
23 offense including the extent of Mr. Ryant's
24 participation and the conduct and how familial or
25 peer pressures may have affected him. The

1 incompetencies associated with youth, particularly
2 the inability to deal with police officers or
3 prosecutors and his incapacity to assist his own
4 attorneys and the possibility of rehabilitation.
5 Is that your understanding of what needs to be
6 considered, Mr. Scott?

7 MR. SCOTT: Yes, Your Honor.

8 THE COURT: Mr. Palmer?

9 MR. PALMER: Yes, Your Honor.

10 THE COURT: All right. And I need to
11 note for the record too that Mr. Palmer informed us
12 prior to the commencement of this hearing that
13 Mr. Ryant now wanted to represent himself; is that
14 correct, Mr. Ryant?

15 MR. RYANT: Yes, Your Honor.

16 THE COURT: Okay. I've got a few
17 questions I've got to ask you. Can you place
18 Mr. Ryant under oath?

19 KARI RYANT,
20 being first duly sworn, was examined and testified
21 as follows:

22 THE COURT: All right. Mr. Ryant, how
23 old are you now?

24 MR. RYANT: 19.

25 THE COURT: How far did you go in

1 | school?

2 | MR. RYANT: The last grade I finished
3 | was the ninth.

4 | THE COURT: Ninth grade. Before you
5 | were incarcerated were you employed anywhere?

6 | MR. RYANT: No, sir.

7 | THE COURT: Have you ever been treated
8 | for the abuse of alcohol, drugs or mental illness?

9 | MR. RYANT: I think at the McCord
10 | Center.

11 | THE COURT: Okay. Have you taken any
12 | medication, drugs or alcohol in the last 24 hours?

13 | MR. RYANT: No, sir.

14 | THE COURT: Are you aware of any
15 | physical, emotional or nervous problem that might
16 | keep you from understanding what we're doing here
17 | today?

18 | MR. RYANT: You say I'm aware of any
19 | physical --

20 | THE COURT: Are you aware of any
21 | physical or mental issue that would prohibit you
22 | from understanding what we're doing here today?

23 | MR. RYANT: No, sir.

24 | THE COURT: Have you ever been examined
25 | by a doctor to determine your mental competency to

1 stand trial?

2 MR. RYANT: No, sir.

3 THE COURT: Have you ever studied law?

4 MR. RYANT: No, sir.

5 THE COURT: Other than this trial and
6 across the hall, have you ever been in any criminal
7 court before?

8 MR. RYANT: Family court.

9 THE COURT: Okay. Do you understand
10 you have been convicted of the crime of murder?

11 MR. RYANT: Yes, sir.

12 THE COURT: Do you understand what an
13 *Aiken verses Byars* sentencing hearing is?

14 MR. RYANT: Yes, sir.

15 THE COURT: Okay. Are you aware that
16 the Court can impose a sentence of up to life in
17 this case?

18 MR. RYANT: Yes, sir.

19 THE COURT: Now, you understand if you
20 represent yourself, you're own your own?

21 MR. RYANT: Yes, sir.

22 THE COURT: And I can't tell you how
23 you should handle or advise you as to what you
24 should do with your case?

25 MR. RYANT: Yes, sir.

1 THE COURT: Are you familiar with the
2 South Carolina Rules of Evidence?

3 MR. RYANT: Sir?

4 THE COURT: Are you familiar with the
5 South Carolina Rules of Evidence?

6 MR. RYANT: No, sir.

7 THE COURT: Do you understand that
8 those rules govern what may or may not be
9 introduced along with *Aiken verses Byars* what may
10 be introduced in this case or in this sentencing
11 hearing?

12 MR. RYANT: No, sir.

13 THE COURT: Okay. Are you familiar
14 with the South Carolina Rules of Criminal
15 Procedure?

16 MR. RYANT: No, sir.

17 THE COURT: All right. You understand
18 that having an attorney could help you with a
19 number of the things I just questioned you about
20 that you don't seem to understand?

21 MR. RYANT: Yes, sir.

22 THE COURT: And I've got to advise you
23 that in my opinion it would be far better to be
24 defended by a trained lawyer than by yourself.
25 It's unwise to try to represent yourself in any

1 kind of case, especially when you're not familiar
2 with the law or the procedural rules and I would
3 strongly urge you not to discharge Mr. Palmer. Is
4 it still your decision to go forward?

5 MR. RYANT: Yes, sir.

6 THE COURT: So in light of the penalty
7 you might suffer depending on how I rule today and
8 all the difficulties of representing yourself, it's
9 still your desire to represent yourself and give up
10 your right to be represented by an attorney?

11 MR. RYANT: Yes, sir.

12 THE COURT: Is your decision entirely
13 voluntary on your part?

14 MR. RYANT: Yes, sir.

15 THE COURT: All right. I find
16 defendant has knowingly and voluntarily waived to
17 counsel. The hearing will proceed with him
18 representing himself.

19 Mr. Scott?

20 MR. SCOTT: May it please the Court,
21 Your Honor?

22 THE COURT: Yes, sir.

23 MR. SCOTT: I think the first thing the
24 State would like to offer is victim impact from the
25 victim Na'Ja Sanders' mother.

1 THE COURT: Okay.

2 MS. SANDERS: Good morning, Judge.

3 THE COURT: Good morning, ma'am. Can I
4 get your name, please?

5 MS. SANDERS: Yes. My name is Pertina
6 Williams-Sanders.

7 THE COURT: Yes, ma'am, I'll hear from
8 you.

9 MS. SANDERS: I would like to say this:
10 Hi my name is Na'Ja. I'm Na'Ja mother. I just
11 wanted to know why my son? We took the defendant
12 in as family because my son love you as a brother.
13 He wouldn't have betrayed the defendant. It's not
14 fair the defendant get to talk to his mother and I
15 can't even hug or hold my son. I can't even hear
16 my son laugh anymore. I can't smell him. I can
17 only imagine him.

18 My son would have been 20 years old. I
19 have missed two years of my son life because what
20 the defendant did. It's not fair the defendant get
21 to see his next birthday and can celebrate with his
22 family. I cry every night because I can't see my
23 Sumo walk through my door. I have three other
24 kids, in total I had four. And I took the
25 defendant anytime he knocked on my door -- excuse

1 me for saying he, any time the defendant knocked on
2 my door, I open my door to him. I didn't care what
3 the defendant wanted. I use to cuss Sumo and the
4 defendant out about running in and out my house,
5 but I respected him as a part of mine.

6 I know the defendant may never tell me
7 why it happened, but you don't understand how I
8 feel. I never treated the defendant wrong. I know
9 the defendant and Sumo used to have fun and hang
10 out, but I still open my door and let you sit at my
11 table, eat and everything.

12 And, Your Honor, if you can do this for
13 me, I want you to give him the full maximum because
14 I took him as a child. I never disrespected the
15 defendant. I have three kids I got to raise. I
16 have a special needs son. My son Sumo would never
17 get to meet his niece and we named my grandchild
18 after him, Na'Ja. And that's all I want to say,
19 Your Honor. I just want you to give him the full
20 maximum because I took the defendant as my child.
21 I never disrespect him. Anything he had wanted as
22 Sumo and the defendant, I gave. And that's all I
23 want to say.

24 THE COURT: Thank you, ma'am. I'm
25 sorry you had to be here. All right. Mr. Scott,

1 the burden remains on the State.

2 MR. SCOTT: Thank you, Your Honor. In
3 preparation for this hearing, me and my staff, we
4 prepared a sentencing memorandum, it's about 12
5 pages long with about six exhibits. This was
6 e-mailed to Mr. Palmer as well as Your Honor last
7 week.

8 THE COURT: I've read it. Thank you.

9 MR. SCOTT: And we would ask that that
10 be admitted as part of the record here today. I've
11 had it marked as State's Exhibit Number 1 for the
12 sentencing hearing. I would also ask that it be
13 placed under seal just because it contains family
14 court records that I believe are supposed to be
15 kept confidential.

16 THE COURT: Mr. Ryant, do you have any
17 objection to that?

18 MR. RYANT: Say what again?

19 THE COURT: Do you have any objection
20 to his sentencing memorandum being offered into
21 evidence?

22 MR. RYANT: No, sir.

23 THE COURT: All right.

24 MR. SCOTT: Also, Judge --

25 THE COURT: That will be State's 1 for

1 the purposes of the sentencing hearing and it will
2 be sealed because it contains family court records.

3 (WHEREUPON, State's Exhibit Number 1
4 was entered.)

5 MR. SCOTT: I apologize.

6 THE COURT: No problem. I just wanted
7 to make sure we had it on the record.

8 MR. SCOTT: Thank you, Your Honor. I
9 also have two supplemental exhibits that I wish I
10 had put in this memorandum. You know, if you look
11 at this memorandum, the last exhibit, Your Honor,
12 is the incident report from March 10th of 2020. So
13 about two months before our incident where the
14 defendant was stopped on Sprinkle Avenue by the
15 Orangeburg County Sheriff's Office and the
16 defendant was found to be in possession of a
17 handgun -- a stolen handgun, and he was also
18 wearing a backpack similar to what he was wearing
19 on the date of our murder. That's my last exhibit
20 in Court's Exhibit Number 1 is that incident
21 report.

22 On that incident date March 10th of
23 2020, after the defendant had been detained on
24 Sprinkle Avenue, the defendant's mother came to the
25 scene, which I think is important under *Aiken v.*

1 | Byars. Again, he had a supportive mother who
2 | wanted to come find out what was going on with her
3 | son. It's my understanding that he was detained
4 | that evening by the sheriff's office, taken to DJJ,
5 | and nine days later when he came up for what they
6 | call a 10-day detention hearing in family court,
7 | the defendant pled guilty to those charges that
8 | happened on Sprinkle Avenue on March 10th of 2020.
9 | And he was placed on home detention and electronic
10 | monitoring for 90 days and he was continued on
11 | probation.

12 | And I have asked that that order from
13 | family court from March 19th -- excuse me, this is
14 | dated March 20th, I believe the hearing was on
15 | March 19th of 2020. I've asked that that be marked
16 | and admitted as State's Exhibit Number 2.

17 | THE COURT: Mr. Ryant, do you object to
18 | that order being offered into evidence as State's
19 | Exhibit 2?

20 | MR. RYANT: No, sir.

21 | THE COURT: All right. Offered without
22 | objection, it will be State's 2 and because it is a
23 | family court order it will be sealed as well.

24 | (WHEREUPON, State's Exhibit Number 2
25 | was entered.)

1 MR. SCOTT: Thank you, Your Honor. So
2 after that court order, the defendant was supposed
3 to be on home detention and electronic monitoring
4 for the next 90 days. It was -- the first part of
5 April, the defendant is clearly not abiding by
6 those conditions. If I could read -- the next
7 exhibit I have, State's Exhibit Number 3, it's
8 actually three different affidavits. One from the
9 defendant's mother, Tamekia Green; one from
10 Roderick Pam who is the intensive supervision
11 officer from the Department of Juvenile Justice and
12 one is an affidavit from Assistant Solicitor Taylor
13 Wise who's seated at the table with me.

14 They're very short affidavits and I
15 would just kind of like to read part of the
16 defendant's mother's affidavit into the record and
17 part of DJJ Officer Pam's affidavit into the
18 record. Part of Ms. -- the defendant's mother,
19 Tamekia Green, part of her affidavit says, on
20 Friday April 3, 2020, Kari who was on GPS house
21 arrest for 90 days, left the house. My mother and
22 brother were able to track him down with the
23 assistance of his probation officer Mr. Pam using
24 the GPS system in bringing him back home.

25 After arriving back at my mother's

1 residence, [REDACTED] Chestnut Street, Kari took off
2 again. His father was able to locate him and took
3 him to his home. But, again, Kari took off from
4 there. I don't know where Kari is located due to
5 him cutting off the GPS system. I am asking
6 DJJ/family court for some assistance with getting
7 Kari's behavior in control. I notified law
8 enforcement April 5, 2020 to let them know that
9 Kari is on the run. That is the defendant's
10 mother's affidavit two weeks after he's placed on
11 probation and house arrest.

12 Also, the affidavit from the DJJ
13 intensive supervision officer Roderick Pam says in
14 part, Kari was adjudicated on March 19, 2020 and
15 continued on probation as previously ordered for
16 one additional year from today's hearing. He was
17 also ordered to cooperate with electronic monitor
18 house arrest for 90 days. The electronic monitor
19 was placed on him the day of court.

20 On Friday, April 3, 2020, Kari left the
21 house and was tracked down using the GPS system.
22 His grandmother and uncle picked him up and brought
23 him back home. Minutes later, he left his
24 grandmother's residence again. He cut the GPS
25 electronic monitor off. See the e-mail from the

1 monitoring system and a picture of the GPS system
2 which Orangeburg Pubic Safety found in the Chestnut
3 Street area.

4 On Saturday, April 4, 2020, his father
5 and brother found him and he went to his father's
6 home. Later, he left his father's residence.
7 Kari's whereabouts are unknown. His mother Tamekia
8 Green submitted an affidavit indicating that he
9 left the residence and the family doesn't know
10 where he is.

11 This is all, Your Honor, 60 -- well,
12 less than 60 days before our murder. We would ask
13 that those affidavits be admitted as State's
14 Exhibit Number 3.

15 THE COURT: Mr. Ryant, he's offered
16 those affidavits he just read, one is an affidavit
17 from your mother, Ms. Green; one is for -- from
18 Mr. Pam; and also a third from Ms. Taylor Owens
19 Wise the solicitor's officer, do you object to
20 those being offered into evidence?

21 MR. RYANT: No, sir.

22 THE COURT: All right.

23 (WHEREUPON, State's Exhibit Number 3
24 was entered.)

25 THE COURT: Anything else?

1 MR. SCOTT: I don't have anything else
2 as far as evidence. I mean, I do have a brief
3 argument. I'm not sure if you want to see if he
4 wants to submit any evidence first or you want me
5 to offer my argument first.

6 THE COURT: All right. Mr. Ryant, I
7 put on the record what we're actually doing here
8 today and now is your opportunity to address any of
9 those factors that I put on the record when we
10 started under *Aiken verses Byars*. Do you have
11 anything to add?

12 MR. RYANT: What do you mean by that?
13 Once again, I don't know the law.

14 THE COURT: Well, that's why it's
15 important to have an attorney.

16 MR. RYANT: Right.

17 THE COURT: Would you like me to
18 appoint an attorney for you?

19 MR. RYANT: Yes, sir.

20 THE COURT: Okay. And so you want to
21 discharge Mr. Palmer and have another attorney
22 appointed?

23 MR. RYANT: Yes, sir.

24 THE COURT: From the public defender's
25 office?

1 MR. RYANT: Yes, sir.

2 THE COURT: All right. Okay. Well, I
3 guess we will be in recess while he -- while an
4 attorney is appointed. And I will certainly have
5 to give them time to get up to speed. So I'll
6 issue an order appointing you an attorney for
7 purposes of this sentencing hearing and we will
8 reconvene at a later date.

9 MR. RYANT: Appreciate it.

10 THE COURT: All right.

11 (Court was in recess.)

12 THE COURT: We are back on the record
13 in State verses Kari Ryant. Earlier this morning
14 Mr. Ryant decided he wanted to discharge his prior
15 attorney who was trial counsel. Initially stated
16 he wanted to move forward on his own, but then
17 asked me to appoint a public defender for him. I
18 appointed Ms. Hinds -- Ms. Peggy Hinds of the
19 public defender's office, but what we realized
20 during a break is that a member of the public
21 defender's office in which -- and there are two
22 divisions of the public defender office to prevent
23 conflicts of interest. We realized that
24 Mr. Turnblad's sister was on and Mr. Turnblad is in
25 Ms. Hinds' office. His sister was on the jury.

1 Out of an abundance of caution, we are going to
2 appoint Mr. Mellard who is in the other office. I
3 think Mr. Ryant understands what the potential
4 conflict was and I believe based on the
5 representations in chambers that Mr. Ryant would
6 still like to work with Ms. Hinds, but we're going
7 to -- do you understand all that, Mr. Ryant?

8 MR. RYANT: Yes, sir.

9 THE COURT: And you still want to work
10 with Ms. Hinds as well?

11 MR. RYANT: Yes, sir.

12 THE COURT: All right. Well, what I'm
13 going to do is I'm going to officially appoint
14 Mr. Mellard as lead counsel. And as long as you
15 consent, we will allow you to work with Ms. Hinds
16 as well, but we wanted all that on the record. So
17 you waive the potential conflict as far as having
18 Ms. Hinds help you in this case?

19 MR. RYANT: You mean waive as in turn
20 it down?

21 THE COURT: No. You would agree that
22 Ms. Hinds can help you?

23 MR. RYANT: Yes, sir.

24 THE COURT: Okay. All right. Well, we
25 just wanted to get that on the record and they're

1 | probably going to have you sign something as well.
2 | But Mr. Mellard will be officially, but Ms. Hinds
3 | will be helping him as well with your consent, of
4 | course. We're not going to make you do anything
5 | you don't want to do. All right?

6 | MR. RYANT: Yes, sir.

7 | THE COURT: Okay. They're both very
8 | fine lawyers and will take good care of you. So
9 | good luck to you and we'll see you back here in
10 | February.

11 | MR. RYANT: Appreciate you.

12 | MS. HINDS: Thank you, Your Honor.

13 | - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF ORANGEBURG)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Orangeburg County, South Carolina, on the 12th of January, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

November 8, 2023

s/Katherine A Spires

Katherine A. Spires

Registered Professional Reporter

STATE OF SOUTH CAROLINA)	GENERAL SESSIONS COURT
)	
COUNTY OF ORANGEBURG)	FIRST JUDICIAL CIRCUIT
THE STATE OF SOUTH CAROLINA)	NO. 2020-GS-38-01226
)	
VS.)	<u>TRANSCRIPT OF RECORD</u>
KARI KAYSHON RYANT)	Sentencing

B E F O R E:

The Honorable Heath P. Taylor, Judge

DATE: Monday, April 24, 2023
2:20 p.m.
Orangeburg, South Carolina

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

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Standby Counsel for the Defendant

Reported by: Cathy J. Provost, RMR, Official Court Reporter

Also Present:

Tammy Craven, Victim/Witness Advocate

Pertina Williams, victim's mother

Willie Stokes, defendant's friend

Dennis Green, defendant's uncle

INDEXES

	<u>PAGE:</u>
Kari K. Ryant, Defendant, sworn in	15
Sentence of the Court	21
Certificate of Reporter	22

INDEX TO WITNESSES

(No witnesses called.)

INDEX TO EXHIBITS

(No exhibits marked.)

- - - - -

COURT REPORTER LEGEND:

- dash -- intentional/purposeful interruption; change in thought
- ellipses ... trailing off
- [ph] phonetically written
- [sic] written as said
- [indiscernible] unable to be understood due to low volume or quality of audio

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

2 ATTORNEY KATA: Your Honor before we begin, Mr. Ryant does
3 have an issue with counsel that he'd like to bring to the Court's
4 attention.

5 THE COURT: Okay.

6 MR. RYANT: Can I replace him?

7 THE COURT: Sir?

8 MR. RYANT: Can I replace him?

9 THE COURT: Not again.

10 MR. RYANT: I can represent myself.

11 THE COURT: I wouldn't advise it but, yeah, you can. We
12 went through all that last time.

13 MR. RYANT: I understand that, sir, but me and him, we don't
14 see eye to eye.

15 THE COURT: Okay.

16 MR. RYANT: And once again, I ask that I be allowed to. He
17 didn't have my best interests.

18 THE COURT: Okay. As we discussed -- do you remember our
19 discussions the last time where I advised you that you were
20 responsible for knowing the law just like a lawyer is?

21 MR. RYANT: I was not aware of it.

22 THE COURT: You're not aware of that? All right.

23 MR. RYANT: I'm still an inmate, sir.

24 THE COURT: Hold on a second. All right. Well, I guess
25 I've got to ask you a few questions if you want to attempt to

1 represent yourself.

2 MR. RYANT: There's not a way he can translate back to me
3 legally?

4 THE COURT: Translate things to you legally. What do you
5 mean by that?

6 MR. RYANT: Where he'll be on the side for translation of
7 certain legal things I don't understand and all that.

8 THE COURT: Yeah. I can have him sit, be there, I guess, as
9 standby counsel.

10 MR. RYANT: Yeah.

11 THE COURT: But I've got to ask you a few questions first to
12 make sure you understand everything. And you are Kari Ryant,
13 correct?

14 MR. RYANT: Yes, sir.

15 THE COURT: How far did you go in school, Mr. Ryant?

16 MR. RYANT: Ninth grade.

17 THE COURT: What kind of work were you doing before you got
18 locked up?

19 MR. RYANT: Nothing.

20 THE COURT: None?

21 MR. RYANT: No, sir.

22 THE COURT: Have you ever been treated for mental illness or
23 abuse of alcohol or drugs?

24 MR. RYANT: No, sir.

25 THE COURT: Have you taken any medication, drugs, or alcohol

1 in the last 24 hours?

2 MR. RYANT: No, sir.

3 THE COURT: Are you aware of any physical, emotional, or
4 other problem that might keep you from understanding what we're
5 doing here today?

6 MR. RYANT: No, sir.

7 THE COURT: Have you ever been examined by a doctor to
8 determine your mental competency for trial?

9 MR. RYANT: No, sir.

10 THE COURT: Have you ever studied the law?

11 MR. RYANT: No, sir.

12 THE COURT: Other than your trial, have you ever been in any
13 criminal court before?

14 MR. RYANT: No, sir, just family court.

15 THE COURT: Just family court for criminal matters?

16 MR. RYANT: Yes, sir.

17 THE COURT: And you understand that you've been convicted of
18 murder and you are here for sentencing on that today?

19 MR. RYANT: Yes, sir.

20 THE COURT: Do you know how this sentencing procedure is
21 supposed to go forward?

22 MR. RYANT: Yes, sir.

23 THE COURT: Are you familiar with the case of *Aiken v.*
24 *Byars*?

25 MR. RYANT: Yes, sir.

1 THE COURT: Okay. So you talked that over with Mr. Kata?

2 MR. RYANT: I mean, apparently.

3 THE COURT: Well, you did or you didn't.

4 MR. RYANT: Yes, sir, I guess. Not really.

5 THE COURT: And you understand, at sentencing here today,
6 that you can be sentenced up to life in prison?

7 MR. RYANT: Yes, sir.

8 THE COURT: And you understand if you represent yourself
9 you're ultimately on your own?

10 MR. RYANT: Yes, sir.

11 THE COURT: Are you familiar with the South Carolina Rules
12 of Evidence?

13 MR. RYANT: No, sir.

14 THE COURT: Are you familiar with South Carolina Rules of
15 Criminal Procedure?

16 MR. RYANT: No, sir.

17 THE COURT: And you understand you have the right to testify
18 or not testify here today?

19 MR. RYANT: I guess so.

20 THE COURT: You understand that Mr. Kata could help you with
21 some of the things we discussed while presenting a defense here
22 today?

23 MR. RYANT: Yes, sir.

24 THE COURT: And you need to understand I think it's unwise
25 for you to try to represent yourself here today. You're not

1 familiar with the law, you're not familiar with the court
2 procedure, or the rules of evidence, and I'd urge you to let
3 Mr. Kata handle this sentencing hearing for you.

4 MR. RYANT: I understand that, sir, but I wish he would see
5 eye to eye with me or have more patience.

6 THE COURT: So in light of the penalty you might suffer here
7 today and in light of all the difficulties of representing
8 yourself, it's still your desire to represent yourself and give
9 up your right to be represented by a lawyer?

10 MR. RYANT: Yes, sir.

11 THE COURT: What's going on?

12 COURT SECURITY DEPUTY: That was the mother of the victim,
13 Your Honor.

14 MS. CRAVEN: That's the victim's mother. She's just
15 aggravated with the stalling tactic.

16 THE COURT: So it's your decision entirely and voluntarily
17 on your part to represent yourself?

18 MR. RYANT: Yes, sir.

19 THE COURT: All right. I find that he has knowingly and
20 voluntarily waived his right to counsel. Sentencing hearing will
21 proceed with him representing himself, although I'm going to ask
22 Mr. Kata to stay.

23 And if he has any questions or needs you to interpret
24 something, if you wouldn't mind doing that for me.

25 ATTORNEY KATA: Yes, Your Honor.

1 THE COURT: Okay. All right. You can have a seat,
2 Mr. Ryant.

3 ATTORNEY SCOTT: May it please the Court.

4 THE COURT: Yes, sir.

5 ATTORNEY SCOTT: This is State --

6 THE COURT: Do you want to give the victim's family time to
7 cool off and be present?

8 ATTORNEY SCOTT: We're checking on that now. I can get
9 started.

10 THE COURT: Okay.

11 ATTORNEY SCOTT: Your Honor, this is State v. Kari Ryant.
12 It's 2020-GS-38-1226. Mr. Ryant was convicted of murder on
13 October 19th of 2022. The defendant was represented at trial by
14 Attorney Scott Palmer. As Your Honor knows, sentencing was held
15 in abeyance so that all parties could evaluate the ramifications
16 of *Aiken v. Byars*.

17 I think we reconvened for sentencing sometime in January of
18 this year, 2023; however, the defendant expressed an interest in
19 having Mr. Palmer relieved. That request was granted and
20 Mr. Ryant -- or, Mr. Kata was appointed to represent Mr. Ryant.
21 That was several months ago.

22 THE COURT: Yes. I believe the public defender had a
23 potential conflict, so Mr. Kata was appointed.

24 ATTORNEY SCOTT: Correct. So today we are reconvening for
25 the second time for sentencing. I was going to begin by having

1 Ms. Pertina Williams address Your Honor. She would be the
2 victim's mother. But I will kind of go ahead and get started,
3 and then we'll re-evaluate Ms. Williams' ability to address the
4 Court.

5 As Your Honor knows, the State filed a sentencing memorandum
6 in this case. We filed it back in January, I believe. I know
7 the defense has seen it. In this memo, Your Honor, the State
8 talks about the five factors in *Aiken v. Byars*. I know Your
9 Honor knows what those five factors are, but basically the
10 chronological age of the defendant and the hallmark features of
11 youth; the family and home environment of the defendant; the
12 circumstance of the homicide itself, including the extent of the
13 offender's participation; the incompetencies associated with
14 youth, for example, the offender's inability to deal with police
15 officers or prosecutors; and the fifth factor, the final factor,
16 was the possibility of rehabilitation.

17 *Aiken v. Byars* is a South Carolina Supreme Court case. It's
18 kind of predicated on *Miller v. Alabama*, a U.S. Supreme Court
19 case. In *Miller v. Alabama*, Your Honor -- there's actually two
20 joined cases: It's *Evan Miller v. Alabama*, and *Kuntrell Jackson*
21 *v. Hobbs*, which is an Arkansas case.

22 And just very briefly I kind of want to point out some of
23 the factors in *Miller v. Alabama*. Evan Miller, in that case, was
24 14 years of age. He and a codefendant beat a neighbor to death
25 after drinking and using drugs. The Court found that they were

1 high and on drugs and consumed with alcohol when they committed
2 this offense. They found that Evan Miller had been physically
3 abused by his stepfather. Evan Miller had been neglected by his
4 mother, he was in and out of foster care, and he had tried to
5 commit suicide on multiple occasions.

6 Kuntrell Jackson and in *Jackson v. Hobbs*, the Arkansas case
7 that was joined with *Miller v. Alabama*, Kuntrell Jackson was also
8 14 years of age. He and two codefendants went to a video store
9 to rob it. One of the codefendants had a shotgun. Jackson
10 stayed outside of the video store for most of the robbery, and
11 then the codefendant shot and killed the clerk. The court in
12 that case said Jackson did not fire the bullet that killed the
13 victim, nor did the State argue that he intended her death. The
14 conviction was based on an aiding-and-abetting theory. In fact,
15 it wasn't until on the way to the video store that Jackson
16 learned that one of his companions was actually armed with a
17 shotgun.

18 And I point all that out because that's not who Mr. Ryant
19 is. Mr. Ryant was over 17 years of age, 17 years and a couple
20 months. The evidence in this case is that he executed
21 Mr. Sanders. There's no doubt about it. They spent the majority
22 of the day together, four to five hours, walking around the
23 neighborhoods, hanging out, and it wasn't until they got into a
24 desolate part of town on that Sunday afternoon, an unpopulated
25 business district on that Sunday afternoon, where he put a gun to

1 the back of Mr. Sanders' head and executed him.

2 He is not somebody who had a limited role like Kuntrell
3 Jackson did where he's just a codefendant who was there at the
4 time of the incident. There's no evidence that anybody put any
5 peer pressure on Mr. Ryant to commit this crime. The only
6 evidence is that he committed this crime by himself.

7 Law enforcement, during the course of this investigation,
8 they retrieved his cellphone. There was nothing in his cellphone
9 that suggested anybody put him up to this or forced him to do
10 this or pressured him to do this. We'd ask that you take all
11 that into consideration.

12 There was a point in time before this incident occurred
13 where the defendant's mother was having trouble with the
14 defendant, and she actually came up to the solicitor's office and
15 met with Ms. Wise, my family court prosecutor who's seated behind
16 me, to find out what she could do to help her son. She wanted to
17 file papers, incorrigible papers, to try to give him some
18 guidance, to try to help him out. This is a person who had a
19 strong family presence, which is one of those factors.

20 He had family that cared about him. I believe it was an
21 uncle on the night of the incident who actually reached out to
22 law enforcement, reached out to Investigator Brightwon [ph] and
23 said, Hey, I heard you're looking for my nephew; what can we do?
24 He had a strong family environment.

25 I would ask that you take into consideration his age. As I

1 said, he was over 17 years of age. Nine - ten more months, and
2 we wouldn't even have needed this hearing.

3 And then finally, the possibility of rehabilitation, as my
4 memo kind of lays out, the defendant had been on probation in
5 family court. They tried group homes. He refused to
6 participate. He refused to go to drug treatment, alcohol
7 treatment. He was placed on probation multiple times. He spent
8 time at DJJ. Nothing worked. In fact, this incident occurred
9 about two months after he received a probationary sentence across
10 the hallway.

11 We would just ask that you take all that in consideration,
12 and we would ask Your Honor to consider a sentence in the range
13 of 45 to 50 years.

14 Ms. Williams is here. I know she's still very emotional. I
15 believe she would like to address Your Honor.

16 MS. CRAVEN: I'll speak for her.

17 THE COURT: Okay. I'll be happy to hear from you,
18 Ms. Williams.

19 MS. CRAVEN: She's extremely emotional.

20 THE COURT: I understand.

21 MS. WILLIAMS: I apologize to you for slamming the door.

22 THE COURT: That's okay. I understand. This was a --

23 MS. WILLIAMS: I don't even hate him. It tickled me when he
24 wanted to be with me and my family. I don't even hate him.

25 I just want to know why you killed Summo [ph]. That's all I

1 got. I don't got nobody else but Summo and his brother. Why you
2 do it? I don't even hate you. I don't even hate you, but why
3 you took my boy? You can't even tell me why you did it.

4 You can't even tell your mother I never treated you like
5 mine. I did treat you like mine, Kari. What you say you wanted,
6 I made sure and Summo got it. How you do that? You just left my
7 house and you kill my boy. You killed my boy, and you think
8 stand up here acting like you crazy cause you don't want to do
9 that time, when Summo was your right-hand man. I don't even hate
10 you, Kari, but why you did that, Corey? Why you kill my boy,
11 Kari?

12 I apologize, Judge. I just don't understand how he took my
13 son. And then you sit up here acting like you want to be your
14 lawyer. I was sitting there just watching you. I watch you act
15 like you crazy. You not crazy, Kari; you smart. You smart; you
16 not crazy, Kari, but since you want to be crazy, I hope the Judge
17 give you the life in prison. And then I want your mama to
18 understand how I feel, cause she can call you, she get to see
19 you. There's no more Summo. There is no more Summo.

20 May the 10th you took my son's life. That's three years,
21 Kari. That's three years, Kari. Three years you done saw your
22 mother. Three years you saw your mother. I can't do nothing but
23 go to the gravesite, Kari.

24 And it hurt me more because you be at my house, Kari. I
25 took you in. I respect you as mine, Kari. I don't even hate

1 your family. I don't know why you did that to Summo, Kari. Why
2 would you do that to Summo? He was your right-hand man, Kari.
3 You wrong, Kari. You wrong. I hope the Judge put you in one of
4 them cells since you want to act crazy. I don't believe this,
5 boy. I don't believe you. I don't believe you, boy. I don't
6 believe you.

7 I never mistreated you. I opened my door to you, Kari. I
8 respected you as mine, Kari. When you told me your mama didn't
9 even want you there no more I didn't get in none of that. I left
10 you stay. Why you took my boy, Kari? I don't hate you or your
11 family, but just why? That was my boy.

12 May the 10th is three years. I don't got Summo.
13 [indiscernible]. And you dragging it and make me feel this pain
14 every day. You drag it, and drag it, and it hurts, and it hurts.
15 I hope the Judge puts you under the jailhouse since you want to
16 act like that to me, as much as I did for you.

17 I respect you and your mother. I would never let nobody
18 hurt you, Kari, but you took my boy away from me. You took the
19 one thing that loved me. You took my boy.

20 I don't got nothing else to say, Judge.

21 THE COURT: Okay. I hear what you're saying, and I'm sorry
22 you had to be here under these circumstance. I know it doesn't
23 make it any easier being here again and again, but I appreciate
24 you being here.

25 ATTORNEY SCOTT: That's all from the State, Your Honor.

1 THE COURT: All right. Mr. Ryant; Mr. Kata.

2 KARI K. RYANT, THE DEFENDANT, SWORN IN

3 THE COURT: All right, Mr. Ryant. There are certain factors
4 that I have to consider as outlined by our South Carolina Supreme
5 Court in a case like this. I know you probably talked those over
6 with Mr. Kata, but those include your age at the time of the
7 alleged offense, your family home and environment, the
8 circumstances of the offense, and what the Court calls the
9 incompetencies of youth which I interpret to mean a person of
10 your age not being equipped to deal with law enforcement and your
11 attorneys, as well as the possibility of rehabilitation.

12 What do you want to tell me about those five things?

13 MR. RYANT: Of those five things?

14 ATTORNEY SCOTT: And obviously he can offer any mitigation
15 he wants, not -- I don't think he would be limited to those five
16 factors.

17 THE COURT: Right. Right.

18 MR. RYANT: I mean -- I was going to go with No. 4,
19 actually.

20 THE COURT: And, Mr. Ryant, you can give me any kind of
21 mitigation, or reasoning for a lower sentence, that you'd like.
22 It doesn't have to be limited to those five things.

23 MR. RYANT: I only have one thing to say.

24 THE COURT: Okay.

25 MR. RYANT: When I was questioned, the police don't

1 question -- mainly the same thing, the same story both times.

2 Because no one took into consideration what was said.

3 THE COURT: You said no one took into consideration what you
4 said?

5 MR. RYANT: Yes, sir. No. I'm saying on account of me
6 lying, no one took that into consideration.

7 THE COURT: All right. Is there anything else you'd like to
8 tell me?

9 MR. RYANT: No. No, sir. If you took into consideration
10 everything, it would explain itself.

11 THE COURT: And you understand you have the right to present
12 any kind of mitigating evidence you want here today? I can hear
13 it from your family. I'm happy to do that.

14 MR. RYANT: I mean, I have a note stating my whereabouts
15 that day as far as what I was questioned about.

16 THE COURT: I understand. We're not here to try the case.

17 MR. RYANT: I'm not here for that.

18 THE COURT: We're here for me to ultimately make a decision
19 on your sentence. So anything you want to tell me about why your
20 sentence shouldn't be a life sentence here today, I'm happy to
21 hear. I'll listen all day.

22 MR. RYANT: I hear you, sir, but it sound like it really
23 runs into the situation of me lying to the police. I see here it
24 comes into factor with No. 4, with me lying to police, if you
25 would take into account. You see what I'm trying to tell you?

1 THE COURT: Okay. But do you want to have any of your
2 family members address me, tell me about you?

3 MR. RYANT: Yeah. I mean, they can.

4 THE COURT: I'm happy to hear from anybody in your family
5 that would like to.

6 MR. RYANT: I mean, if they choose voluntarily, they can.

7 THE COURT: -- tell me about you. I'm happy to hear from
8 them.

9 MR. RYANT: Voluntarily, they can. I have no problem with
10 it.

11 THE COURT: Okay.

12 MR. STOKES: Name is Willie Stokes.

13 THE COURT: Willie Stokes?

14 MR. STOKES: Yes, sir.

15 THE COURT: Okay, Mr. Stokes. Thank you for being here.
16 What would you like to tell me?

17 MR. STOKES: Well, I have known Kari since he was about two
18 weeks old. My wife and I, we ran a daycare, and he was one of
19 our clients, if you want to use that term. He was a very
20 mannerly, young man back at that time. He started reading when
21 he was around the age of three. He helped with other students.
22 Other children in the daycare, they didn't quite understand
23 things, he would be there to help them. He's a very artistic
24 young man for his drawing. So he's always been mannerly with us.
25 He's never showed any mean tendencies towards any of the other

1 children or towards any of my family.

2 I also know him through church. He was a young man. When
3 he was a little bit younger, he used to sing in the choir, the
4 youth choir we had at our church, and participate in different
5 programs. So my thoughts of knowing about him has always been
6 positive. I've never known any negative thing to happen to him
7 or concerning us.

8 THE COURT: Okay. All right. Is that all?

9 MR. STOKES: Yes, sir. The only other thing that I can say,
10 he's always been a well-mannered, young man around us.

11 THE COURT: Well, I appreciate that information. And thank
12 you for being here.

13 MR. STOKES: Thank you, sir.

14 THE COURT: Yes, sir. Anybody else?

15 MR. GREEN: Dennis Green.

16 THE COURT: Dennis Green. Okay. All right, Mr. Green. I'm
17 happy to hear from you.

18 MR. GREEN: Of course, I'm his uncle, and I've seen the ups
19 and the downs. And not to be redundant, but some of the things
20 that -- I call him "Deacon" still -- a very intelligent young
21 man.

22 I always think that the future's always bright. There's a
23 saying "It takes a village to raise a child," and as his uncle,
24 I'm a career specialist, I work with kids with behaviors,
25 coincidentally, the school system, I work at group homes, treatment

1 facilities.

2 And so as we standing here today, I'm asking, that in the
3 sentencing aspect of it, that true rehabilitation -- true
4 rehabilitation is not just somebody just sitting in jail killing
5 time. I ask that, in his sentencing or whatever, he needs to
6 finish school, finish school, be constructive, some way we can
7 make this thing where he can actually be productive. I don't
8 think this is the end. I really don't think this is the end.

9 So my request is asking that the Court, Your Honor, that he
10 gets true rehabilitation in his sentencing, and he gets
11 counseling, that he gets to help him become a better young man,
12 and eventually a productive citizen. Like I said, I don't think
13 this is the end, so I'm asking true rehabilitation for his
14 sentence.

15 THE COURT: Okay. Thank you, Mr. Green. Anybody else?
16 Anybody else like to say anything? Okay. All right. Mr. Ryant,
17 anything else you want to tell me?

18 MR. RYANT: No. It would be the same thing as last.

19 THE COURT: Same thing as what?

20 MR. RYANT: The same thing as last, what I said before.

21 THE COURT: All right. Anything else from the State?

22 ATTORNEY SCOTT: No, Your Honor.

23 THE COURT: All right. I have taken into consideration the
24 factors under *Aiken v. Byars* which, under the Miller case, seems
25 to not presumptively oppose a life sentence but certainly

1 discourages it when the defendant is under 18. Obviously it's
2 been established that Mr. Ryant was under 18 at the time he
3 committed this offense, so under the *Aiken v. Byars* factors,
4 No. 1, the chronological age which includes youth, immaturity,
5 impetuosity, and the failure to appreciate risks and
6 consequences, I certainly take that into consideration in not
7 imposing a life sentence.

8 As far as the family and home environment that surrounded
9 him, it appears that he had a nurturing home. He got family
10 members here today, testified on his behalf. I also noted in the
11 memo that his mother actually went out of her way to try to get
12 him help. So I don't think that is a factor that weighs in his
13 favor, because he certainly had a family and opportunities that a
14 lot of folks don't have.

15 No. 3, the circumstances of the offense, including the
16 extent of his participation and how any familial or peer
17 pressures may have affected him, the circumstances of this
18 offense are just horrible. You executed a man, shot him in the
19 back of the head. Mr. Scott is correct that there's no evidence
20 that anybody put you up to it, but I don't have any doubt that
21 somebody did. I mean, you knew this man, appeared, for the
22 majority of your life. You all walked around town like buddies
23 for four or five hours -- we all watched it on that big screen
24 over there -- and then you turned the corner and shoot him in the
25 back of the head. So I don't get it. And I'm sure somebody else

1 had something to do with it, at least putting you up to it, but
2 at least the jury found that you were the one that pulled the
3 trigger.

4 The incompetencies associated with youth, which include your
5 ability to deal with police officers and the ability to assist
6 your attorney, you gave two statements. You seemed to hold your
7 own, so to speak, in both of those recorded statements. We had a
8 *Jackson v. Denno* hearing to determine whether or not they were
9 reliable or whether you were pressured. I didn't find any
10 evidence of that, so I don't find that as a factor in your favor
11 as well.

12 Final factor, the possibility of rehabilitation, it seems
13 like you've been across the hall many times, had lots of
14 opportunities to turn it around, and either rejected them or
15 refused the help.

16 So based on all of that, Mr. Ryant -- and this is primarily
17 based upon the nature of the crime -- I mean, again, it was --
18 this wasn't like a heated passion kind of thing. It was planned,
19 it was premeditated, and it was an execution-style killing.

20 So based upon *Aiken v. Byars*, I am not going to sentence you
21 to life but I'll find that you be committed to the Department of
22 Corrections for a term of 50 years. Good luck to you, sir.

23 (End of Transcript of Record.)
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CERTIFICATE OF REPORTER

I, Cathy J. Provost, Official Court Reporter for the Fourteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial/proceedings of the captioned case in the Court of General Sessions for Orangeburg County, South Carolina, on the 24th day of April, 2023.


I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

Date: September 11, 2023

\s\ Cathy J. Provost
Cathy J. Provost, RMR
Official Circuit Reporter


WITNESSES

Danny W Brightwell Jr


Orangeburg Police Department

ARREST WARRANT NUMBER
2020A3820800255

Arrested: May 12, 2020

ACTION OF GRAND JURY
FEB 02 2022

Foreperson of Grand Jury
Date: February-2, 2022

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2020GS38-1226
The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS
February 7, 2022 TERM

THE STATE
vs.

Kari Kayshon Ryant

Indictment for
Murder

SC Code: 16-3-10

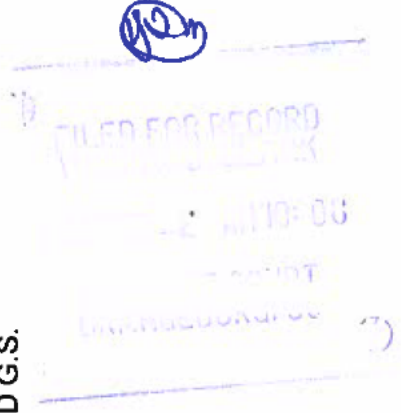
After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

I 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.



STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

INDICTMENT
2020GS38-1226

As a Court of General Sessions, convened on February 2, 2022 the Grand Jurors of ORANGEBURG County present upon their oath:

MURDER

That the defendant Kari Ryant did in Orangeburg County on or about May 10, 2020, unlawfully and with malice aforethought kill Naja Shelby Sanders by means of shooting the victim with a gun, and the victim did die as a proximate result thereof, this offense being in violation of the Common Law, of the South Carolina Code of Laws, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Th. B. Scott III

Thomas B Scott, III, Solicitor

DOCKET NO. 2020GS38-1227

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

February 7, 2022 TERM

THE STATE
vs.

Kari Kayshon Ryant

Indictment for

**Possession of a Firearm or Knife During
the Commission of a Violent Crime**

SC Code: 16-23-490

WITNESSES

Danny W Brightwell Jr

Orangeburg Police Department

ARREST WARRANT NUMBER

2020A3820800256

Arrested: May 12, 2020

ACTION OF GRAND JURY

FEB 02 2022

Foreperson of Grand Jury
Date: February 2, 2022

VERDICT

Foreperson of Petit Jury

Date:

After being fully advised as to my legal rights, I hereby waive presentation to the Grand Jury.

Defendant

I 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.



STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG

INDICTMENT
2020GS38-1227

As a Court of General Sessions, convened on February 2, 2022 the Grand Jurors of ORANGEBURG County present upon their oath:

**POSSESSION OF A FIREARM OR KNIFE DURING THE COMMISSION OF A
VIOLENT CRIME**

That the defendant, Kari Kayshon Ryant did in Orangeburg County on or about May 10, 2020, visibly display or have in his possession a firearm during the commission of a violent crime as defined by Section 16-1-60, Code of Laws of South Carolina, 1976, as amended, to wit: Murder, thereby violating Section 16-23-490, Code of Laws of South Carolina, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Ths. B. Scott, III

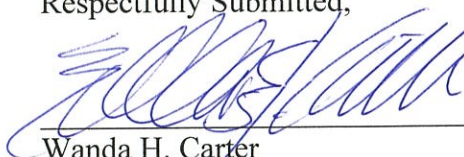
Thomas B Scott, III, Solicitor

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."

RECEIVED
Apr 17 2024
SC Court of Appeals

Respectfully Submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 17th day of April, 2024.

RECEIVED

Apr 17 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Heath P. Taylor, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

KARI K. RYANT,

APPELLANT

APPELLATE CASE NO. 2023-000911

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 Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS) this 17th day of April, 2024.



Wanda H. Carter
Deputy Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT