

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Honorable Roger M. Young, Circuit Court Judge

ANEISHA YOUNG,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2023-001386

APPENDIX

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STATE OF SOUTH CAROLINA
FOURTEENTH JUDICIAL CIRCUIT
COUNTY OF JASPER
COURT OF GENERAL SESSIONS
CASE NUMBERS 2016-GS-27-00241, 2016-GS-27-00251
2016-GS-27-00569

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

MARCH 12, 13, 14, 15, 2018
PRETRIAL HEARING AND TRANSCRIPT OF TRIAL
JASPER COUNTY, RIDGELAND, SOUTH CAROLINA

ANEISHA SHAIRES YOUNG

DEFENDANT

BEFORE
HON. CARMEN T. MULLEN, JUDGE
AND A JURY

WANDA H. ROWE, CVR-M
OFFICIAL COURT REPORTER

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DEFENDANT:

No defendant exhibits.

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VOIR DIRE

1 DAY ONE, MONDAY, MARCH 12, 2018,
2 BEGINNING 3:30 P.M.

3 VOIR DIRE:

4 THE COURT: All right. Are we ready, everyone? If
5 the attorneys will take their seats.

6 All right. Mr. Hollen, if you'll please call this
7 first case, sir.

8 SOLICITOR HOLLEN: Thank you, your Honor. The
9 State versus Aneisha Young starts under Indictment 2016-
10 GS-27-00241, with murder; 2016-GS-27-00251 with
11 attempted murder; and 2016-GS-27-00569 with possession
12 of a weapon during the commission of a violent crime.

13 THE COURT: And sir, will you please introduce
14 who's trying this case with you, if anyone is.

15 SOLICITOR HOLLEN: Yes, your Honor. Hey, everyone.
16 My name is Brian Hollen. I'm an assistant solicitor
17 here in the Fourteenth Judicial Circuit. I prosecute
18 cases in Jasper County. With me up here is Investigator
19 Donald Hipp, who is also with the Fourteenth Circuit
20 Solicitor's Office; Assistant Solicitor Patrick Hall,
21 who is with our office here in Jasper County; and Ms.
22 Lenore Musser, who is also an attorney in our office.

23 THE COURT: Mr. Plexico, will you please introduce
24 yourself and your client, sir.

25 MR. PLEXICO: Yes. I'm Stephen Plexico. I'm one

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1 of the public defenders for Allendale, Hampton, and
2 Jasper County. Could you stand up, please. This is Ms.
3 Aneisha Young.

4 THE COURT: Thank you. Ladies and gentlemen, as
5 you have heard, the case has been called against Ms.
6 Aneisha Young. Ladies and gentlemen, in this case, the
7 defendant is being tried on three charges, all of which
8 are alleged by the State to have occurred on or about
9 April 30 of 2016, in Jasper County, in the town of
10 Ridgeland.

11 Ladies and gentlemen, the defendant in this case,
12 Aneisha Shaire Young, is charged first with the offense
13 of murder of Devonte Freeman. Second, she's charged
14 with attempted murder of Wrenshad Anderson. And last,
15 possession of a weapon during the commission of a
16 violent crime.

17 Ladies and gentlemen, it is alleged that she has a
18 co-defendant in this case, Eric Darien, who is being
19 tried in a separate trial.

20 Ladies and gentlemen, my first question to you is,
21 is there anyone on this jury panel who is related by
22 blood or connected by marriage with the defendant in
23 this case, Aneisha Young? If So please stand.

24 Also, ladies and gentlemen, is there anyone who is
25 a close personal friend or have a social relationship or

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VOIR DIRE

1 a professional relationship with Ms. Young? If So
2 please stand.

3 Additionally, ladies and gentlemen, the co-
4 defendant in this case, again, who is not being tried
5 here today, he is going to have his own separate trial,
6 is Eric Darien. My question to you is, is anyone
7 related by blood, connected by marriage, or have a close
8 personal relationship, special friendships, or
9 professional relationship with Mr. Eric Darien? If So
10 please stand. And give me your name, sir.

11 JUROR NUMBER 118: Marquis McClinton.

12 THE COURT: Sir?

13 JUROR NUMBER 118: Marquis McClinton.

14 MADAM CLERK: Number 118.

15 THE COURT: Number 118. How do you know Mr.
16 Darien, sir?

17 JUROR NUMBER: That's my -- we're related by blood,
18 cousin.

19 THE COURT: Okay. Sir, I'm going to go ahead and
20 excuse you from the trial of this case, but you need to
21 stay right here. You do not need to answer anymore
22 questions related to this case. When I start calling
23 and asking questions about this second jury I plan on
24 pulling this afternoon, sir, at that point, you will
25 then respond to those questions. But you are being

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VOIR DIRE

1 taken out of this panel. All right, sir?

2 JUROR NUMBER 118: Yes, ma'am.

3 THE COURT: Thank you. That's Number 118 has been
4 pulled from this panel.

5 Sir, your name and juror number?

6 JUROR NUMBER 66: Shakur Furman, Juror Number 66.

7 THE COURT: And you know Mr. Darien as well?

8 JUROR NUMBER 66: Cousin.

9 THE COURT: He's your cousin?

10 JUROR NUMBER 66: Yes, ma'am.

11 THE COURT: All right, sir. I'm going to go ahead
12 and excuse you as well from the trial of this case.

13 Again, you don't need to answer anymore questions
14 related to this trial, but you will be subject to the
15 second case. Okay? So you're fine from here on out.
16 That's Number 66, you said, sir? Is that correct?

17 JUROR NUMBER 66: Yes, ma'am.

18 THE COURT: Thank you, Mr. Furman. I appreciate
19 it. I'm going to excuse you as well. Anyone else?

20 Ladies and gentlemen, the following is a list of
21 potential witnesses in this case. And I say potential,
22 because all these people are not going to be called.
23 The question is, are you related by blood, connected by
24 marriage, have a special relationship or close personal
25 friendship with any of these potential witnesses such

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1 that, ladies and gentlemen, that you would believe their
2 testimony over someone else's, just because of the
3 nature of the relationship you have? Just because you
4 know someone doesn't mean you are disqualified as a
5 juror. It depends on the nature of your relationship.
6 All right?

7 So with that said, if any of these witnesses are in
8 the courtroom -- and I see some law enforcement back
9 there, So when I do call your name, if any of those
10 witnesses are here, I'd ask you to stand so the jury
11 panel can see you. Okay?

12 So the first one is Lieutenant Joey Ginn from the
13 Ridgeland Police Department. Thank you, sir.

14 Lieutenant Daniel Litchfield of the Ridgeland
15 Police Department. Thank you, sir.

16 Sergeant Chris McIntosh of the Ridgeland Police
17 Department. Rusty Wells, Jasper County Emergency
18 Services. Thank you, sir.

19 Matthew -- is it Fraleigh or Fraleigh? Does anyone
20 -- Fraleigh?

21 SOLICITOR HOLLEN: It's Fraleigh.

22 THE COURT: Fraleigh? Yes, that would be the
23 Jasper pronunciation. Thank you. Of the Jasper County
24 Dispatch. If So please stand.

25 Alex Inniss of Jasper County EMS. James Green of

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1 SLED. Eric Grabski of SLED. Andrew Garinger of the
2 Beaufort County Sheriff's Office. Dr. Marie Lee Tormos
3 from MUSC, or formerly from MUSC. Captain Harry Orr.
4 Investigator Dylan Hightower. Marie Powell of
5 Ridgeland, South Carolina. Debbie Spann Of Ridgeland,
6 South Carolina.

7 Shelby Simmons of Ridgeland, South Carolina.
8 Taylor Simmons of Ridgeland, South Carolina. Paige
9 Noonan of Ridgeland. Antonio Watson of Ridgeland, South
10 Carolina. Demitria, or also known as Mimi Rochelle
11 Williams of Richland -- or I'm sorry -- Ridgeland, South
12 Carolina. Thank you, ma'am.

13 Stephanie Self of Ridgeland, South Carolina.
14 Joshua Lafler of Ridgeland, South Carolina. Matthew
15 Hatchell of Ridgeland, South Carolina. William Malphrus
16 of Ridgeland, South Carolina. Michelle Foulton of
17 Ridgeland, South Carolina. Keith Horton of Ridgeland,
18 South Carolina. Bernard Seabrooks, formerly of
19 Ridgeland, South Carolina.

20 Wrenshad Anderson, formerly of Ridgeland, South
21 Carolina. Lashanda Renee Beaton -- excuse me -- Beaton-
22 Darien of Ridgeland, South Carolina. Cedric Riley of
23 Hardeeville, South Carolina. Derrick Riley of
24 Ridgeland, South Carolina. Thomas Riley of Ridgeland,
25 South Carolina. Tynisha Jones of Ridgeland, South

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1 Carolina. Keandre Frazier. Thank you, ma'am. Keandre
2 Frazier of Ridgeland, South Carolina. And Karen
3 Milbrodt from Verizon Wireless.

4 Ladies and gentlemen, the question is, is anyone
5 related by blood, connected by marriage, have a close
6 personal relationship, special relationship,
7 acquaintance, or professional relationship with any of
8 these potential witnesses? If So please stand.

9 Okay. Ma'am, I'm going to begin with you. If
10 you'd give me your name and juror number.

11 JUROR NUMBER 41: Catherine Cobb.

12 THE COURT: Who do you know, Ms. Cobb?

13 JUROR NUMBER 41: Keith Horton.

14 THE COURT: How do you know Mr. Horton?

15 JUROR NUMBER 41: He was formerly my broker-in-
16 charge.

17 THE COURT: He was formerly your broker-in-charge.

18 JUROR NUMBER 41: I had my license with him.

19 THE COURT: Okay. Do you still have your license
20 with him?

21 JUROR NUMBER 41: No.

22 THE COURT: Okay. I do not know the extent of his
23 testimony at this point. Do I need to see the attorneys
24 for a moment?

25 SOLICITOR HOLLEN: No, your Honor. He is going to

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VOIR DIRE

1 testify, though.

2 THE COURT: He is going to testify. Mr. Plexico
3 and -- gentlemen, come and talk to me for a quick
4 moment.

5 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
6 HEARING OF JURORS. PRESENT: THE COURT,
7 MR. HOLLEN, MR. PLEXICO.
8 END BENCH CONFERENCE.

9 BY THE COURT:

10 THE COURT: It's Ms. Cobb, correct? I am going to
11 go ahead and excuse you from the trial of this case.
12 Just like I told the other gentleman, don't go anywhere.
13 Sit tight. You would be subject to being pulled on the
14 second trial. Okay? Thank you. I appreciate it.

15 All right. Anyone else? Yes, ma'am, your name and
16 juror number?

17 JUROR NUMBER 151: Sarah Santana. I don't remember
18 my number.

19 THE COURT: That's all right, Ms. Santana. Who do
20 you know?

21 JUROR NUMBER 151: I know Matthew Fraleigh, and
22 also the Simmons girl.

23 THE COURT: Okay. How do you know Matthew
24 Fraleigh?

25 JUROR NUMBER 151: He was once in my youth group

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1 that I help --

2 THE COURT: -- with.

3 JUROR NUMBER 151: -- with a church.

4 THE COURT: And the Simmons girl, are we talking
5 about Shelby and Taylor. Is that correct?

6 JUROR NUMBER 151: Yeah, Shelby and Taylor. They
7 live in my neighborhood.

8 THE COURT: They do? Are you friends with them?

9 JUROR NUMBER 151: Huh-uh.

10 THE COURT: No, they just live in your
11 neighborhood. Has anyone talked to you about this case
12 at all?

13 JUROR NUMBER 151: No, ma'am.

14 THE COURT: You don't have any independent
15 knowledge about this case whatsoever?

16 JUROR NUMBER 151: I also know Keith Horton, but
17 it's just because we're all from Ridgeland.

18 THE COURT: Okay. All right. So we need to go
19 ahead with Mr. Horton?

20 SOLICITOR HOLLEN: I suppose, your Honor, yeah. I
21 mean, I imagine there'll be a lot of people that might
22 know him or other people.

23 THE COURT: Okay. Mr. Plexico, do you all agree,
24 or do you want to come and talk to me?

25 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

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1 HEARING OF JURORS. PRESENT: THE COURT,
2 MR. HOLLEN, AND MR. PLEXICO.

3 END BENCH CONFERENCE.

4 BY THE COURT:

5 THE COURT: Ms. Santana, just so I understand, you
6 knowing Mr. Horton, can you be fair and impartial in the
7 trial of this case, understanding you can't give
8 anyone's testimony anymore undue influence than the
9 others?

10 JUROR NUMBER 151: Yes, ma'am.

11 THE COURT: Are you confident you can? Is that a
12 yes, for the record?

13 JUROR NUMBER 151: Yes.

14 THE COURT: Thank you, Ms. Santana. I'm going to
15 ask you to stay with us. Okay? Thank you.

16 Anyone else?

17 Ladies and gentlemen, is any member of the jury
18 panel related by blood or marriage to, or a very close
19 personal friend of a member of any law enforcement
20 agency? If So please stand. Do you have any family
21 members that are in law enforcement, ladies and
22 gentlemen? Or do you have any very close personal
23 friends, someone you'd talk to on almost a daily basis
24 that is in law enforcement? If So please stand.

25 JUROR NUMBER 147: My son is a police officer in

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1 Chatham County, Georgia.

2 THE COURT: In Chatham County?

3 JUROR NUMBER 147: Yeah.

4 THE COURT: What is his title? What does he do?

5 JUROR NUMBER 147: He's just an officer.

6 THE COURT: He's a road officer?

7 JUROR NUMBER 147: He was with the Sheriff's
8 Department, and just went to the Chatham County Police
9 Department.

10 THE COURT: Okay. Was he here with Jasper County
11 Sheriff's Department?

12 JUROR NUMBER 147: Never.

13 THE COURT: Never. Okay, what about Ridgeland or
14 any other local?

15 JUROR NUMBER 147: Never.

16 THE COURT: Sir, give me your name and juror
17 number.

18 JUROR NUMBER 147: Steve Russell, 147, I believe.

19 THE COURT: Okay. Thank you, Mr. Russell. You may
20 be seated.

21 Ladies and gentlemen, is any member of the jury
22 panel employed by or related by blood or marriage to, or
23 a close personal friend of anyone employed by the
24 Attorney General's Office, the Solicitor's Office, or
25 any state or federal prosecution office? If So please

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1 stand.

2 Ladies and gentlemen, is any member of the jury
3 panel ever been employed by any civilian or military law
4 enforcement agency? If So please stand. Sir, your name
5 and juror number.

6 JUROR NUMBER 184: Rick Weisman, 184.

7 THE COURT: Yes, sir.

8 JUROR NUMBER 184: I was employed by the Columbus,
9 Ohio Police Department for 28 years.

10 THE COURT: And sir, you told me when you were up
11 here, you are retired here. Is that correct?

12 JUROR NUMBER 184: Yes.

13 THE COURT: And what was your last division that
14 you were in before you retired, sir?

15 JUROR NUMBER 184: I was responsible for the Career
16 Criminal Unit for the case department.

17 THE COURT: All right, sir. Thank you. You may be
18 seated.

19 Ladies and gentlemen, has any member of the jury
20 panel or any member of your immediate family ever been
21 the victim of a violent crime, including a murder, an
22 attempted murder, an assault and battery of a high and
23 aggravated nature, robbery, or a burglary? If So please
24 stand.

25 Ma'am, give me your name and juror number.

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1 JUROR NUMBER 43: My name is Oregon Cooler, and I'm
2 Number 43.

3 THE COURT: Yes, ma'am.

4 JUROR NUMBER 43: My son was attacked on the beach
5 about 1998. He was beaten and he was robbed, and his
6 jaw was broken.

7 THE COURT: Ma'am, understanding this case is
8 nothing like that, and I want to make sure you
9 understand that it is completely separate, I need to
10 make sure you in your own mind can keep them separate.
11 Can you be fair and impartial in the trial of this case?

12 JUROR NUMBER 43: Yes.

13 THE COURT: Thank you, ma'am. You may be seated.
14 Anyone else?

15 Ladies and gentlemen, is any member of the jury
16 panel a member of or financial contributor to any group
17 which has as its primary concern the promotion of law
18 enforcement or victims' rights? And some of these
19 groups would include such groups as CAVE, Citizens
20 Against Violence; CADRA, Citizens Advocating a Return to
21 Ethics; CODA, Citizens Opposed to Domestic Abuse; MADD,
22 Mothers Against Drunk Driving; or SADD, Students Against
23 Drunk Driving; or possibly the South Carolina Troopers
24 Association; or similar groups or associations? If So
25 please stand.

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VOIR DIRE

1 Mr. Weisman, I cannot remember your number. I wish
2 I could.

3 JUROR NUMBER 184: 184.

4 THE COURT: Thank you, sir. Who are you a member
5 of or contributor to?

6 JUROR NUMBER 184: I was employed by the National
7 Fraternal Order of Police, which is the largest law
8 enforcement representative organization in this country.

9 THE COURT: Okay. And you were in Columbus; am I
10 correct?

11 JUROR NUMBER 184: I was in Columbus, but I worked
12 for them at the national level, and I actually worked
13 for them while I was down here.

14 THE COURT: Okay. All right. Thank you, sir. You
15 may be seated.

16 Ladies and gentlemen, has any member of the jury
17 panel ever been a witness in a criminal trial? Yes, I
18 expect you to stand up, Mr. Weisman. Number 184 now,
19 finally. Thank you.

20 JUROR NUMBER: 184. Yes, I -- I worked -- I was a
21 detective. I worked in the Crime Unit, Crime Scene
22 Unit. And I testified at a number of trials.

23 THE COURT: Sir, I'm going to presume it was for
24 the State in most of those trials?

25 JUROR NUMBER 184: Correct.

3-12-18 STATE V YOUNG

VOIR DIRE

1 THE COURT: All right. Thank you, sir. You may
2 be seated. Yes, sir.

3 JUROR NUMBER 78: William Grossi, Number 78. I was
4 part of an investigative unit with the department, and
5 went on various trials for assault and so forth. And I
6 was also assaulted. For my own trial, was on the stand
7 as well.

8 THE COURT: All right. Thank you, sir. You may be
9 seated. Yes, ma'am.

10 JUROR NUMBER 74: Gwendolyn Garvin.

11 THE COURT: Yes, ma'am.

12 JUROR NUMBER 74: I was part of a sex offender
13 trial.

14 THE COURT: Okay. And were you a witness for the
15 State or the Defense?

16 JUROR NUMBER 74: I was on -- I was on a juror
17 [sic].

18 THE COURT: You were a juror?

19 JUROR NUMBER 74: Yes.

20 THE COURT: Okay. You were a juror in the trial of
21 a case?

22 JUROR NUMBER 74: That's right.

23 THE COURT: Okay. Thank you, ma'am. You may be
24 seated.

25 Ladies and gentlemen, does any person know of any

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VOIR DIRE

1 reason whatsoever that you cannot be fair and impartial
2 in the trial of this case? If So please stand.

3 Is, also anyone aware, because of the nature of
4 these charges -- as you know, the charges in this case
5 are alleged murder, attempted murder, and possession of
6 a weapon during the commission of a violent crime? Does
7 anyone know of any reason whatsoever that you cannot be
8 fair and impartial in the trial of this case, based on
9 the nature of the charges? If So please stand.

10 Is anything further required for me to ask of this
11 panel from the State, Mr. Hollen?

12 SOLICITOR HOLLEN: No, your Honor.

13 THE COURT: From the Defense?

14 MR. PLEXICO: No, your Honor.

15 THE COURT: All right. Ladies and gentlemen, what
16 is going to happen now is this. Those of you who have
17 been qualified as jurors in the trial of this case, your
18 names are all being placed into the computer. It is
19 going to draft me a random list. What is going to
20 happen, ladies and gentlemen, is, when your name is
21 called you are simply going to stand in place. You do
22 not do or say anything.

23 Both sides, both the State and the Defense have an
24 opportunity to exercise a certain amount of what we call
25 strikes. If both sides accept you as a juror in the

3-12-18 STATE V YOUNG

BY THE COURT

1 trial of this case, I'm going to ask you to bring
2 everything you have and come forward, and take a seat in
3 the jury box. Ladies and gentlemen, that'll be your
4 signal that you're sitting on my jury. All right?

5 Once I get fourteen of you, which is the magic
6 number here, ladies and gentlemen, I will have pulled my
7 jury in the trial of this case. We will take a quick,
8 brief break, and if I'm going to go ahead and if I have
9 enough, I'm going to pull the second case. Okay?

10 Is that acceptable with everyone? Margaret, how
11 much time do we need?

12 MADAM CLERK: About a minute, your Honor.

13 THE COURT: Not even a minute. That is how good
14 Margaret is, I gotta tell you.

15 Ladies and gentlemen, if you all need to stand up
16 and take a stretch, you are welcome to, because I need
17 to.

18 OFF THE RECORD DISCUSSION BETWEEN

19 THE COURT AND MADAM CLERK.

20 END DISCUSSION.

21 BY THE COURT:

22 THE COURT: All right. Ladies and gentlemen, I
23 understand we need to take a quick five-minute break.
24 I'm going to ask you this, ladies and gentlemen.

25 If you don't need to leave the building, please

3-12-18 STATE V YOUNG

JURY SELECTION

1 don't. If you need to just go use the restroom very
2 quickly, you are welcome to use the restroom over here.

3 Ladies and gentlemen, I am asking that you be back
4 here, if you can, within about five minutes. If you're
5 in a restroom line I understand, and don't worry about
6 it, but I can't start until everyone is back here. So
7 refresh yourselves if you need to, and then come on
8 back.

9 Ladies and gentlemen, we are going to take a
10 roughly five- -- hopefully not more than ten minutes.
11 I'm trying to get you out of here as efficiently and
12 quickly as I can this afternoon, and I'm trying real
13 hard not to push us back past 5:00 o'clock. Okay? So
14 you can take a break, five minutes, ten at the most, and
15 then come on back.

16 OFF THE RECORD 3:44 P.M.

17 BACK ON THE RECORD 3:55 P.M.

18 JURY SELECTION:

19 BAILIFF: All rise.

20 THE COURT: Please be seated. Okay. All right.
21 Ladies and gentlemen, again, your number and name will
22 be called. Simply stand, and if both sides accept you
23 as a juror, take a seat in the jury box. Okay?

24 MADAM CLERK: Gary Trump, Number 172. What says
25 the State?

3-12-18 STATE V YOUNG

JURY SELECTION

1 SOLICITOR HOLLEN: Please present the juror.

2 MADAM CLERK: How says the Defense?

3 MR. PLEXICO: Please excuse the juror from the
4 trial of this case.

5 MADAM CLERK: Thank you, sir. Please have seat.
6 Juror Number 72, Monique Garcia. How says the State?

7 SOLICITOR HOLLEN: Please present the juror.

8 MADAM CLERK: How says the Defense?

9 MR. PLEXICO: Please excuse the juror from the
10 trial of this case.

11 MADAM CLERK: Thank you, ma'am. Please have a
12 seat. Juror Number 103, Roni-ann Klein. How says the
13 State?

14 SOLICITOR HOLLEN: Please present the juror.

15 MADAM CLERK: How says the Defense?

16 MR. PLEXICO: Please excuse the juror from the
17 trial of this case.

18 MADAM CLERK: Thank you, ma'am. Please have a
19 seat. Juror Number 158, Sheley Singleton. How says the
20 State?

21 SOLICITOR HOLLEN: Please present the juror.

22 MADAM CLERK: How says the Defense?

23 MR. PLEXICO: Please swear the juror.

24 THE COURT: Come on around, Ms. Singleton.

25 MADAM CLERK: Juror Number 89, Chelsea Hodges. How

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JURY SELECTION

1 says the State?

2 SOLICITOR HOLLEN: Please present Ms. Hodges.

3 MADAM CLERK: How says the Defense?

4 MR. PLEXICO: Please swear the juror.

5 MADAM CLERK: Come forward, ma'am. Juror Number
6 163, Christiane Stafford. How says the State?

7 SOLICITOR HOLLEN: Please present the juror.

8 MADAM CLERK: How says the Defense?

9 MR. PLEXICO: Please swear the juror.

10 MADAM CLERK: Come forward, ma'am. Juror Number
11 141, Robert Redmond, Jr. How says the State?

12 SOLICITOR HOLLEN: Please present Mr. Redmond.

13 MADAM CLERK: How says the Defense?

14 MR. PLEXICO: Please excuse the juror from the
15 trial of this case.

16 MADAM CLERK: Thank you, sir. Juror Number 60,
17 Jamar Ferguson. How says the State?

18 SOLICITOR HOLLEN: Please present Mr. Ferguson.

19 MADAM CLERK: How says the Defense?

20 MR. PLEXICO: Please swear the juror.

21 MADAM CLERK: Come forward, sir. Juror Number 184,
22 Rickey Weisman. How says the State?

23 SOLICITOR HOLLEN: Please present Mr. Weisman.

24 MADAM CLERK: How says the Defense?

25 MR. PLEXICO: That was 184?

3-12-18 STATE V YOUNG

JURY SELECTION

1 MADAM CLERK: 184.

2 MR. PLEXICO: Please excuse the juror from the
3 trial of this case.

4 MADAM CLERK: Thank you, sir. Juror Number 179,
5 Anton Watson. How says the State?

6 SOLICITOR HOLLEN: Please present Mr. Watson.

7 MADAM CLERK: How says the Defense?

8 MR. PLEXICO: Please swear the juror.

9 MADAM CLERK: Come forward, sir.

10 MADAM CLERK: Juror Number 106, Felicia Lawton.
11 How says the State?

12 SOLICITOR HOLLEN: Please present Ms. Lawton.

13 MADAM CLERK: How says Defense?

14 MR. PLEXICO: Please swear the juror.

15 MADAM CLERK: Come forward, ma'am. Juror Number
16 186, Davida Williams. How says the State?

17 SOLICITOR HOLLEN: Please present Ms. Williams?

18 THE COURT: How says the Defense?

19 MR. PLEXICO: Please swear the juror.

20 MADAM CLERK: Please come forward, ma'am. Juror
21 Number 105, David Lassen. How says the State?

22 SOLICITOR HOLLEN: Please present Mr. Lassen.

23 MADAM CLERK: How says the Defense?

24 MR. PLEXICO: Please excuse the juror from the
25 trial of this case.

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JURY SELECTION

1 MADAM CLERK: Thank you, sir. Juror Number 56,
2 Cynthia Donahue. How says the State?

3 SOLICITOR HOLLEN: Please present the juror.

4 MADAM CLERK: How says the Defense?

5 MR. PLEXICO: Excuse the juror from the trial of
6 this case.

7 MADAM CLERK: Thank you, ma'am. Juror Number 124,
8 Lisa Mixsom. How says the State?

9 SOLICITOR HOLLEN: Please present the juror.

10 MADAM CLERK: How says the Defense?

11 MR. PLEXICO: Please swear the juror.

12 MADAM CLERK: Please come forward, ma'am. Juror
13 Number 20, Sharonda Brantley. How says the State?

14 SOLICITOR HOLLEN: Please present Ms. Brantley.

15 MADAM CLERK: How says the Defense?

16 MR. PLEXICO: Please excuse the juror from the
17 trial of this case.

18 MADAM CLERK: Thank you, ma'am. Please have a
19 seat. Juror Number 65, Catherine Fulp. How says the
20 State?

21 SOLICITOR HOLLEN: Please present Ms. Fulp.

22 MADAM CLERK: How says the Defense?

23 MR. PLEXICO: Please swear the juror.

24 MADAM CLERK: Come forward, ma'am. Juror Number
25 84, Lietzyl Haynes. How says the State?

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JURY SELECTION

1 SOLICITOR HOLLEN: Please present Ms. Lietzyl
2 Haynes.

3 MADAM CLERK: How says the Defense?

4 MR. PLEXICO: Please swear the juror.

5 MADAM CLERK: Please come forward, ma'am. Juror
6 Number 68, Tameka Gadson. How says the State?

7 SOLICITOR HOLLEN: Please present Ms. Gadson.

8 MADAM CLERK: How says the Defense?

9 MR. PLEXICO: Please swear the juror.

10 MADAM CLERK: Please come forward, ma'am. Juror
11 Number 129, Paula Noble. How says the State?

12 SOLICITOR HOLLEN: Please excuse Ms. Noble from the
13 trial of this case.

14 MADAM CLERK: Juror Number 195, Tiara Wolfe. How
15 says the State?

16 SOLICITOR HOLLEN: Please present Ms. Wolfe.

17 MADAM CLERK: How says the Defense?

18 MR. PLEXICO: Excuse the juror.

19 MADAM CLERK: Thank you, ma'am. Juror Number 15,
20 Helen Benson. How says the State?

21 SOLICITOR HOLLEN: Please present Ms. Benson.

22 MADAM CLERK: How says the Defense?

23 MR. PLEXICO: I'm sorry, this is what number?

24 MADAM CLERK: 15.

25 MR. PLEXICO: Excuse the juror from the trial of

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JURY SELECTION

1 this case.

2 MADAM CLERK: Thank you, ma'am. Juror Number 112,
3 Thomas Lubold, Jr. How says the State?

4 SOLICITOR HOLLEN: Please present the juror.

5 MADAM CLERK: Does the Defense have cause for
6 strike?

7 MR. PLEXICO: I thought I had eight.

8 MADAM CLERK: You're at ten.

9 THE COURT: No, you're at ten.

10 MR. PLEXICO: No, your Honor. Please seat the
11 juror.

12 MADAM CLERK: Come forward, sir. Have a seat in
13 the jury box.

14 Alternate One. Juror Number 150, Miles Sanders.
15 How says the State?

16 SOLICITOR HOLLEN: Please present the juror.

17 MADAM CLERK: How says the Defense?

18 MR. PLEXICO: 1 what, now?

19 MADAM CLERK: 150.

20 MR. PLEXICO: Please excuse the juror from the
21 trial of this case.

22 MADAM CLERK: Thank you, sir. Please have a seat.
23 Juror Number 24, Sheila Brown. How says the State?

24 SOLICITOR HOLLEN: Please excuse Ms. Brown from the
25 trial of this case.

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GENERAL CHARGE

1 MADAM CLERK: Thank you, ma'am. Please have a
2 seat. Juror Number 61, Sarah Flint. How says the
3 State?

4 SOLICITOR HOLLEN: Please present Ms. Flint.

5 MR. PLEXICO: Please swear the juror.

6 THE COURT: Please come forward, ma'am.

7 Juror Number 78, William Grossi. How says the
8 State?

9 SOLICITOR HOLLEN: Please present Mr. Grossi.

10 MR. PLEXICO: Please excuse Mr. Grossi from the
11 trial of this case.

12 MADAM CLERK: Juror Number 130, Errie Orr. How
13 says the State?

14 SOLICITOR HOLLEN: Please present the juror.

15 MADAM CLERK: How says the Defense?

16 MR. PLEXICO: Please swear the juror.

17 MADAM CLERK: Please come forward, sir. Juror
18 Alternate 2.

19 THE COURT: Okay. Come on forward, sir.

20 Are there any matters of law that we need to take
21 up regarding the jury selection process from the State?

22 SOLICITOR HOLLEN: No, your Honor.

23 MR. PLEXICO: No, your Honor.

24 GENERAL CHARGE:

25 THE COURT: Welcome, ladies and gentlemen. As you

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GENERAL CHARGE

1 understand, you are my jury for the trial in this first
2 case. I need to give you a couple ground rules before
3 we break for the evening. I'm going to send you back to
4 your jury room so you'll know where to report in the
5 morning.

6 To begin with, ladies and gentlemen, if you were
7 able to get into the courthouse today with a cell phone,
8 you need to leave it back in the car. And the reason
9 why is you can get so much information off of a
10 smartphone these days that I wouldn't want you to be
11 tempted in any way. So out of an abundance of caution,
12 I tell you to leave them back in your car, or leave them
13 home. If you are concerned about somebody being able to
14 reach you emergently while you're here, if you have
15 children at school or a family member who is sick, tell
16 them to call to the Clerk of Court's Office here, give
17 them your name, and they will come and immediately get
18 me, and I will get you. All right? I don't want you to
19 feel concerned about being out of touch.

20 Additionally, if, while you are here, you need a
21 phone, simply ask the bailiff. She will get you to a
22 phone, if you need to make a phone call.

23 Ladies and gentlemen, you are not to discuss this
24 case with anyone, and that includes each other, until
25 you've heard all the evidence, you've heard the closing

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GENERAL CHARGE

1 arguments on the case, and I've charged you on the law
2 that's applicable to this case. So when you go home
3 tonight, the only thing you are permitted to say to a
4 family member or a loved one or a co-worker is that you
5 have been chosen as a juror in the trial of a criminal
6 case. You cannot say the parties involved, the lawyers
7 involved, or what it involves. And again, the reason
8 is, someone is going to try to tell you something about
9 something when they know nothing about this case. You
10 are going to have everything you need right here in this
11 courtroom to decide this case, and it would be
12 inappropriate for you to be influenced by any outside
13 source, which brings me yet to another point.

14 Ladies and gentlemen, you are not to do any
15 independent research about this case. You are not to go
16 online and look at this case. Tomorrow -- I don't know
17 that there will be anything in the newspaper or the
18 news, but out of an abundance of caution, I am ordering
19 you not to read anything, watch anything, listen to
20 anything in regards to this case. All right? If there
21 happens to be something in the news or the newspaper,
22 I'm going to put you under oath and ask you about it.
23 Okay? So you are not to look at anything.

24 Ladies and gentlemen, also in coming and going from
25 the courthouse over the next couple days, you may pass

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GENERAL CHARGE

1 the lawyers in this case or witness in this case or a
2 party in this case. I want you to understand something.
3 They've been instructed not to speak to you, which is
4 why you wear your juror buttons. And the reason why is,
5 even an innocent conversation out in the parking lot of,
6 it looks like it's going to rain, will be reported, and
7 I'll have to ask you about it. And again, I wouldn't
8 want anything to undo this trial of this case. So out
9 of an abundance of caution I've ordered them not to
10 speak to you. So if you pass them in the hall, and they
11 don't even smile or say hello, please understand they're
12 not being unfriendly, they're following my orders. All
13 right?

14 Lastly, ladies and gentlemen, I need you to be on
15 time. I cannot start until all fourteen of you are
16 here. So if you are not here at 9:30 tomorrow morning,
17 I'm going to be sending deputies to come look for you,
18 because I'm going to be concerned. So if anyone calls
19 in sick over the evening, if anyone has car trouble in
20 the morning, call into the Clerk of Court's Office. We
21 will come get you. Again, I can't start without all
22 fourteen of you. You are the most important people in
23 this courtroom. All right?

24 Ladies and gentlemen, thank you. I appreciate your
25 willingness to serve on this case. I can tell you that

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GENERAL CHARGE

1 we believe this case will go into, at the very latest
2 Thursday morning. It potentially could end on
3 Wednesday. We're not sure. Obviously, today is Monday.
4 So we're going to have at least two full days of Tuesday
5 and Wednesday, possibly Thursday morning. But again, at
6 this point, I don't know until we start.

7 We are going to begin tomorrow morning at 9:30.
8 Ladies and gentlemen, you can anticipate that we will
9 run tomorrow until roughly 5:00 or 5:30. It really
10 depends on how you feel. If you get tired and you say
11 you've had enough, you just tell me you've had enough,
12 and we'll break; because I know it's not easy sitting in
13 a spot you're in. You don't get to ask questions; you
14 don't get to do anything other than sit there and
15 listen, ladies and gentlemen. And I know that's
16 difficult, but please understand your job. It's
17 incredibly important here this week. All right? Again,
18 thank you. I'm going to excuse you back to your jury
19 room.

20 The one thing I need you to do for me, ladies and
21 gentleman, is elect a foreperson. A foreperson doesn't
22 have anymore say than anyone else. They're simply the
23 person that's going to communicate with me about
24 scheduling. And they're also the person that when the
25 case gets sent to you for your deliberations, they get

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BY THE COURT

1 the ball rolling and make sure everyone is
2 participating, okay, in the deliberations. All right?

3 Again, ladies and gentlemen, thank you. We'll make
4 sure you get to your cars safely. I'm going to excuse
5 you, and I look forward to seeing you all tomorrow
6 morning 9:30 sharp. Okay? If you have car trouble or
7 if you need a ride in some way, tell the bailiff, and he
8 will take care of you. Okay? Thank you, ladies and
9 gentlemen. You're excused back to your jury room.

10 JURORS LEAVE COURTROOM 4:25 P.M.

11 BY THE COURT:

12 THE COURT: Okay. You all, just really quickly. I
13 was going to give you five minutes for Crystal to be
14 here and know what's going on. I would like to get here
15 early tomorrow morning, if that's acceptable to you all.
16 I can tell you that I have watched it. I've read your
17 motions, Mr. Plexico, so I think I have a good handle on
18 what we're doing. If it's acceptable to you all, can we
19 come in -- Wanda, is this okay with you? I can be here
20 as early as 8:45 tomorrow. I can be here earlier than
21 that, if you want me to, but do you think 45 minutes is
22 enough, considering I've watched everything? I can come
23 in at 8:30. I mean, you just tell me.

24 MR. PLEXICO: Well, I was going to -- I have to --
25 I have burdens, so I have the burden, so I was -- I'm

3-12-18 STATE V YOUNG

BY THE COURT

1 calling Wrenshad Anderson; I'm calling Rusty Wells; I'm
2 calling --

3 SOLICITOR HOLLEN: Your Honor, I submit to you that
4 none of that is proper.

5 MR. PLEXICO: I have the burden and I have a
6 hearing. At hearings, you get to call witnesses.

7 SOLICITOR HOLLEN: That's --

8 THE COURT: So how long do you think you're going
9 to go?

10 MR. PLEXICO: Probably three hours.

11 SOLICITOR HOLLEN: I'm going to want to make an
12 argument before we do that, because he's talking about
13 competency because the witness gave, according to him,
14 different versions. That's not a competency issue;
15 that's a cross-examination issue. He doesn't get to
16 call an eyewitness to determine competency because he
17 said he told more than one story. If that were the
18 case, we would never try any cases, because no one would
19 be competent.

20 THE COURT: Okay.

21 MR. PLEXICO: Your Honor --

22 SOLICITOR HOLLEN: We have to argue it.

23 THE COURT: Hold on a second. Is this the
24 interview of the victim?

25 MR. PLEXICO: The victim, yes, the victim comes --

3-12-18 STATE V YOUNG

BY THE COURT

1 the police were called; the victim says so and so did
2 it.

3 THE COURT: I watched it.

4 MR. PLEXICO: Repeatedly. Repeatedly. Not -- you
5 watched whose interview?

6 THE COURT: I watched the victim write a statement.

7 SOLICITOR HOLLEN: Yeah, I think -- yeah, I think
8 you all are talking about two separate issues.

9 MR. PLEXICO: That's much later. He was saying a
10 whole different person did it earlier.

11 THE COURT: My question is, what can we do, what
12 can we go ahead and start, what can we do between 8:45
13 and 9:30. The jury come in; do openings; and then on
14 the
15 next break or on the lunch hour, take up whatever issues
16 you have. In other words, they're your witnesses. Who
17 can you put up that there is not an issue with to begin?

18 SOLICITOR HOLLEN: Well, I have 911. I have the
19 initial responding officers; the EMT; and then some
20 civilian witnesses. We had a 404(b) issue. I think
21 it's not -- I think that's sort of resolved. It's
22 between the defendant and the victim. Mr. Plexico and I
23 having discussed it, I think the law's pretty clear that
24 if there are prior animosity, that that stuff comes in.

25 MR. PLEXICO: Well, it also ended in the calling of

3-12-18 STATE V YOUNG

BY THE COURT

1 the --

2 THE COURT: I mean, I'm not talking about the facts
3 in the case. I'm just talking about how long and what
4 we can do before the lunch hour. So again.

5 SOLICITOR HOLLEN: We could get a fair amount done.

6 THE COURT: Okay. Well then, this is what we're
7 going to do. Can your witnesses be here at 8:00
8 o'clock?

9 SOLICITOR HOLLEN: Yes, sir.

10 THE COURT: Okay. We're going to start at 8:00
11 o'clock on pretrials. Okay?

12 MR. PLEXICO: Works for me.

13 THE COURT: Be here at 8:00 o'clock.

14 SOLICITOR HOLLEN: Okay.

15 MR. PLEXICO: I'll be ready.

16 THE COURT: Gentlemen back there, I'm going to go
17 ahead and apologize right now. We're going to start at
18 8:00 o'clock tomorrow morning on the pretrial for this.
19 It's just late. If that's okay with everyone. I want
20 to make sure no one's dropping off children or have any
21 problems with 8:00 a.m. Is that okay?

22 DEPUTY: Will do, your Honor.

23 THE COURT: Thank you.

24 DEPUTY: Yes, ma'am.

25 THE COURT: All right. 8:00 o'clock, that's fine

3-13-18 STATE V YOUNG

PRETRIAL - MOTIONS

1 witness your client? She's okay with children,
2 everything, we're good to go? We'll be here at 8:00
3 o'clock, and we'll go ahead and start the pretrials.
4 Okay?

5 SOLICITOR HOLLEN: Yes, your Honor.

6 THE COURT: Okay. Thank you all. I'll see you at
7 8:00.

8 END DAY ONE, MONDAY,
9 MARCH 12, 2018, 5:10 P.M.

10 BEGIN DAY TWO, TUESDAY,
11 MARCH 13, 2018, 8:15 A.M.

12 PRETRIAL - MOTIONS:

13 THE COURT: All right. All right, what motions can
14 we dispose of quickly? I saw a motion to sequester
15 witnesses.

16 MR. PLEXICO: Yes.

17 THE COURT: Some issues about sequestering one of
18 the victims in this case. So let's talk about that.

19 MR. PLEXICO: Yes, your Honor. Again, I think that
20 under the *Victims Bill of Rights, Article 1*, South
21 *Carolina Constitution*, Section 24 entitles the victim to
22 be present during any proceedings that are dispositive
23 of the charges against -- that they're involved in, the
24 charges against the defendant. A pretrial hearing in
25 particular is not dispositive of the charges against the

1 defendant. And here, since the memory lapses and
2 problems are so great that it would do more, I think, if
3 he's not sequestered, to -- to just exacerbate that
4 problem and prevent a fair determination of my
5 underlying motions to exclude his testimony as not
6 proper.

7 THE COURT: Can you give me a summary in the
8 difference of his testimony.

9 MR. PLEXICO: On the scene, he gives a description
10 of the shooters. He says it was Peanut and Dre.

11 THE COURT: Okay. So two black males.

12 MR. PLEXICO: Two black males.

13 THE COURT: That he knew or did not know?

14 MR. PLEXICO: That he did know.

15 THE COURT: Okay.

16 MR. PLEXICO: He had seen earlier that evening.

17 THE COURT: Okay. Was that the only time he'd seen
18 them? Or was it someone he knew? He knew them by name,
19 Peanut and Dre.

20 MR. PLEXICO: He knew them, yes. I don't think
21 there's any question about that. The officer on the
22 scene, Officer Wells, radios his transmission to
23 Lieutenant Ginn. In other words, when the Police
24 Officer Lieutenant Ginn searches for these two
25 individuals; he can't find them; he comes back to the

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1 crime scene. The reports note that several more times,
2 Wrenshad Anderson says it was Peanut and Dre are the
3 suspects.

4 THE COURT: Okay.

5 MR. PLEXICO: Then, in reference to cell phone
6 numbers, he gives them Peanut and Dre, and adds in
7 Aneisha Young, my client.

8 THE COURT: Okay. So this is Mr. Anderson, the
9 victim. Is that correct?

10 MR. PLEXICO: This is the victim.

11 THE COURT: And he knows their cell phone numbers?
12 He has their --

13 THE COURT: He has Peanut and Dre in his phone or
14 something?

15 MR. PLEXICO: In his phone.

16 THE COURT: Okay.

17 MR. PLEXICO: Then, on 11 -- excuse me -- on May
18 2nd, Lieutenant Litchfield --

19 THE COURT: Okay, wait a minute. So this occurred
20 on what day?

21 MR. PLEXICO: April 30th, about 12:30 in the
22 morning.

23 THE COURT: This is April 30th. So that's saying
24 they got a BOLO out on, I'm assuming, looking for Dre
25 and Peanut; he gives them the cell number for them; the

1 police are looking for the two of them, Dre and Peanut.
2 Okay.

3 MR. PLEXICO: Then, on the 11 -- excuse me. Then
4 on 5-2, a couple days later, Lieutenant Litchfield is
5 interviewing Demitria Williams. He tells Demitria
6 Williams that Wrenshad is saying that it's Peanut and
7 Dre. So that story, apparently, is still the same,
8 according to the data that's there.

9 THE COURT: Okay. On May 2nd?

10 MR. PLEXICO: On May 2nd.

11 THE COURT: Okay.

12 MR. PLEXICO: Then it morphs to my client, who is a
13 foot shorter and a black female.

14 THE COURT: So when did her name come up?

15 MR. PLEXICO: I'm not sure, Judge. I think that's
16 murky. But the police department believed that Mr.
17 Anderson thinks that the suspects on May 2nd are Peanut
18 and Dre.

19 THE COURT: Okay.

20 MR. PLEXICO: Then there's all this talk going on
21 --

22 THE COURT: Obviously, it's on the street, who was
23 involved, and that's how it gets going, as it always
24 does. So you've got it on the street. At any point,
25 does Mr. Anderson say it's more than two people?

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1 MR. PLEXICO: He says there are more people
2 involved at some point.

3 THE COURT: Involved, but when he says for the
4 actually shooting.

5 MR. PLEXICO: Two.

6 THE COURT: Just two.

7 MR. PLEXICO: One, two.

8 THE COURT: Always two.

9 MR. PLEXICO: Always two.

10 THE COURT: Okay. So then, supposedly, word on the
11 street says somehow that the defendant, your defendant,
12 is somehow involved in that. At what point does Mr.
13 Anderson now say it was your client?

14 MR. PLEXICO: I don't exactly know that. But all I
15 know is, on May 5th or 6th, he gives a statement saying
16 it's my client, at the Ridgeland Police Station.

17 THE COURT: He gives the statement? Who gives the
18 statement?

19 MR. PLEXICO: That would be Wrenshad Anderson, the
20 victim's last witness.

21 THE COURT: Okay. So that's who he saw. I saw the
22 video of that. So all of the sudden now, that's the
23 first that you know that they've learned of it. And of
24 course, the deputies are going to tell us when they
25 first learned of it and learned of her name.

1 Okay. So now I understand why it occurred, and now
2 I understand the factual basis for it. Again, I don't
3 see how that is not just subject to cross-examination.
4 I don't know how it all of the sudden magically comes in
5 his mind that your client, your female client, becomes
6 involved, but I do think another victim is --

7 You're right, he is entitled to be here during the
8 testimony. I don't know how you're going to prohibit
9 him from being here. He's subject to cross-examination.
10 He obviously, from what I hear you saying, and this is
11 not a pre-judgment, it sounds like he's got inconsistent
12 statements. Sounds like there will be a jury charge on
13 inconsistent statements, because it sounds like he
14 originally on the 30th said it was Dre and Peanut, and
15 there was no mention whatsoever of your defendant, so.

16 MR. PLEXICO: I believe it's an error of law to say
17 that he's entitled to be here. He is not entitled to be
18 here, because the pretrial hearing in particular is not
19 dispositive, but I think the regular rules of sequester
20 --

21 THE COURT: So who are you afraid of is going to
22 taint his testimony?

23 MR. PLEXICO: Yes, your Honor.

24 THE COURT: I said who. I asked you who.

25 MR. PLEXICO: Pardon me?

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1 THE COURT: Who is going to taint his testimony?

2 MR. PLEXICO: All the other officers that I'm
3 calling.

4 THE COURT: Just so I understand, no officer saw
5 this happen, correct? So the only information they're
6 getting is either from the victim, the person you don't
7 want here, or word on the street. So I don't understand
8 how the police officers' testimony or what they've
9 learned in their investigation is going to taint Mr.
10 Anderson's testimony, because the only thing he's going
11 to say is at what point he learned of, or what point he
12 believed, magically, all of a sudden, your client was
13 involved. Does he actually say she was there?

14 MR. PLEXICO: Yes. Later, he says she was there.

15 THE COURT: Okay. And that she was one of the two
16 people?

17 MR. PLEXICO: Correct.

18 THE COURT: So now that she was there, who was the
19 other person who was there? Was it Dre or Peanut?

20 MR. PLEXICO: Peanut.

21 THE COURT: So it's Peanut and your client now, all
22 of the sudden, correct?

23 MR. PLEXICO: Yes. Yes, your Honor.

24 THE COURT: And who did he say is the shooter? Who
25 does -- I'm sorry -- who does he say is the shooter?

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1 MR. PLEXICO: He says he sees two barrels, and
2 everything's murky after that.

3 THE COURT: And he has no idea if it's your client,
4 or if he said Dre is the other person, or Peanut.

5 MR. PLEXICO: He's ID'ing my client as the shooter.

6 THE COURT: I understand that. I'm saying, who
7 else? Was it Dre or Peanut that he said was there?

8 MR. PLEXICO: Peanut.

9 THE COURT: Peanut.

10 MR. PLEXICO: In the second story is Peanut.
11 Peanut is always there.

12 THE COURT: Okay. Okay. So again, let me go ahead
13 and hear from you, Mr. Hollen.

14 SOLICITOR HOLLEN: I'm sorry. Your Honor, I'm just
15 sitting here -- there are so many misstatements of fact
16 in what he's saying, I don't even know where to begin.
17 Before he even leaves the scene, Mr. Anderson, 45
18 minutes after the shooting, writes a statement saying we
19 saw Aneisha and her friend. That's when we was about to
20 leave, and we left walking, and they sneak up behind us
21 and start shooting. He's not even off the scene before
22 he starts throwing out her name. And he cannot identify
23 her.

24 I've told Mr. -- he did not see her face. He said,
25 a short figure in dark clothing, wearing the same kind

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1 of clothing Ms. Young was wearing. Two shooters, Peanut
2 and Aneisha. Yes, the name Dre is thrown out. I don't
3 know what his, you know, I think his contention is that
4 he was involved somehow. I'm not sure. But to say that
5 her name doesn't get thrown out 'til days later is just
6 a complete misstatement of fact, and all the officers
7 are going to testify to that.

8 THE COURT: Okay.

9 SOLICITOR HOLLEN: And I, you know, just as far as
10 a motion to cross-examine Mr. Anderson before we even
11 get started, there's just no basis for that, even in the
12 case that Mr. Plexico cites, that he needs the Court --
13 and if you want to put Mr. Anderson up on the stand and
14 in-camera him to make sure he understands that if he
15 lies, he's subject to perjury and that kind of thing, I
16 think that would be proper. But to give Mr. Plexico two
17 opportunities to cross-examine him about the facts that
18 we've already got statements for, that he -- we've got a
19 recorded interview on, is just not proper in this case.
20 I just don't know that there's any basis for it. And
21 I'm sorry, I was sitting there about to jump out of my
22 skin, but I had to get misstatement of fact out of the
23 way.

24 I mean, that's really all I've got on this. I do
25 not think he should be sequestered. I don't really care

1 if -- but the right doesn't belong to me; it doesn't
2 belong to Mr. Plexico; it belongs to Mr. Anderson. And
3 the South Carolina *Constitution* says he has a right to
4 be here. That would be the State's argument as far as
5 that goes.

6 But I do -- if you want to in-camera him; make sure
7 he understands what perjury is; and if he lies on the
8 stand, he's subject to that, I think that's the proper
9 remedy here, not to give them multiple opportunities to
10 cross him. So that's the State's argument.

11 THE COURT: What is your purpose for cross-
12 examining him right now?

13 MR. PLEXICO: It goes to confidence, your Honor.
14 That's the whole point. If he says that --

15 THE COURT: He's not competent to testify?

16 MR. PLEXICO: Correct, your Honor, because he
17 cannot --

18 THE COURT: Because he has a low I.Q.?

19 MR. PLEXICO: No, your Honor, he fails the rules of
20 competency. You have to be competent to testify.
21 First, you have to be able to substantially --

22 THE COURT: Just because you give differing
23 statements does not mean you are not competent to
24 testify.

25 MR. PLEXICO: Well, you have to substantially

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1 remember. The word is *substantially* be able to perceive
2 and remember the event. That's what the standard is,
3 Judge, for that -- for the other motion that I have,
4 your Honor. I just --

5 THE COURT: Even if all he did was stand up and say
6 it was a short-figured person wearing a -- let's, for
7 example, say, a hoodie, that's competent for him to
8 testify to, if that's what he's saying.

9 MR. PLEXICO: That's the whole point. I didn't
10 learn that until a week ago, and this is a two-year-old
11 case. The word *short* wasn't even said to me until it
12 was said by Solicitor Hollen about two weeks ago.

13 THE COURT: Well, you can say that on cross-
14 examination, why didn't you tell that to the officers in
15 their investigation, when you spoke to them 45 minutes
16 after, or when you spoke to them again three days later,
17 where you wrote a statement.

18 MR. PLEXICO: Well, I believe that his testimony is
19 going to reflect he cannot -- he did not perceive the
20 event with a substantial degree of accuracy. That's
21 what's required to be competent as a witness to testify
22 to a matter. And the matter that I'm questioning he has
23 the competence to testify to is the identity of the two
24 people who were there, because it's clear, from him
25 going from a black male approximately six feet or so to

1 a black female an entire foot shorter, and never saying
2 anything about it, is, that means he's just flat
3 incompetent, and he's told the officers it's Peanut and
4 Dre, that's who the shooters are.

5 THE COURT: If that makes him incompetent, then I'd
6 say that most of the trials I've ever tried as a judge,
7 the people are not competent to testify. It's always an
8 I.D. case. This is, my understanding, an I.D. case. It
9 goes to the weight, not to the admissibility. Unless
10 you're telling me that he is slow, he is not bright,
11 unless you're telling me that he had zero opportunity to
12 see who it was to testify, again, that's what cross-
13 examination is for.

14 MR. PLEXICO: It's not a zero probability; it's a
15 substantial degree of accuracy. And when you're this
16 far off, the wrong sex and a foot difference from who he
17 told these officers to go get who the shooters were,
18 then changes, that's not a substantial degree of
19 accuracy. It's not just some accuracy, it's a
20 substantial degree of accuracy is the legal standard.

21 THE COURT: Again, I think it goes to weight, not
22 admissibility, and I think it's based on the clothing
23 that she was wearing, or wasn't wearing, at the time,
24 so. Again, I'm not quite sure what your first motion
25 is, other than my understanding is this. He's not here

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1 yet. Is that correct? Or he is here?

2 SOLICITOR HOLLEN: He's supposed to be here, your
3 Honor, but he's clearly not.

4 THE COURT: Okay. Well, let me ask you this, Mr.
5 Hollen.

6 SOLICITOR HOLLEN: Yes, ma'am.

7 THE COURT: Mr. Hollen, would you object if we just
8 keep him out during pretrial, so we can go ahead and get
9 the officers' testimony. I really don't think it
10 matters, because the only thing the officers know are
11 what was told to them and what they learned in their
12 investigation. So again, they do their own independent
13 investigation.

14 SOLICITOR HOLLEN: I have no problem with that. I
15 think the only officer I'd be calling pretrial would be
16 Lieutenant Litchfield, who is the investigator for the
17 *Denno* hearing.

18 THE COURT: Okay. So we've got a *Denno* hearing,
19 obviously.

20 SOLICITOR HOLLEN: Yes, your Honor.

21 THE COURT: What else, Mr. Plexico? So we will go
22 ahead and sequester him for pretrial matters.

23 MR. PLEXICO: I think that you addressed my motion
24 titled *Motion to Exclude Crime Scene Identification*
25 *Testimony Due to Incompetency of Witness Under 403*. And

1 I believe that it's so --

2 THE COURT: Under 403, under probative versus
3 prejudicial value? Is that what you're resting your
4 argument on?

5 MR. PLEXICO: And I said due to incompetence,
6 number one, 403 is too confusing for the jury to even
7 consider these widely varying things, and it would be no
8 use to them, I believe, and unduly prejudicial to my
9 client. And those combined are a federal and state due
10 process violation is what I put into my statement, your
11 Honor -- I mean, into my memo.

12 THE COURT: Okay.

13 MR. PLEXICO: Which I'm going to make these part of
14 the record. I understand you have denied that motion.

15 THE COURT: I think he can testify.

16 MR. PLEXICO: Okay. All right.

17 THE COURT: He's the victim in the case. He was
18 walking, my understanding is, someone stuck a gun to he
19 and the other victim's head that he was at. The other
20 one got shot and was killed. So again, I think he can
21 testify to the extent he knows. He will be subject to
22 cross-examination. You can examine him all you want.

23 MR. PLEXICO: Yes, your Honor. And I had a motion,
24 which we've agreed on now, a motion to exclude use of
25 any priors of my defendant --

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1 THE COURT: Your client has no priors that are
2 useable?

3 MR. PLEXICO: They're not.

4 THE COURT: Good.

5 MR. PLEXICO: Yes, your Honor. All right. I also
6 have, and it just might be premature, I gave it to you
7 this morning, I have two motions to exclude. The text
8 messages is what I filed first, but I also have a 702
9 motion to exclude all cell phone location data, because
10 I don't believe it's a proven science. He says that he
11 has a --

12 THE COURT: We're turning around. Let's back up a
13 second. We came in at 8:00 a.m. this morning so we'd
14 have plenty of time before 9:30 when the jury comes in.
15 Let's first talk about the text messages. As you all
16 know, I come in figuring out what's going on. Who sent
17 text messages to whom? I know that there was, on the
18 witness list, someone listed from Verizon Wireless. So
19 what text messages are we talking about specifically?

20 MR. PLEXICO: Well, he has twenty he has not -- I
21 don't have the twenty or so that he says -- I have two.
22 One around 12:30 that I think he's talking about; one
23 about 1:30 or 2:00 o'clock.

24 THE COURT: Between who?

25 MR. PLEXICO: Between Peanut and my client.

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1 THE COURT: Between Peanut and your client. Okay.

2 MR. PLEXICO: That's what he's alleging.

3 THE COURT: Okay. Okay.

4 MR. PLEXICO: But my motion to exclude the --

5 THE COURT: Can I see them? What text messages do
6 you have?

7 SOLICITOR HOLLEN: Your Honor, I have --

8 THE COURT: I assume a Verizon person is going to
9 authenticate them?

10 SOLICITOR HOLLEN: Yes, your Honor.

11 THE COURT: Okay.

12 SOLICITOR HOLLEN: Let me find them. I'm sorry.
13 There are -- the text messages that came from Verizon,
14 there are about thirty pages of them.

15 THE COURT: What do you plan on using?

16 SOLICITOR HOLLEN: I plan on using -- there are a
17 number of text messages I planned on using. Hold on.
18 And the text messages specifically that I wanted to get
19 into are between the phone numbers that were given for
20 Darien and Ms. Young, specifically to show, in her
21 statement, that she says that she doesn't even know him;
22 that she's seen him; that he gave her a beer; that's the
23 only time they know each other. Well, on the day of the
24 incident, there are text messages back and forth. There
25 are almost thirty phone calls back and forth.

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1 THE COURT: Between Peanut and Ms. Young?

2 SOLICITOR HOLLEN: Between -- yes.

3 THE COURT: And what's Peanut's real name?

4 SOLICITOR HOLLEN: Eric Darien. So the text
5 messages between the two of them are the ones that I
6 plan on using most. However, there are other text
7 messages, and I haven't gotten into this because we
8 haven't -- I didn't even think about it, really. There
9 are text messages where she's telling people she's going
10 to North Carolina, so. I didn't do a pretrial, but I
11 certainly plan on getting that in and arguing flight.
12 There are text messages --

13 THE COURT: Okay. Did she actually go to North
14 Carolina?

15 SOLICITOR HOLLEN: According to her text messages,
16 she did.

17 MR. PLEXICO: I have no clue about any of this.

18 SOLICITOR HOLLEN: I provided the records.

19 THE COURT: Okay. I'm going to presume you did a
20 Rule 5 *Brady* discovery motion, and I'm going to presume
21 Mr. Hollen turned them over to you. Did he, or did he
22 not?

23 MR. PLEXICO: Your Honor, I got this mess last
24 week, okay? and that's -- it's just -- you've seen, I
25 think, this kind of stuff before, and I've identified

1 two.

2 THE COURT: Those text messages?

3 MR. PLEXICO: Yes, your Honor.

4 THE COURT: Okay. Well, you should be able to read
5 them. Can you?

6 SOLICITOR HOLLEN: Yes, your Honor. It's not my
7 job to organize them for them. I gave them exactly what
8 I got from Verizon. I had to go through them as well.

9 THE COURT: Okay.

10 MR. PLEXICO: Your Honor, this is a two-year-old
11 case. Why am I getting stuff at the beginning of last
12 week?

13 THE COURT: Are you asking for a continuance, Mr.
14 Plexico?

15 SOLICITOR HOLLEN: Be careful what you're saying,
16 Mr. Plexico. Are you saying I sent this last week?

17 MR. PLEXICO: That's -- I'll have to look on my
18 computer.

19 SOLICITOR HOLLEN: Okay. You might want to check
20 again.

21 MR. PLEXICO: Okay. What date did you send them?

22 SOLICITOR HOLLEN: I don't recall, but I sent them
23 the day I got them.

24 MR. PLEXICO: You know, I just want to know what he
25 plans on using. Does he plan on using thirty pages?

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1 We're going to have to go through each and every one of
2 these to see if it's relevant. I mean, there's
3 something saying somebody, I don't know, sent a message
4 saying, *I hear you bustin fire on them nigs welcome to*
5 *the club.*

6 Now, does he plan on using that? And I don't -- I
7 didn't know anything in here about her going to North
8 Carolina. I mean, it would take days to sit down and
9 figure out whose phone number is what and go through all
10 this. So I mean, he said he had a small number of
11 messages he was going to put in. I expected to get
12 them. I'm asking for them now. What is it we're
13 arguing about? Are we arguing about each and every one
14 of these, which would take two days of hearings? What
15 is it he wants to bring in?

16 THE COURT: Mr. Hollen, what do you plan on using?

17 SOLICITOR HOLLEN: Your Honor, I'm happy to pass up
18 to you the ones that I pulled out that I plan to use. I
19 gave him everything. It's not my job to narrow
20 everything down and organize the documents for him.

21 THE COURT: So what other text messages do you plan
22 on using?

23 MR. PLEXICO: Can I have a copy of what he plans to
24 put in so I can argue with --

25 THE COURT: He's already turned over discovery to

1 you, is what I'm hearing him say.

2 MR. PLEXICO: I don't know which ones we're talking
3 about. Do we need to do each one for relevance?

4 THE COURT: Well, I don't think these look all that
5 complicated to me. If you just look at the text
6 messages, they're in blocks. And if you go to the part
7 that says *message, text*, I think that's what we're
8 looking for to start with. Where it says, *yo call me*
9 *asap*. And then, it will tell you where the originating
10 phone number is. It will also tell you, then, where the
11 terminating phone number is. Is that something that you
12 requested in discovery, so we know who these people are
13 to and from? Mr. Hollen?

14 SOLICITOR HOLLEN: The majority of them, yes, your
15 Honor. There are a couple of those phone numbers that
16 we couldn't get subscriber information on. I'm not
17 necessarily interested -- I'm interested in her response
18 to a couple of those text messages, because there will
19 be information, I believe, that'll come out that she's
20 agreeing to what's being said. So those are the things
21 that -- but as far as the main text messages there
22 between Mr. Darien, whose number was identified as [REDACTED]
23 3234, and Ms. Young, whose number was identified as [REDACTED]
24 3731. Those are the ones that I'm mainly interested in,
25 and her text messages about going to North Carolina.

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1 THE COURT: Show him what two those are.

2 MR. PLEXICO: Your Honor --

3 THE COURT: Show him what two those are, the two
4 you're presenting.

5 SOLICITOR HOLLEN: The numbers, the phone numbers?

6 THE COURT: Yes.

7 MR. PLEXICO: Could I get a copy of what he plans
8 to introduce. That's all I'm asking for.

9 THE COURT: I don't mind giving it to him. That's
10 fine. Okay. He gave it to you already.

11 MR. PLEXICO: No, he gave me hundreds of them, not
12 the twenty that he has. So it's unfair for him not to
13 give me what he -- what his case-in-chief, what he plans
14 to introduce, and not mix it with all this other stuff.

15 THE COURT: Margaret, can you have someone make a
16 copy of what he's got right there.

17 SOLICITOR HOLLEN: I'll gladly turn it over, your
18 Honor. I don't believe it's required, but I'll do it.

19 THE COURT: How, Mr. Hollen, do you intend on
20 getting these in? Who --

21 SOLICITOR HOLLEN: Your Honor, Ms. Milbrodt from
22 Verizon Wireless will testify as to the records being
23 kept in the ordinary course of business.

24 THE COURT: Okay.

25 SOLICITOR HOLLEN: Additionally, to tie this phone

1 number to Ms. Young, someone asks, well, what's your
2 email address. She responds, *aneishay@* [REDACTED]. I
3 think that's sufficient to show that this was her phone.

4 THE COURT: Okay. And that was Ms. Young who
5 answered that question, right?

6 SOLICITOR HOLLEN: Yes. And she also gives --
7 she's asking her --

8 THE COURT: What is your cell phone number?

9 SOLICITOR HOLLEN: What's your cell phone number.
10 She says that was my number; it broke; when did it
11 break; after the murder; So at the time of the murder,
12 this was your phone; and she avoids the question. But
13 that's for the jury.

14 THE COURT: Okay.

15 SOLICITOR HOLLEN: Ms. Bostick, can I --

16 THE COURT: I'm sorry, Margaret. Right here. The
17 bailiff's right back there. Thank you, ladies. I
18 appreciate it. Okay. Okay. So you're going to get a
19 copy of that, and you can look it up. And at that
20 point, you can determine whether or not they're
21 relevant. What time is the Verizon lady coming? I know
22 she had a small window. She was supposed to be
23 elsewhere.

24 SOLICITOR HOLLEN: She can be here this afternoon.
25 We can proffer her testimony then.

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1 THE COURT: Okay. So we can take it up at
2 lunchtime, then.

3 SOLICITOR HOLLEN: Yes, your Honor.

4 THE COURT: That will give Mr. Plexico some time to
5 look at it. Can we go ahead with the *Jackson v. Denno*?

6 SOLICITOR HOLLEN: Absolutely.

7 THE COURT: I mean, I see an officer here, and
8 actually, I see Fraleigh, so let's start with the
9 *Jackson v. Denno* and go from there.

10 MR. PLEXICO: Your Honor, we also have an issue of
11 the pages on --

12 THE COURT: I understand that issue, but I'd like
13 to do the *Jackson v. Denno* to start with, so we're going
14 to go ahead and do the *Jackson v. Denno* to begin with.
15 Okay?

16 SOLICITOR HOLLEN: Thank you, your Honor.

17 MR. PLEXICO: Just for --

18 THE COURT: And let me ask you, which officer, I
19 apologize, was the one that was in the interview where
20 Mr. Anderson wrote the statement?

21 SOLICITOR HOLLEN: Lieutenant Litchfield.

22 THE COURT: Okay. I think that we're going to have
23 to ask him questions about that as well. I went through
24 that video and looked at it, and saw how, when he turned
25 the page, like the first page, it was -- at first it was

1 straight, and then when you turn the page, he set it
2 sideways and put it up there, and it does look like
3 there potentially are three. Now, it might be that he
4 was just had made a mistake. It was copy of the second
5 page. I don't know. But I do think that Mr. Plexico is
6 entitled to understand what happened with that. So to
7 the extent that it's this officer, we're going to have
8 to ask him questions about those as well, so we can
9 better understand. There might be a potential that he
10 may also need to also ask Mr. Anderson as well, and I
11 understand that. But I do want to get to that issue,
12 but let's start with the *Jackson v Denno*. And then what
13 we might be able to is do the *Jackson v. Denno*, then
14 maybe get to the issue of the three pages, and then put
15 Mr. Anderson on. So sir, if you want to come -- if this
16 is your first witness on the *Jackson v. Denno*, if that's
17 fine with you, Mr. Hollon, --

18 SOLICITOR HOLLEN: Yes, your Honor.

19 THE COURT: -- let's call him. Come on up, sir,
20 if you would.

21 SOLICITOR HOLLEN: Call Lieutenant Litchfield.

22 THE COURT: Okay. Thank you.

23 MADAM CLERK: Would you raise your right hand. Is
24 the testimony that you're about to give the Court the
25 truth, the whole truth, and nothing but the truth, so

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1 help you God?

2 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

3 MADAM CLERK: Thank you.

4 THE COURT: Good morning, sir.

5 LIEUTENANT DANIEL LITCHFIELD: How are you doing,
6 ma'am?

7 LIEUTENANT DANIEL LITCHFIELD

8 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

9 Q. Good morning, Lieutenant Litchfield. How are you?

10 A. Fine, sir.

11 Q. Who do you work for?

12 A. Ridgeland Police Department.

13 Q. And what's your position with the Ridgeland Police
14 Department?

15 A. I'm a lieutenant with investigations.

16 Q. And were you involved in the case that was the
17 murder of Davonte Freeman?

18 A. Yes, sir.

19 Q. And what was your role in the case?

20 A. I was lead investigator; I got called in.

21 Q. All right. So you're the lead investigator. As
22 the lead investigator, did you interview the defendant,
23 Aneisha Young?

24 A. I did.

25 Q. And is that interview recorded in any way?

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1 A. Audio and video.

2 Q. It's audio and video recorded?

3 SOLICITOR HOLLEN: Your Honor, may I approach the
4 witness?

5 THE COURT: You may. You can identify it. I've
6 already seen it, obviously. We do not need to play it
7 in the courtroom today, because I have viewed the entire
8 thing.

9 SOLICITOR HOLLEN: Okay. Perfect.

10 THE COURT: So.

11 BY SOLICITOR HOLLEN:

12 Q. So Lieutenant Litchfield, I'm not going to play
13 the interview, but is there any portion of the interview
14 of Aneisha that was not recorded?

15 A. No, sir.

16 Q. While you were with her, did anybody threaten her
17 or try to coerce her to make a statement?

18 A. No, sir.

19 Q. When you talked to her, did she seem like she was
20 under the influence of drugs or alcohol, so that she
21 would not understand what she was doing?

22 A. No, sir.

23 Q. Did she seem to have any mental infirmities or
24 anything like that when you spoke with her?

25 A. No, sir.

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1 Q. And did she freely and voluntarily speak with you?

2 A. Yes, sir.

3 Q. You advised her of her *Miranda* rights on that
4 video? How did you do that?

5 A. We actually have a standard *Miranda* form in our
6 interview room, and all the forms, actually. I read
7 from that.

8 Q. You read from that form. And she acknowledged her
9 rights?

10 A. Yes, sir.

11 Q. And she agreed to speak with you?

12 A. Yes, sir.

13 Q. And she voluntarily gave her statement?

14 A. Yes, sir.

15 Q. Did you promise her anything to testify?

16 A. No, sir.

17 Q. And like I said, you didn't -- you didn't talk to
18 her at all off of the video? So that's the full -- the
19 interview that you watched and initialed is the full
20 interview of Ms. Young?

21 A. Yes, sir.

22 Q. All right.

23 SOLICITOR HOLLEN: Your Honor, as far as *Jackson v.*
24 *Denno*, that's all I have.

25 THE COURT: Mr. Plexico.

1 LIEUTENANT DANIEL LITCHFIELD

2 CROSS-EXAMINATION BY MR. PLEXICO:

3 Q. All right. Did she relay to you that people had
4 been calling her and accusing her of this?

5 A. Yes.

6 Q. Okay. So she was upset about that, correct?

7 A. Definitely.

8 Q. And she was upset that Wrenshad Anderson had been
9 contacting her, too, correct?

10 A. Correct.

11 Q. All right. So wasn't she scared about this whole
12 situation?

13 A. I imagine so.

14 Q. Okay. All right. Did you notice anything about
15 her demeanor? Did she appear to be using marijuana?
16 Did she appear to be high?

17 A. No.

18 Q. Okay. Did you smell any alcohol on her?

19 A. I did not.

20 Q. All right. What time did the interview take
21 place?

22 A. Some time in the morning. I'm not sure what time.

23 Q. And she turned herself in?

24 A. She did.

25 Q. And you served a warrant on her at that time?

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1 A. I did.

2 Q. Okay. Did you make any threats to her or anything
3 during the interview?

4 A. I did not.

5 Q. All right. Aside from her fear of Wrenshad
6 Anderson and others who were contacting her, did she
7 ever say that she was actually being threatened, they
8 were going to get her for this?

9 A. I don't recall.

10 Q. Okay. All right.

11 MR. PLEXICO: Court's indulgence.

12 BY MR. PLEXICO:

13 Q. And she did say that she was scared for her life
14 over this. Is that correct?

15 A. Yes, sir.

16 Q. All right. Do you think that could have
17 influenced what she told you all?

18 A. No.

19 Q. Don't you think that would make somebody clam up
20 and say I don't know anything about this?

21 A. I can't tell you what anybody would do as far as
22 fear or happiness or anything, as far as that goes.

23 Q. I don't --

24 A. If you'd like me to explain. Sometimes excited
25 utterances could be caused from fear, excitement.

1 There's a very wide range of emotions for that.

2 MR. PLEXICO: I don't have anything further for
3 him, Judge.

4 THE COURT: Anything further, Mr. Hollen?

5 SOLICITOR HOLLEN: Not on the *Jackson v. Denno*,
6 your Honor.

7 RULING:

8 THE COURT: Okay. Let's go ahead and hear the
9 issue as far as the *Jackson v. Denno* is concerned. I
10 can tell you, Mr. Plexico, I saw it. I would say her
11 expression and demeanor was mad, and I think she was
12 very angry when he said I'm charging you. I think she
13 was surprised. And again, I think it was absolutely
14 freely and voluntarily made. She was not coerced in any
15 way. She, for someone who was afraid, talked an awful
16 lot, so I don't think that -- I don't think it was
17 forced in any way. So with that said, I'm going to
18 allow the interview. I think it was fine. All right.
19 Other than that?

20 SOLICITOR HOLLEN: Your Honor, I was going to go
21 ahead and ask Lieutenant Litchfield about the statement,
22 if you'd like.

23 THE COURT: Please.

24 REGARDING WRENSHAD

25 ANDERSON STATEMENT:

1 LIEUTENANT DANIEL LITCHFIELD

2 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

3 Q. Lieutenant Litchfield, you interviewed Wrenshad
4 Anderson also. Is that correct?

5 A. Yes.

6 Q. After you interviewed him, you had him -- or you
7 requested that he make a written statement. Is that
8 right?

9 A. I did.

10 Q. And did he do that?

11 A. He did.

12 Q. And you weren't in -- were you in the room when he
13 made it?

14 A. No.

15 Q. So you left him alone to write the statement.
16 You've reviewed the video?

17 A. I have.

18 Q. We have discussed this issue. When Mr. Anderson
19 handed you his statement, how many pages did he give
20 you?

21 A. Two pages.

22 Q. Two written pages?

23 A. Correct.

24 Q. Were there more than two pages in the stack of --
25 did you give him more than two pages to write on?

1 A. Oh, yes. In case he ran out or something, there's
2 always extra blanks.

3 Q. So you had multiple pages to write on, but he
4 handed you two written pages?

5 A. Correct.

6 THE COURT: Lieutenant Litchfield, may I ask you,
7 it almost looks like those pages were carbons.

8 A. They are.

9 THE COURT: Is that what they were?

10 A. Yeah.

11 THE COURT: That's what they looked like on the
12 video to me.

13 A. Yes, ma'am.

14 THE COURT: So they were -- any time you had one
15 page, it was probably three, correct?

16 A. Three, yes, ma'am.

17 THE COURT: There was an original, probably a
18 yellow one and a pink copy. Am I correct on that?

19 A. Yes, ma'am.

20 THE COURT: Go ahead, Mr. Hollen.

21 SOLICITOR HOLLEN: Your Honor, that's --

22 THE COURT: So I guess the question is -- and ask
23 him the ultimate question. So you look at the video and
24 it appears that, you know, he writes one page. And like
25 I said, he does this. At first, he starts like this?

1 A. Yes, ma'am.

2 THE COURT: And so, we've got all of them together.
3 He writes one page. He doesn't have to rip it, because
4 it's not attached. And then, he puts it sideways, like
5 this, and he starts writing it looks like to be another
6 page; and he looks like he's writing another page; and
7 then, it looks like that one is turned over as well.
8 Can you explain that, or do you have an idea of what --
9 I mean, and I guess then the ultimate issue is (a) can
10 you explain it; do you know what happened; (b) did you
11 throw any pages away that he gave?

12 A. I did not.

13 THE COURT: And it wasn't a complete statement,
14 because I haven't even read the statement. So I haven't
15 even looked at those two pages. Mr. Hollen, do you have
16 a copy of them so I may look at them?

17 SOLICITOR HOLLEN: I do. Yes, your Honor. And I
18 agree.

19 THE COURT: And do you have any kind of explanation
20 of why appears like in the video?

21 A. May I?

22 THE COURT: Yes.

23 A. What it looks like to me is he had one up here
24 while he was writing, and he took that one and put it
25 under, and then kept writing. Then, he turned one over

1 and finished it.

2 THE COURT: Okay.

3 A. And if you look at the -- the statements, aside
4 from the capitalization of the very first letter on the
5 second page, it flows.

6 THE COURT: Okay.

7 A. So I don't understand where there would be an
8 assumption there's a third page.

9 THE COURT: Let me ask you, also and I haven't
10 looked at these, are they numbered? Is there somewhere
11 where the page is like he writes 1, and then a 2, or?

12 A. I put a 2 on the second page, after the first page.

13 THE COURT: Okay. And can I see that, Mr. Hollen?
14 Can I see it?

15 SOLICITOR HOLLEN: Yes, your Honor.

16 THE COURT: And show them to him as well. The
17 Lieutenant needs to look at them and verify that this is
18 the statement that was written, and that there wasn't
19 anything more than that, under oath.

20 A. This is -- this is all there was.

21 THE COURT: Okay. Thank you, sir.

22 Let me ask you, your signature is that? Is that
23 yours?

24 A. That's mine.

25 THE COURT: He didn't sign these?

1 A. He didn't.

2 THE COURT: I mean, is there a reason why you
3 didn't have him sign it?

4 A. He was just not in a good shape as far as that
5 time, and I didn't --

6 THE COURT: What do you mean he wasn't at a good
7 shape? What does that mean?

8 A. He was still stressed out about the situation. His
9 brother had just been killed, --

10 THE COURT: Okay.

11 A. -- and he just -- and I didn't -- I didn't make him
12 sign it. I figure it was audio-video recorded. I
13 didn't think further than that, your Honor.

14 THE COURT: Lieutenant Litchfield, what he wrote in
15 the statement, is it the same thing that he said
16 happened in the video?

17 A. Yes.

18 THE COURT: So did he, in the video, say all of
19 this occurred, and then you asked him to write the
20 statement?

21 A. Correct.

22 THE COURT: Okay. So I can understand this, the
23 car that came and allegedly got or picked up the two
24 shooters, is it alleged that it was Lisa, the woman from
25 Hilton Head's, car? Is that correct or not?

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1 A. We don't know.

2 THE COURT: You don't know. Okay. Okay. Okay.

3 I've seen it. Thank you.

4 SOLICITOR HOLLEN: Your Honor.

5 THE COURT: Margaret, would you give that back to
6 Mr. Hollen?

7 CONTINUE DIRECT EXAMINATION

8 BY SOLICITOR HOLLEN:

9 Q. Lieutenant Litchfield, is there any other
10 information you have about this, or have you talked to
11 Mr. Anderson about whether there was an additional page?

12 A. I personally have not talked to him.

13 Q. Okay. And he didn't review his video or anything
14 like that; did he?

15 A. No.

16 Q. Okay.

17 SOLICITOR HOLLEN: Your Honor, I don't have
18 anything further for him right now.

19 THE COURT: Mr. Plexico?

20 MR. PLEXICO: Thank you, your Honor.

21 LIEUTENANT DANIEL LITCHFIELD

22 CROSS-EXAMINATION BY MR. PLEXICO:

23 MR. PLEXICO: I believe the Court has a copy of
24 Wrenshad Anderson's statement that was given and him
25 writing the statement?

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1 THE COURT: I just give it back to Mr. Hollen.

2 That's what I was reading from.

3 MR. PLEXICO: Okay. I would move to have that put
4 into -- made part of the Court's record.

5 THE COURT: Do you have one?

6 MR. PLEXICO: I can burn one, Judge. I can put the
7 whole thing with everybody else's at the end of the
8 trial.

9 THE COURT: It's okay. We've got one for that, Mr.
10 Hollen?

11 SOLICITOR HOLLEN: We can put -- we can put this
12 very copy in, your Honor.

13 THE COURT: Thank you.

14 MR. PLEXICO: We have the DVD.

15 THE COURT: Pardon?

16 MR. PLEXICO: The DVD, we need -- I want to put in.

17 THE COURT: Well, you can make that -- well, give
18 us a copy of it.

19 MR. PLEXICO: Well, I can't make it right now. My
20 computer --

21 THE COURT: That's fine. We'll just note it, for
22 the record. If someone can make one, we'll make it a
23 part of the record.

24 SOLICITOR HOLLEN: I have one, your Honor. I'll
25 get it marked.

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1 THE COURT: It has to be the exact one that will be
2 played for the jury. Okay?

3 SOLICITOR HOLLEN: I'm not planning on playing it.
4 I can't play it. It's, as far as I'm concerned, prior
5 consistent statements. Unless Mr. Plexico --

6 THE COURT: Are you going to play it?

7 MR. PLEXICO: I want it just part of the Court's --

8 THE COURT: I understand that now, but I'm asking
9 you, later, do you plan on playing it or not?

10 MR. PLEXICO: Not at this point, Judge.

11 THE COURT: Okay. All right. So it's up to you at
12 some point to find a copy of it to make it a Court's
13 exhibit. Okay?

14 MR. PLEXICO: Sure, your Honor.

15 CONTINUE CROSS-EXAMINATION,

16 BY MR. PLEXICO:

17 Q. All right. You have reviewed the video?

18 A. Yes, sir.

19 Q. And do you see him start writing on a page?

20 A. Yes, sir.

21 Q. And he appears to write on that page, I think it's
22 approximately a minute. I noted on 27:30 that you leave
23 the room, and he starts writing?

24 A. Okay.

25 Q. And then, at 28:40, he starts on another page.

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1 A. Okay.

2 Q. That's about a minute.

3 A. All right.

4 Q. Okay? Now, he sets the first page aside. Is that
5 correct?

6 A. I remember him writing on the first page, and
7 setting the second one to the first one aside, yes.

8 Q. Okay. Then he writes --

9 A. Prior to that, he moved the top page up sideways
10 and puts it underneath the stack.

11 Q. Okay. You want to show me that on the video?
12 Because I have it here.

13 THE COURT: Sure. Queue it up.

14 MR. PLEXICO: May I approach the witness, your
15 Honor?

16 THE COURT: Yes, please. Okay. Is there no way to
17 play it on that so we can all see what he's talking
18 about.

19 MR. PLEXICO: I don't have this hooked up on there,
20 Judge. No one's ever done that.

21 THE COURT: Is there a way to plug it in?
22 Margaret, is there a way?

23 MADAM CLERK: It's on the desk.

24 THE COURT: Thank you. It would be nice for us to
25 all view it.

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1 MR. PLEXICO: I don't know how to -- can you --
2 that's the --

3 OFF-THE-RECORD DISCUSSION.

4 BACK ON THE RECORD.

5 PLAYING ITEM IDENTIFIED AS DVD OF

6 INTERVIEW OF WRENSHAD ANDERSON

7 LATER MARKED COURT'S EXHIBIT NUMBER 5.

8 BY MR. PLEXICO:

9 Q. This is as you're about to leave the room,
10 correct?

11 A. Yes.

12 Q. Well, I don't know what just happened to that.
13 All right. Ah. Okay. And this is the first page that
14 he's writing?

15 A. I believe so.

16 Q. And this takes about a minute and ten seconds or
17 something.

18 A. Okay.

19 Q. You can see him writing up here, correct? You can
20 see on this one, you can see him writing on the inset.

21 A. Okay.

22 Q. Is that correct?

23 A. I can't tell where he's writing at right there.

24 Q. Do you see his hand moving?

25 A. Yes.

1 Q. Okay. He appears to be writing on that page?

2 A. Yes.

3 Q. Does he appear to be at the top of the page?

4 A. I can't --

5 Q. Toward the top. Where his hand is?

6 A. It looks like more in the middle, because at the
7 top, we usually have police department and his name and
8 all that.

9 Q. Is he setting that aside and putting it on the
10 bottom now?

11 A. See, what it appears to me is that, that one was
12 on top, and as he was writing, he moved that one to the
13 bottom, and it wasn't something he wrote on.

14 Q. Okay. The one he was writing on. And he's
15 picking it up, and he puts it, clearly, on the bottom,
16 correct?

17 A. A page that was on top, not necessarily what he's
18 writing on. In other words --

19 Q. Excuse me?

20 A. In other words, he could have been writing on the
21 stuff under the original police department where we had
22 the address and all that good stuff; move this to the
23 bottom.

24 Q. The pages are a regular eight-and-a-half by eleven
25 pages, correct?

1 A. Correct.

2 Q. So in good conscience, you're telling me that,
3 that page he picks up, he wasn't writing on the page he
4 picked up?

5 A. I don't think he was.

6 Q. Well, there wasn't anything that he could have
7 been writing on except that page, correct?

8 A. No, he could have been writing on the one under
9 it.

10 Q. He couldn't have been writing through it, correct?

11 A. Through it?

12 Q. Yes, because they're only eight-and-a-half by
13 eleven, and you can see the layout of the pages.

14 A. Okay.

15 Q. That would have had to been in the way, so he
16 would have had to write on the top page he put on the
17 bottom, correct?

18 A. No, sir.

19 Q. Well, what was he doing with his hand and the ink
20 pen?

21 A. That's what I'm telling you. He was writing on
22 the second page, the one up under that, and he was
23 moving it to the bottom.

24 Q. Okay. Explain to me -- and I may not have gone
25 back far enough. He hands you those pages, and he

1 organizes them, and now the one's on top of the other,
2 correct?

3 A. Yes.

4 Q. So if he starts writing on a page, he's going to
5 start writing on the top page, correct?

6 A. Correct.

7 Q. You moved it, but this top page is still there,
8 and he goes to move it back, correct?

9 A. Yes.

10 Q. He's starting to write on the top page.

11 A. Okay.

12 Q. There's no way that he could have been writing on
13 the page below it, correct? I mean, you can see they're
14 stacked, correct?

15 A. Right.

16 Q. So he couldn't have been writing on the page below
17 it.

18 A. Yeah.

19 Q. I mean, some -- right?

20 A. All right.

21 Q. Okay. And he does this for about a minute.

22 A. Okay.

23 Q. Then he moves this top page to the bottom. Is
24 that correct?

25 A. Okay.

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1 Q. I'm asking you. You've seen the video multiple
2 times.

3 THE COURT: Well, let's see until he turns the
4 page.

5 MR. PLEXICO: Okay.

6 BY MR. PLEXICO:

7 Q. Now, he moves the page and he puts it on the
8 bottom, and he's writing on a different page now,
9 correct?

10 A. Okay.

11 Q. So is that correct?

12 A. Yes, possibly that's what he's doing.

13 Q. Positive he is? It's on the video. Is he, or is
14 he not?

15 A. If you're looking at the video and you're asking
16 me, then you can't tell?

17 Q. I can tell he's writing on a different page, can
18 you?

19 A. I can't tell if he's writing on a different page
20 or just at the bottom of the same one.

21 Q. Okay. You didn't see him put it on the bottom or
22 put another page on the top?

23 A. He did -- he did move a page to the bottom.

24 Q. Okay. And was that the page he was writing on?

25 A. I don't know.

1 Q. Was the one on top --

2 A. I don't know.

3 Q. What happened to the one on top?

4 A. Like I said, he could have been writing at the
5 bottom of the second page. I don't know. I can't tell.

6 Q. So is everything disorganized in the statement?

7 A. No.

8 Q. Okay.

9 A. What he gave me when I walked back in the room was
10 two pages, and they were in continuity to what he wrote.

11 Q. Okay. You picked up the entire stacks of paper
12 that were there?

13 A. Yes.

14 Q. How many carbons were there?

15 A. I have no idea.

16 Q. Okay. All right. So he should not write on any
17 other paper now. Is that correct?

18 A. I don't know.

19 Q. Well, you saw him pick up the one he was writing
20 on and put it on the bottom?

21 A. Okay.

22 Q. Does that mean, since other paper is on top of it,
23 he can't write on this page, so he's writing on a second
24 page now, correct?

25 A. It's possible, yes.

1 Q. It's not possible. I mean, is it humanly possible
2 that he can write through paper? He can't write through
3 another substance?

4 A. Okay.

5 Q. Is that correct?

6 A. Yes.

7 Q. Okay. So he's writing on a second page now.

8 A. He's --

9 Q. Do we agree on that much?

10 A. Yes.

11 Q. Okay. All right. It takes him about fourteen
12 minutes to get through this page; then he moves on to
13 another page. So I just want to make sure everything's
14 clear, so that we have three -- do you understand how we
15 have -- after he writes on this page --

16 A. Um-hmm.

17 Q. -- which is laborious for him, okay, when he gets
18 to the bottom of that page, does he not yet move on to
19 another page?

20 A. He does.

21 Q. So that would give us a total of three pages that
22 he's written on. Is that not correct?

23 A. He gave me two pages of a statement.

24 Q. Okay. Did you take all the writing paper off that
25 desk when you came back in at the end of the video, and

1 walk out with it?

2 A. I don't think I took all the writing paper, but I
3 did take that stack that he was writing on.

4 Q. This stack that he's writing on?

5 A. Yes, sir.

6 Q. You took the entire stack?

7 A. I believe so, yes, sir.

8 Q. When you reviewed the video, did he put any papers
9 in these other two stacks?

10 A. I don't believe so.

11 Q. Okay. So it's your sworn testimony he did not put
12 any paper in the other stacks?

13 A. I swear that I don't believe he did.

14 Q. Okay. All right. So there's three pages he's
15 written on, and you took control and custody of
16 everything in that stack?

17 A. I did take everything out of that stack, yes.

18 Q. Okay. How many pages did you give him -- how many
19 carbon types of pages did you gave him to start with? I
20 know one's orange, pink, blue, whatever.

21 A. I don't know. I just brought a stack in there.

22 Q. Okay. All right. So do you know where -- so
23 there are three pages that he wrote on during this
24 interview?

25 SOLICITOR HOLLEN: Objection. That's not what he

1 said.

2 THE COURT: Sustained. That isn't what he said.

3 SOLICITOR HOLLEN: He's misstating the evidence.

4 MR. PLEXICO: Okay.

5 THE COURT: That isn't what he said.

6 BY MR. PLEXICO:

7 Q. Well, then, I'm confused. He writes on three
8 pieces of paper?

9 A. Possibly.

10 Q. Okay. So no, we had just determined he wrote
11 about a minute, you testified, on one page.

12 A. I don't think he was writing on that top page.

13 Q. When you saw his hand moving, he had a pen in it.

14 A. Okay.

15 Q. Is that correct?

16 A. He did have a pen in his hand and his hand was
17 moving.

18 Q. And he appeared to be writing? Is that correct?

19 A. He appeared to be writing.

20 Q. Okay. Then he moved on to --

21 A. He might have been trying to figure out how to
22 spell something.

23 Q. Excuse me?

24 A. He might have been trying to figure out how to
25 spell something.

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1 Q. Okay. With his hand moving?

2 A. Yes.

3 Q. Okay. All right. All right. So he appears to be
4 writing on this second page now.

5 A. Yes, sir.

6 Q. And he appears to move to a third page, and also
7 be writing?

8 A. Yes, sir.

9 Q. And the hand movements are the same, correct?

10 A. Similar.

11 Q. Okay. All right. So and you took all the pages
12 out of there?

13 A. Correct.

14 Q. So you have any idea about where the third page
15 is?

16 A. No, sir. I know the two that he -- well, part of
17 his statement that he gave me. That's it. I looked at
18 them, actually, in there with him during the video.

19 Q. But you watched him to write for a minute, to do
20 what appeared to be writing for a minute on that first
21 page?

22 A. Okay.

23 Q. Is that correct?

24 A. I saw him making movements that were very similar
25 to writing for a minute, yes, sir.

1 Q. Okay. And you saw him making movements that are
2 similar to writing on three pages, correct?

3 A. Okay. Yes, sir.

4 Q. Is that right?

5 A. Um-hmm.

6 MR. PLEXICO: I don't think there's any -- your
7 Honor has seen the video? You've seen that video?

8 THE COURT: I've seen it, yes.

9 MR. PLEXICO: Okay. I don't have anything further.
10 I don't have anything else.

11 THE COURT: Well, I think you're going to need to
12 ask Mr. Anderson about it, so I don't know why you're
13 going to unplug it yet. Because I'm going to presume
14 that we're going to call Mr. Anderson, and Mr.
15 Anderson's going to testify how many pages he wrote.

16 MR. PLEXICO: Yes, your Honor.

17 THE COURT: Don't unplug it yet.

18 EXAMINATION BY THE COURT:

19 THE COURT: Lieutenant, let me just ask you.

20 A. Yes, ma'am.

21 THE COURT: Is there anything that he testified to
22 that I would consider to be substantive about the
23 incident that he testified to verbally that was not in
24 his written statement? I mean, do they parallel each
25 other, pretty much?

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1 A. They do. At the very end, I asked him point-blank,
2 did you see Peanut shoot, and he said yes.

3 THE COURT: Okay.

4 A. That's not written on the statement.

5 THE COURT: That's not written on the statement.
6 Okay.

7 A. That's the only --

8 THE COURT: But it's on the video.

9 A. Yes.

10 THE COURT: Okay.

11 CONTINUE CROSS-EXAMINATION

12 BY MR. PLEXICO:

13 Q. Based on that, didn't you tell him at the beginning
14 of the interview or right before you walked out that we
15 have got to have somebody to say that I saw somebody
16 shoot? You were telling him that? Isn't that correct?

17 A. I believe so.

18 Q. All right. And on May 2nd, you interviewed
19 Demitria Williams, correct?

20 A. Correct.

21 Q. And you told her on May 2nd that Wrenshad was
22 saying that Peanut and Dre were the shooters, and that's
23 on that video?

24 SOLICITOR HOLLEN: Objection, your Honor. We're
25 getting outside the scope of this hearing.

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PRETRIAL - BY THE COURT

1 THE COURT: Okay. He can ask the question. If you
2 recall, then you can answer it.

3 BY MR. PLEXICO:

4 A. I don't recall our conversation. I'd have to look
5 at my notes, or look at the video of the interview.

6 Q. Okay. All right.

7 THE COURT: Well, it appears we are -- if it's
8 outside of this video, let's just move on.

9 MR. PLEXICO: Okay. I don't have anything further
10 for him, Judge.

11 BY THE COURT:

12 THE COURT: Okay. Mr. Hollen, anything more?

13 SOLICITOR HOLLEN: No, your Honor.

14 THE COURT: Okay. Do you have any other issues for
15 the Lieutenant that we need to -- while he's sitting
16 here?

17 SOLICITOR HOLLEN: Not that I'm aware of, your
18 Honor.

19 THE COURT: Anything that you know of, Mr. Plexico?

20 MR. PLEXICO: I don't think so, Judge.

21 THE COURT: All right. Lieutenant, you may step
22 down.

23 MR. PLEXICO: At this point.

24 SOLICITOR HOLLEN: Your Honor, I suppose we would
25 next call Wrenshad Anderson to the stand. And I wanted

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PRETRIAL - BY THE COURT

1 -- would like to just make sure that we limit his
2 examination to --

3 THE COURT: We are going to limit it to this issue,
4 --

5 SOLICITOR HOLLEN: Thank you.

6 THE COURT: -- as to his statement, and to make
7 sure this is his full statement, and he only wrote two
8 pages, and to ask him why it appears that he wrote
9 three. And let him look at it.

10 SOLICITOR HOLLEN: Yes, your Honor.

11 THE COURT: Also, Mr. Hollen, you're going to need
12 to give him a copy of the statement; you're going to
13 have to ask him if this is his handwriting. You're
14 going to have to ask him if this was his full statement.
15 Okay?

16 SOLICITOR HOLLEN: Yes, your Honor. Your Honor,
17 I'm going to go ahead and mark this as a Court's
18 exhibit.

19 THE COURT: Please. Okay.

20 COURT REPORTER: Do you have the memo you wanted to
21 make a court's exhibit?

22 MR. PLEXICO: As a matter of fact, I have three.
23 I'm going to put in the three motions you have already
24 heard, Judge.

25 SOLICITOR HOLLEN: I apologize, your Honor.

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PRETRIAL - BY THE COURT

1 THE COURT: Do I need to take five minutes?

2 MR. PLEXICO: If you would, Judge.

3 SOLICITOR HOLLEN: That's fine.

4 THE COURT: Let's take five minutes. Okay? Five,
5 though. Because this jury's coming in at 9:30, and I
6 told them we were going to start on time.

7 SOLICITOR HOLLEN: Yes, Judge.

8 ITEM IDENTIFIED AS MOTION TO EXCLUDE
9 THE STATE'S USE OF ANY PRIOR CONVICTIONS
10 OF THE DEFENDANT FOR IMPEACHMENT PURPOSES
11 MARKED COURT'S EXHIBIT NUMBER 1.

12 ITEM IDENTIFIED AS MOTION TO SEQUESTER
13 MARKED COURT'S EXHIBIT NUMBER 2.

14 ITEM IDENTIFIED AS MOTION TO EXCLUDE
15 CRIME SCENE IDENTIFICATION TESTIMONY
16 DUE TO INCOMPETENCY OF WITNESS AND
17 UNDER 404 SCRE AND AS A VIOLATION OF
18 THE DEFENDANT'S RIGHTS TO DUE PROCESS
19 MARKED COURT'S EXHIBIT NUMBER 3.

20 ITEM IDENTIFIED AS HANDWRITTEN STATEMENT
21 OF WRENSHAD ANDERSON
22 MARKED COURT'S EXHIBIT NUMBER 4.

23 ITEM IDENTIFIED AS DVD OF INTERVIEW OF
24 WRENSHAD ANDERSON
25 MARKED COURT'S EXHIBIT NUMBER 5.

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1 OFF THE RECORD 9:15 A.M.

2 BACK ON THE RECORD 9:26 A.M.

3 MADAM CLERK: All rise.

4 THE COURT: Thank you. Please be seated.

5 SOLICITOR HOLLEN: Your Honor, next call Wrenshad
6 Anderson to the stand.

7 THE COURT: Come on forward, Mr. Anderson. Come
8 right over here, sir. Ms. Bostick is going to swear you
9 in.

10 WRENSHAD ANDERSON: Yes, ma'am.

11 MADAM CLERK: Would you raise your right hand and
12 put your left hand on the *Bible*? Do you swear the
13 testimony you give to the Court will be the truth and
14 nothing but the truth, so help you God?

15 WRENSHAD ANDERSON: Yes, ma'am.

16 MADAM CLERK: Come right around and have a seat.

17 THE COURT: Good morning, sir. All right.

18 WRENSHAD ANDERSON

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 Q. Good morning, Mr. Anderson. How are you?

21 A. Doing all right.

22 Q. You're all right? Good.

23 THE COURT: You're going to have to speak, sir.
24 Sorry, I have a hard time hearing a little bit, so just
25 make sure you speak into the microphone. Okay?

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1 BY SOLICITOR HOLLEN:

2 Q. Mr. Anderson, you do tend to mumble a little bit.

3 I know, because I do it, too. So try to speak up.

4 A. Yes, sir.

5 Q. All right. Thank you. Mr. Anderson, in regard to
6 this case, you were -- were you interviewed by

7 Lieutenant Litchfield at the Ridgeland Police Department
8 at some point?

9 A. Yes, sir.

10 Q. And when you were interviewed by Lieutenant
11 Litchfield, when you were done speaking with him, did he
12 ask you to make a written statement?

13 A. Yes, sir.

14 Q. And did you, in fact, make a written statement in
15 this case?

16 A. Yes, sir.

17 Q. Now, Mr. Anderson, I'm going to approach in just a
18 minute and hand you what has been marked as Court's --
19 Court's Exhibit Number 4.

20 SOLICITOR HOLLEN: Your Honor, may I approach the
21 witness?

22 THE COURT: You may.

23 BY SOLICITOR HOLLEN:

24 Q. Mr. Anderson, take a look at that for me. Okay?
25 First of all, do you recognize that?

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1 A. Yes, sir. This is my statement.

2 Q. That's you're written statement. So that's your
3 handwriting?

4 A. Yes, sir.

5 THE COURT: You might want to -- I don't know if
6 he's read it today, but you might want to give him an
7 opportunity to read through the whole thing.

8 SOLICITOR HOLLEN: Sure.

9 THE COURT: So have you read that today?

10 A. No, I didn't read it today.

11 THE COURT: Okay. Go ahead. I want you to read
12 through your whole statement. Okay? Just so you
13 remember what you wrote. Okay?

14 SOLICITOR HOLLEN: Thank you, your Honor.

15 THE COURT: You just tell us when you're done.

16 A. I mean, it all the truth, so I'm done.

17 THE COURT: Okay. But I want to make sure you've
18 read through the whole statement. I want to make sure
19 that is your statement. And I want to know that's your
20 complete statement.

21 A. It's my complete statement. It's my handwriting.

22 THE COURT: Okay. It's your handwriting. It's
23 your complete statement. You didn't write anymore than
24 that?

25 A. No, ma'am. Two pages.

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1 THE COURT: Okay.

2 BY SOLICITOR HOLLEN:

3 Q. So Mr. Anderson, is there a third page that's
4 missing from that?

5 A. No, sir.

6 Q. Did you write on three pages at all?

7 A. No, sir. Only two pages.

8 Q. You wrote on two pages; that's your full
9 statement?

10 A. Yes, sir.

11 Q. All right.

12 SOLICITOR HOLLEN: Your Honor, --

13 THE COURT: Do you want to show him the video?
14 Because that's what's going to happen. I mean, I'm
15 assuming Mr. Plexico's going to show him the video, but
16 let's get to the ultimate issue in this case.

17 SOLICITOR HOLLEN: Well, he's never seen the video,
18 I don't believe. So I don't know. I mean, he can watch
19 it.

20 THE COURT: He was there.

21 SOLICITOR HOLLEN: Right.

22 THE COURT: So again, Mr. Plexico, I'm assuming
23 you're going to show it to him, right?

24 MR. PLEXICO: Yes, your Honor. To keep us from
25 showing it twice, I don't know what else -- maybe he

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1 wants to go ahead and let me do it, because I'm going to
2 do it.

3 THE COURT: Perfect.

4 SOLICITOR HOLLEN: That's what I was going to do.

5 THE COURT: Why don't you do it. Are you done with
6 him, then?

7 SOLICITOR HOLLEN: I'm done, your Honor.

8 THE COURT: Okay. Mr. Plexico, go ahead.

9 WRENSHAD ANDERSON

10 CROSS-EXAMINATION BY MR. PLEXICO:

11 Q. How are you today, sir?

12 A. I'm doing okay, Mr. Plexico.

13 Q. All right. You do recall the day in which you met
14 Lieutenant Litchfield at the station, correct?

15 A. Yes, sir.

16 Q. All right. And he told you that it was important
17 for you to put on there that you saw somebody do
18 something, right? Do you remember him telling you that
19 before he got up to leave? It's all on recording.

20 A. It's been so long ago, I don't remember him saying
21 that.

22 Q. You do or do not?

23 A. I don't remember him saying that.

24 Q. Okay.

25 PLAYING COURT'S EXHIBIT NUMBER 5,

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1 DVD OF INTERVIEW OF WRENSHAD

2 ANDERSON.

3 END PLAYING COURT'S EXHIBIT NUMBER 5.

4 BY MR. PLEXICO:

5 Q. Is this yourself waiting on Lieutenant Litchfield?

6 A. Yes, sir.

7 Q. I'm going to advance through this, with the
8 Court's indulgence, so we don't spend much time.

9 THE COURT: Certainly. Just so you remember, sir.
10 This appears to be you and Lieutenant Litchfield, and
11 you were giving your statement. Is that correct?

12 A. Yes, sir.

13 THE COURT: Okay. And you need to say yes verbally
14 because the court reporter's taking down everything.

15 A. Yes.

16 THE COURT: Okay. Thank you. And I am going to
17 point out, Mr. Anderson, I know you probably understand
18 this, there is no jury here right now. This is just a
19 pretrial hearing to make sure that your testimony is
20 good and competent. So if I allow the testimony in,
21 we're going to do this all over again in front of a
22 jury, but just understand that this is just for the
23 attorneys' benefit and my benefit right now. Okay?

24 A. Yes, ma'am.

25 THE COURT: Thank you, sir.

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1 MR. PLEXICO: Your Honor, can I question him on the
2 issue of competency?

3 THE COURT: Sure.

4 MR. PLEXICO: Okay.

5 THE COURT: Well, I mean, competency. What type of
6 competency?

7 MR. PLEXICO: Whether or not he was high, and what
8 he said to start with.

9 THE COURT: That, you can ask him.

10 MR. PLEXICO: Okay.

11 BY MR. PLEXICO:

12 Q. The night that the shooting occurred, do you
13 recall that night?

14 A. Yeah, I recall that night.

15 Q. Okay. All right.

16 A. I re-live it every day of my life since that
17 night, so I recall that night very vividly.

18 Q. Great. Okay. Now, you were hanging out with
19 Devonte Freeman that day, correct?

20 A. We always hang out, because we're brothers. We're
21 always together.

22 Q. You're blood brothers?

23 A. We're blood brothers. We're always together.

24 Q. Okay. All right. Were you and Devonte getting
25 high that day?

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1 A. No, I wasn't getting high, but Devonte was getting
2 high.

3 Q. You were not --

4 A. I wasn't high; I wasn't drunk; I wasn't
5 intoxicated.

6 Q. Okay.

7 A. I was in my right state of mind. I was watching
8 everything then.

9 Q. Were you unsteady on your feet that night?

10 A. Well, I was on my feet, and I was sitting there, I
11 was just watching everything that night.

12 Q. Okay. All right. So you did not have anything to
13 drink at all? Is that correct?

14 A. No. Well, they were drinking, but I -- I wasn't
15 doing that.

16 Q. Pardon me? I couldn't do that.

17 A. I said they was drinking and having a good time,
18 but I wasn't doing it, because the situation seemed
19 funny, so I was focused on what was going on.

20 Q. All right.

21 MR. PLEXICO: MR. PLEXICO: Court's indulgence?

22 THE COURT: Yes, sir.

23 BY MR. PLEXICO:

24 Q. Okay. So you were not unsteady on your feet? You
25 were steady on your feet? That's your testimony?

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1 A. Well, I was standing up; I was sitting down. We
2 was like chilling, like relaxing until the --

3 Q. Okay. All right. I mean, this is at the scene.

4 A. At the scene?

5 Q. At the scene of the crime.

6 A. Oh, yeah. I was standing up the whole time.

7 Yeah, I was standing up the whole time.

8 Q. Okay. All right. And you had slurred speech,
9 correct?

10 A. Yeah, I was shaken up, yeah. I was shook up,
11 yeah.

12 Q. Your speech was slurred?

13 A. I was shook up.

14 Q. I didn't ask you if you were shaken up. When you
15 drink a lot, you slur your speech, correct?

16 A. No, my speech wasn't slurred. I was talking
17 clear.

18 Q. Okay.

19 A. I was in my right state of mind. I know everything
20 that was going on that night. I know what time it was,
21 I know who I was around, I know who was there, I know
22 who wasn't there.

23 Q. Okay. All right. Did you ever tell any of the
24 officers that -- that when they first responded to the
25 officer -- was it Officer Wells who responded, an

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1 officer by himself, with the Ridgeland Police
2 Department?

3 A. Well, it was two -- two cars came up. One car
4 came up first, and then the next car came up.

5 Q. And did you tell that first officer --

6 SOLICITOR HOLLEN: Objection, your Honor. We're
7 getting into the facts of what he told the officers.
8 This is not part of the hearing.

9 MR. PLEXICO: Competency. You said I could address
10 it.

11 THE COURT: Okay. No, you can ask whether or not
12 he was under the influence of anything, so let's just
13 stick with that.

14 MR. PLEXICO: Okay. Okay. I understand, your
15 Honor.

16 COURT EXHIBIT NUMBER 5 PLAYING
17 INTERMITTENTLY.

18 BY MR. PLEXICO:

19 Q. I believe this is about approaching where I think
20 it's a minute.

21 All right. So you have stack of paper in front of
22 you, correct?

23 A. Yeah. He gave me extra paper, just in case I
24 needed extra paper to write it on. I only used one and
25 a half, two papers.

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1 Q. So this is the stack of paper you're writing on.
2 When you look at the video, you have stack of papers
3 here, right?

4 A. He gave me like a stack of paper to write because
5 he don't know -- he didn't know how long my statement
6 was, so he gave me some extra paper. I only used two.

7 Q. And we can see you writing on the papers, correct?

8 A. Yeah. The first one, and then the second one.

9 Q. Okay. Now, he's leaving, and you're about to
10 start writing on the papers, correct?

11 A. Um-hmm. Yes, sir.

12 Q. And you're writing on the first page now? Is that
13 correct?

14 A. Yes, sir.

15 Q. All right. Please watch it.

16 Okay. Did you just place that piece of paper --

17 A. That's the piece of paper I messed up on, Mr.
18 Plexico.

19 Q. Okay.

20 A. Spelling errors, but it's the same thing that was
21 on the first paper. It's the same statement. I just
22 messed it up. I wanted it clear. That's all what
23 happened.

24 Q. Okay. So you wrote on --

25 A. It's the same thing that's on -- this same

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1 statement right here. It's the same thing that I wrote
2 on there. It's just a little messy.

3 Q. Okay. So you eventually wrote on three pages,
4 correct?

5 A. That was a rough draft, sir. No, I didn't even
6 finish that. I had messed it up. I was messing up some
7 spelling errors and all that, so I wanted to be clear,
8 so I wrote it -- I got another paper.

9 Q. So all right. At the end of this video, you have
10 all the pages together?

11 A. Um-hmm.

12 Q. You didn't throw anything away, did you?

13 A. Well, there's not no trash can in there, so.

14 Q. Excuse me. There's no trash can in the room?

15 A. I don't think I told him I messed up on the first
16 one. That why he gave me a whole stack of papers to
17 write on. He told me to take my time. That's why he
18 left out. He told me to take my time, he not rushing
19 me, go ahead and write it, and make sure it's the truth,
20 and he left out. And he gave me enough time to go ahead
21 and write it.

22 Q. Thank you. So you wrote on three pages, right?

23 A. No. I wrote on -- my statement is two pages, but
24 I wrote -- my first paper was -- I messed up.

25 Q. Please, yes or no.

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1 THE COURT: No, no, no. Let him answer the
2 question.

3 BY MR. PLEXICO:

4 A. My first -- my first paper, I messed up. That was
5 a rough draft. My spelling errors was wrong on that,
6 and I wanted to be clear. So I wrote another one, same
7 -- same as that version on the next one. It's no
8 difference. It's no difference. It's the same words
9 that was on that there, that first paper, it's on this
10 paper right here.

11 Q. So you did write on three pieces of paper that
12 day. Yes or no?

13 A. It was a rough draft. I didn't wrote it --

14 Q. Yes or no?

15 A. I got started. I started writing on it, but I
16 messed up, so I, you know?

17 Q. Okay.

18 A. It was a mess-up. It was an error. So I start
19 writing on another paper. That's all it was. It wasn't
20 no three reports or nothing like that, because the
21 report's on two paper. Same paper I have in my hand.
22 This report right here.

23 I wasn't influenced by nobody to write nothing on
24 that paper. He wasn't there to influence me or nothing.
25 He told me -- he gave me time. He left out of the room.

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1 I wrote everything on the paper. I wrote what happened
2 that night.

3 Q. Okay. You leave the room and leave the paper
4 there. There's nothing molested as far as you know,
5 correct? Nothing bothered about the paper stack that
6 you left? And this is the paper stack that you left,
7 correct? Right here?

8 A. That's the paper I left.

9 Q. Okay.

10 A. You got a video we was in the hallway? You got
11 that video, too? because we was in the hallway, I told
12 him, I was like, I was like, man, I messed up on the
13 other paper; he was like, that's all right, and leave
14 the paper that you writing on the top. And that's the
15 paper that I left on the top. The same thing that was
16 on the bottom paper, the same thing that's on this paper
17 right here. Exact words. It's no difference.

18 Q. So your testimony is Lieutenant Litchfield was
19 well aware there were three pieces of paper that you had
20 written on?

21 A. It was a rough draft. I told him, that was messed
22 -- it's the same thing as on this paper. You tried to
23 get me to flip, but it's the same thing that's on this
24 paper I have right now. That's my statement.

25 Q. Okay. I'm not asking about the content. The

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1 content, sir, is completely irrelevant. Completely
2 irrelevant.

3 A. I understand. I understand, sir.

4 Q. Are you sure that Lieutenant Litchfield knew that
5 you had written on three pieces of paper?

6 A. I told him, I said, man, I messed up on one, when
7 we was in the hall. Matter of fact, he dropped me off
8 home and I told him. We was in the hallway talking, and
9 he was telling me about my brother and all that. We was
10 talking, I said I messed up on one of them papers.

11 Q. Okay. Now you all are returning to the room. Is
12 that correct? On the video? Is that Lieutenant
13 Litchfield picking up all the paper that you had written
14 on?

15 A. That's what it look like. Look like the papers.

16 Q. Is he or is he not? It's on video.

17 A. Yeah. I think he went -- I think he went over it
18 again. He asked me, we went over it. I told him -- I
19 remember me telling him, I messed up. The same thing
20 that's on that third paper that you're trying to find,
21 it's the same thing that's on this paper right here,
22 sir. Same words.

23 Q. Thank you. So.

24 A. Same words. Same as that. It just was sloppy.

25 Q. You all had a discussion about it?

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1 A. I told him that I messed up. Ain't no discussion,
2 I just told him that I messed up.

3 Q. And that's you now. Okay. I'm going to advance
4 this. And the pages are all still here, correct? And
5 he has them in one stack, correct?

6 A. Correct.

7 Q. He looked at every piece of paper there. Is that
8 correct? Lieutenant Litchfield?

9 A. That's what it look like, Mr. Plexico.

10 Q. And he had picked up all the paper that you had
11 written on and carried it out of the room. Is that
12 correct?

13 A. Yes, sir. But you don't have a video where we was
14 in the hallway. Like, that was in the room. That's a
15 little video in the room. We was in the hallway, I told
16 him, I actually -- I said, man, this paper right here,
17 this same thing that was on it, so it would make common
18 sense. He looked at the paper; the same thing was on
19 it; this was a little sloppy.

20 Q. So you didn't throw any pages, correct?

21 A. I ain't --

22 Q. So there are three papers that you'd written on
23 there somewhere, correct? That day. Correct?

24 THE COURT: Just answer yes or no.

25 BY MR. PLEXICO:

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1 A. Yes, but it's the same thing. It's the same
2 thing, so it's like three what? It's a copy.

3 Q. Did you keep your copy of that statement?

4 A. I don't think so.

5 Q. Okay.

6 A. Not that night.

7 Q. Excuse me?

8 A. Not that night. There was a lot of crazy stuff
9 that happened that day right there, so.

10 MR. PLEXICO: I don't have anything further on this
11 issue, this issue, Judge.

12 THE COURT: All right. Anything further?

13 SOLICITOR HOLLEN: No, your Honor.

14 THE COURT: All right. What else do you think you
15 have for him? because the jury is here, and we're ready
16 to go.

17 MR. PLEXICO: Your Honor, I was going to ask about
18 what you said I couldn't ask, and I need to ask him
19 about threatening my client that evening, so, you know.

20 THE COURT: What did my client what?

21 THE COURT: Threatening my client that evening. He
22 contacted my client and he's threatening her that
23 evening.

24 A. I seen her all day. I seen her that night.

25 THE COURT: Okay. Stop. You can ask it when he

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1 takes the stand.

2 Sir, you can step down, please.

3 All right. The jury is here. Are you all ready to
4 go? You all ready?

5 MR. PLEXICO: Well, yes, your Honor, but are you
6 going to make a ruling? I'm moving to exclude the
7 statement because of the missing third page, which is an
8 unfair advantage to the State, Judge.

9 RULING REGARDING WRENSHAD ANDERSON

10 STATEMENT:

11 THE COURT: Okay. Overruled, because it's actually
12 on the video when he does it. My understanding, from
13 Lieutenant Litchfield is, is that the statement
14 paralleled what he has written. He has explained it. I
15 think it goes to the jury as a question of whether or
16 not they believe Mr. Anderson versus your contention, so
17 it is going to come in.

18 ITEM IDENTIFIED AS MOTION TO EXCLUDE

19 IDENTIFICATION TESTIMONY AS A

20 VIOLATION TO THE DEFENDANT'S RIGHT

21 TO CONFRONT HER ACCUSER AND HER

22 RIGHTS TO DUE PROCESS

23 MARKED COURT'S EXHIBIT NUMBER 6.

24 ITEM IDENTIFIED AS MOTION TO EXCLUDE

25 ALL CELL PHONE LOCATION DATA AS A

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1 VIOLATION OF SCRE 702

2 MARKED COURT'S EXHIBIT NUMBER 7

3 BY THE COURT:

4 So with that said, I'm ready to bring the jury in.
5 Anything else?

6 MR. PLEXICO: We just have the two motions to
7 exclude all the cell phone location data and the cell
8 phone texts.

9 THE COURT: Okay. We aren't getting into that
10 until this afternoon, correct? So we can take that up
11 at lunchtime. Am I correct in that, Mr. Hollen?

12 SOLICITOR HOLLEN: Yes, your Honor.

13 THE COURT: And we're not going to talk about it in
14 opening statements, correct, Mr. Hollen?

15 SOLICITOR HOLLEN: Correct, your Honor.

16 THE COURT: Thank you. All right. Anything else?

17 MR. PLEXICO: I don't have anything further at this
18 time.

19 THE COURT: All right. Ladies and gentlemen, we're
20 going to bring the jury in. For those of you -- hold on
21 a second. For those of you that are here, when the jury
22 is in here, we don't like people coming in and out of
23 the courtroom. So please just understand that if a
24 witness is on the stand and the jury is in here and you
25 are in here, you need to keep your seats and stay there.

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1 They tend to lock the doors and not let you out, but
2 when we take breaks, you're more than welcome to leave
3 and come back and forth. Okay?

4 The other thing I need to warn you, ladies and
5 gentlemen, is that when you hear testimony, sometimes
6 people have a natural reaction to either bob their head
7 yes or no, something along those lines. You don't do
8 that in here. It's not appropriate. So I just want to
9 get a head's up and a warning. If you do, do that, I am
10 going to have a deputy tell you to leave the courtroom.
11 Okay? So with that said, let's bring the jury in.

12 Margaret, if you're going to swear them in, I'll
13 going to make a couple of brief comments. Thank you. I
14 appreciate it. And go ahead and begin the trial of this
15 case. Thank you, Margaret.

16 MR. PLEXICO: May we approach, your Honor?

17 THE COURT: Why?

18 MR. PLEXICO: I moved to sequester the witness.

19 THE COURT: Okay. Anyone other than the victim in
20 this case, are there other witnesses that you need to
21 ask to leave?

22 SOLICITOR HOLLEN: I can, your Honor.

23 THE COURT: Okay. Then go ahead and ask them to
24 go. Thank you, gentlemen.

25 JURORS ENTER COURTROOM 9:48 A.M.

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1 THE COURT: All right. You ready to go?

2 SOLICITOR HOLLEN: Yes, your Honor.

3 THE COURT: Good morning, ladies and gentlemen.

4 RESPONSES FROM JURORS.

5 THE COURT: Thank you for waiting on us. I will
6 tell you that we've been here since 8:00 o'clock
7 working, so we are getting this case prepared for you to
8 go forward. At this time, what is going to happen is,
9 Ms. Bostick is going to swear you in as a jury for the
10 trial of this case. I'm going to make a few brief
11 opening remarks, and then the lawyers are also going to
12 make opening statements, and then the State is going to
13 begin to put their witnesses on the stand. Okay? So
14 Margaret?

15 JURORS SWORN:

16 MADAM CLERK: May you please stand? Raise your
17 right hand. Do you swear or affirm that you shall well
18 and truly try the case of the State of South Carolina
19 versus the defendant, Aneisha Young, and render a true
20 verdict according to the evidence, so help you God?

21 RESPONSES FROM JURORS.

22 MADAM CLERK: Thank you. You may be seated.

23 GENERAL CHARGE:

24 THE COURT: Thank you. Ladies and gentlemen, what
25 I'm now going to say to you is intended to serve as an

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1 introduction to the trial of this case. This is not a
2 charge on the law. I'm going to explain the law to you
3 at the very end of the trial. This is simply just kind
4 of the ground rules, or an explanation of the procedure
5 that we're going to follow so you can better understand
6 what's happening during the trial.

7 Ladies and gentlemen, the defendant in this case,
8 Aneisha Young, has been charged by a bill of indictment
9 filed in this court with the offenses of murder,
10 attempted murder, and possession of a deadly weapon
11 during the commission of a violent crime.

12 Now, these indictments are simply the charges by
13 which the case is brought into the room, and they are
14 not in any sense evidence of any of the allegations that
15 they contain.

16 Now, the defendant, Ms. Young, has pled not guilty
17 to these indictments. Therefore, the State has the
18 burden of proving each of the elements of each of the
19 indictments beyond a reasonable doubt, and it's your
20 duty, ladies and gentlemen of the jury, to decide
21 whether or not the State has met that burden.

22 Now, as jurors, your purpose is to find and
23 determine the facts. You, the jury, are the sole judge
24 of all facts in this case. If, at any time, I make a
25 comment regarding the facts of this case, you must

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1 disregard it. And please understand, ladies and
2 gentlemen, understand that it's especially important
3 that you perform your duty of determining the facts
4 diligently and conscientiously, because ordinarily,
5 there is no way to correct an erroneous determination of
6 the facts by a jury.

7 Now, on the other hand, ladies and gentlemen, and
8 with equal emphasis, the same law that makes you, the
9 jury, the judge of all facts in this case, makes me the
10 judge of the law. The law as given by the Court is the
11 only law that you may consider. I cannot tell you what
12 the facts of this case are, and you cannot disagree with
13 me about what the law is or what you think the law ought
14 to be. Your job is to take the law, at the end of this
15 case, as I give it to you, and apply it to the facts as
16 you find them. And from there, render a true and just
17 verdict under the oath that you took.

18 Now, ladies and gentlemen, until I advise you to
19 begin your deliberations, you are not to discuss this
20 case with anyone, and that includes each other, until
21 you've heard all the evidence, you've heard the closing
22 arguments from the lawyers, and I've charged you on the
23 law that's applicable to this case.

24 I'll also remind you that, in coming and going from
25 the courthouse over the next couple of days, if you

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1 happen to run into any of the parties, any of the
2 witnesses, any family members in this case, you are not
3 to speak to them, and they have been instructed not to
4 speak to you. If anyone were to speak to you in any way
5 whatsoever, you immediately come to me and tell me. All
6 right?

7 Ladies and gentlemen, again, I don't think there's
8 anything, and there hasn't been that I've seen so far,
9 in the newspaper on this case, but out of an abundance
10 of caution, I'm required to caution you, do not read
11 anything, watch anything, listen to anything, look on
12 the Internet on anything related to this case. You are
13 going to have everything you need to decide this case
14 right here in this courtroom, and it would be highly
15 improper for you to be influenced by any outside source.

16 Now, ladies and gentlemen, please understand that
17 it's important that you to keep an open mind and not
18 decide any issue in this case until all of the evidence
19 has been presented, the parties have made their closing
20 arguments, and again, I've charged you on the law that's
21 applicable to this case.

22 Please understand, ladies and gentlemen, it is your
23 solemn responsibility to determine the guilt or
24 innocence of the defendant, and your verdict must be
25 based solely on the evidence that you hear in this

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1 courtroom, weighing it fairly and impartially, as I have
2 every confidence that you will.

3 Now, ladies and gentlemen, in a moment the
4 Solicitor is going to make what is called an opening
5 statement, and he's going to explain to you the issues
6 in this case, or what he believes the issues are in this
7 case. And then, the Defense attorney, Mr. Plexico, is
8 also going to make an opening statement, although he's
9 not required to do so.

10 What I want you to understand is what these lawyers
11 tell you in their opening statements is not evidence in
12 this case. It is just their contention or argument as
13 to what they believe the issues are. The evidence,
14 ladies and gentlemen, comes from the witness stand, from
15 the testimony the witnesses give here, as well as any
16 other evidence that's introduced into the trial of this
17 case.

18 I also want you to know, ladies and gentlemen, that
19 from time to time, you may hear the lawyers say, your
20 Honor, there's a matter of law we need to take up. I
21 may motion them to come and talk to me at the side bar,
22 or I may even send you back into the jury room for a
23 moment while I discuss something with them. I want you
24 to understand something. We're not hiding anything from
25 you. Oftentimes, when I have to rule as a matter of law

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1 whether or not certain testimony is admitted, I may make
2 a comment on the facts of the case. And because I would
3 never want anything I do to influence you and your
4 determination of the facts, out of an abundance of
5 caution, we just do that outside your presence.

6 Now, in determining what the true facts are in this
7 case, you must decide whether or not the testimony of
8 the witnesses is believable. It's my responsibility to
9 rule as a matter of law whether or not certain testimony
10 is admitted, but once it is admitted, whether or not you
11 believe it, is solely for you to determine.

12 In deciding whether to believe a witness, you have
13 the right to consider the interest of any witness, the
14 bias of any witness, the prejudice of any witness, and
15 you can look at the opportunity that witness has had to
16 have seen the matters and things about which the witness
17 is testifying, and you can also look at the way the
18 witness acts on the witness stand.

19 You have a right to consider anything that is in
20 the record that will help you evaluate the testimony of
21 the witnesses. That means, ladies and gentlemen, it is
22 your duty to pay close attention to the witnesses, to
23 observe them, to listen to them, so at the very end of
24 the case, you will be able to accurately remember the
25 testimony that's given. All right?

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1 Ladies and gentlemen, at this time, in order to
2 preserve everyone's rights, I'm going to ask if the
3 State or the Defense has any objection to my opening
4 comments. If not, we're going to go ahead and begin the
5 trial of this case with the opening arguments from the
6 lawyers. All right. Any exceptions from the State?

7 SOLICITOR HOLLEN: No, your Honor.

8 THE COURT: From the Defense?

9 MR. PLEXICO: None, your Honor.

10 THE COURT: Ladies and gentlemen, very good. We
11 will begin the trial of this case.

12 Mr. Hollen, whenever you're ready, sir, the floor
13 is yours.

14 SOLICITOR HOLLEN: Thank you, your Honor. May it
15 please the Court.

16 THE COURT: Yes, sir.

17 SOLICITOR HOLLEN: Mr. Plexico.

18 OPENING STATEMENT ON BEHALF OF

19 THE STATE BY SOLICITOR HOLLEN:

20 SOLICITOR HOLLEN: Good morning.

21 RESPONSES FROM JURORS.

22 SOLICITOR HOLLEN: On April 29th and April 30th of
23 2016, Aneisha Young, sitting over there behind her
24 lawyer, and her co-defendant, a gentleman named Eric
25 Darien, had a plan. They saw an opportunity, they

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1 plotted, they schemed, and unfortunately for Devonte
2 Freeman, that plan worked. Devonte is no longer with
3 us. Wrenshad Anderson, who is sitting right over there
4 in the blue jacket, got lucky, I guess, if you want to
5 call it that. He just had to see his brother shot in
6 front of him, and a short time later, pass away.

7 So how did this all start? What was the reason for
8 that defendant and Mr. Darien to scheme and plot to kill
9 Devonte Freeman and Wrenshad Anderson? Well, you guys
10 are going to hear a lot about Devonte. You're going to
11 hear from Wrenshad. Devonte wasn't perfect. He, like
12 some of us, he had some issues. And a few months before
13 this, he had taken some money from the defendant,
14 Aneisha Young, and she'll tell you that in her
15 statement.

16 Wrenshad had a run-in with Mr. Darien and took
17 something from him. There's your motive. Devonte
18 Freeman is dead for \$400.00. He didn't deserve that.

19 So guys, let's fast-forward a little bit to the
20 night of April 29th. Everybody's hanging out at the
21 Siesta Motel, which, some of you might know where it is,
22 just over not even a mile from here. And so, they're
23 hanging out there. Devonte Freeman is there. Wrenshad
24 is there. Ms. Young's co-defendant, Eric Darien, who
25 you're going to hear most people refer to as Peanut.

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1 That's his name. That's his street name. That's what
2 people call him. They're hanging out, and who shows up
3 at the Siesta Motel but Ms. Young? She comes over from
4 Hilton Head. She's wearing all black clothing. Mr.
5 Darien changes into all black clothing.

6 Well, after she gets there, a guy named Keith
7 Horton gets a phone call. Mr. Horton is the manager at
8 the Siesta Motel, and that phone call is from a female
9 on a blocked number who gives him just a little bit of
10 information; said Devonte Freeman is here; he's not
11 supposed to be here. There's a fight, and you need to
12 get up here. So that's what Mr. Horton does. He goes
13 up. Devonte had a no trespass at -- he had a no
14 trespass notice from Mr. Horton at the Siesta, so he
15 wasn't supposed to be there. Everybody knew that, that
16 night.

17 So Mr. Horton comes up. He talks to Devonte. They
18 have what I think I'll tell you is a civil conversation,
19 and Devonte and Wrenshad leave. Well, the evidence is
20 going to show you that just before Devonte and Wrenshad
21 walked off, Ms. Young and Mr. Darien leave. There's
22 your opportunity. So Wrenshad and Devonte are walking
23 the way they always walk. There's a trail that goes
24 behind Logan Lane Apartments. Everybody calls it the
25 cut. It comes out right there on Adams Street, right

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1 behind the KFC in that strip mall. Well, this is where
2 the final step of the plan takes place, because as soon
3 as they get there, two shooters, dressed in all black,
4 opened up on them.

5 Like I said, Devonte is no longer with us. He was
6 shot once, in the back of the head. Wrenshad wasn't
7 hit. He picks up Devonte and drags him around the
8 corner and gets him out of harm's way, and immediately
9 calls 911. You're going to hear the 911 call. You'll
10 hear how distraught he is. The officers arrive, and
11 that's when the investigation starts.

12 Now, I'll tell you guys that the Ridgeland Police
13 Department investigated this, and I'll tell you and
14 they'll tell you, at least they should, that there were
15 some mistakes made right off the bat here. The shell
16 casings that they eventually found weren't found that
17 night. They looked, couldn't locate them, found some of
18 them the next day, in the daylight. A couple more of
19 them were found a day after that, so that's not ideal.
20 And if that's all the evidence we had in this case,
21 there's no way that I'd be standing up here in front of
22 you asking you to find that defendant guilty. But it's
23 not the only evidence we have. It's not even close.

24 A lot of that is going to come from Ms. Young's own
25 statement. And there in her statement lies the story.

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1 And I say lies quite literally, because that's what she
2 does, and the evidence is going to show that. You guys
3 are going to see plenty of evidence to disprove most of
4 what she tells Lieutenant Litchfield when he talks to
5 her.

6 So when you watch the video, I want you to just be
7 aware. Listen to what she says. Listen to what is
8 plausible, watch her demeanor, that kind of thing, and
9 make up your own mind.

10 Now, you all, I do want to talk to you just briefly
11 about the law in the case. The Judge, as she told you,
12 is the law of -- the judge of the law, and you guys are
13 the judge of the facts. So if she tells you something
14 differently than I do, listen to her. But Ms. Young is
15 charged with murder, which is pretty simple. It's the
16 killing of another person with malice aforethought. And
17 malice aforethought just means that you have to have
18 hatred or ill will in your heart at the time you commit
19 the crime. I don't know what shows that more than lying
20 in wait for someone, for two people, and gunning them
21 down.

22 She's charged with the attempted murder of Wrenshad
23 Anderson, so all that means is that she tried to kill
24 him, with malice aforethought, hatred in her heart. And
25 she's charged with possessing a weapon during a violent

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1 crime. Well, attempted murder and murder are both
2 violent crimes. If you find they had a weapon, then,
3 there you go.

4 You all, there are going to be some people in this
5 trial that may not want to testify. It's hard to get
6 people to come in here and take the stand. So you have
7 to understand that maybe there's some people testifying
8 against their will. They don't want to be here. Okay.
9 Take that for what it's worth, and you can decide if
10 they're telling the truth. As the Judge said, that's
11 your responsibility. The credibility of the witnesses
12 is up to you.

13 So there's going to be a lot evidence coming out of
14 this case. This is not a smoking gun where one piece is
15 going to just -- just, there it is. You're going to
16 have to put the pieces together, but the pieces are all
17 there, I promise. So you guys just pay attention to the
18 witnesses, listen to the evidence, and probably most
19 importantly in this case, you need to use the common
20 sense that you brought with you when you came in the
21 courtroom, because that is just as important in deciding
22 guilt or innocence as anything else.

23 So if you all will do that, I am confident that at
24 the end of this case, you will find that Aneisha Young
25 is guilty. She is guilty of the murder of Devonte

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1 Freeman, she's guilty of the attempted murder of
2 Wrenshad Anderson, and she's guilty of the possession of
3 a deadly weapon during the commission of a violent
4 crime. And at the end, I'll come back here and we'll
5 talk again, and I'll ask you to find her guilty. Thank
6 you.

7 THE COURT: Mr. Plexico.

8 OPENING STATEMENT ON BEHALF OF

9 DEFENDANT BY MR. PLEXICO:

10 MR. PLEXICO: Your Honor, Mr. Solicitor, ladies and
11 gentlemen, my name is Steve Plexico. I've been a public
12 defender, and it's been a privilege to work here in
13 Jasper County. I've been here since around 1990. It's
14 always a pleasure to address the jury.

15 I want you all to understand that my client is on
16 trial today, and that this is her only day in court.
17 You all have a great responsibility as jurors. You all
18 decide what, in fact, happens. You're the judges, in a
19 sense, of the facts, individually and collectively.
20 You'll work together and you'll talk to each other and
21 share ideas.

22 This case has a lot of room for reasonable doubt,
23 and I'll get to that in a minute. Judge Mullen is the
24 judge of the law, and what she says as far as the law
25 goes, those rules, and that cannot be questioned. If

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1 she makes an error, which I don't think I've seen her
2 make an error, then that can be appealed, and the
3 appellate courts can fix that error. But there are no
4 errors when it comes to a decision of fact that a jury
5 makes. In other words, when you sit down in good
6 conscience and you all to make a decision, that can't be
7 appealed. There's no such thing as appealing a factual
8 finding of a jury. That's all you do is find the facts.
9 What are the facts? And it's the State's burden to put
10 up all the facts. They have to prove -- if this is a
11 hundred percent to the end, they have to start at zero,
12 and they have to prove any defendant in America guilty
13 beyond a reasonable doubt, a doubt that you can give a
14 reason for and just don't trust this evidence.

15 This evidence isn't strong enough for many other
16 reasons that I'm not going to go into. But they have
17 the burden. The Defense has no burden, no duty to put
18 up evidence. You cannot consider the fact that the
19 defendant, for instance, in the case, didn't testify.
20 You can't discuss it, you aren't even supposed to think
21 about it, because it's not their burden to prove to you
22 all that the defendant is guilty beyond a reasonable
23 doubt. That's nonsensical, and who could ever prove
24 that you're not guilty beyond a reasonable doubt? That
25 would be almost impossible to put the burden on us, so

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1 don't allow any burden shifting here. This isn't why
2 somebody didn't put in evidence, because we don't have a
3 duty. They have to put in competent evidence to prove
4 their case of guilt on each charge beyond a reasonable
5 doubt. This is their job, and it can't be shifted to
6 us. Why was the -- why is that? Well, we have one man
7 against the power of the State. They have the taxing
8 power, all the policing power. The State actually owns
9 the birds. I knew -- I knew that how powerful the State
10 was when I noted in the *Constitution* that the State owns
11 the birds in the air and the fish in the sea. It owns
12 everything. And when you have something that is -- or
13 that when you have something that powerful, there is no
14 way one individual can go -- can go against it. We just
15 don't have the same resources as that State has
16 available to it. So fairly, the burden is on the State
17 to prove the defendant guilty beyond a reasonable doubt.

18 Not that way in all countries. And you know, we
19 have a lot to be proud of in the system. It's lasted
20 for hundreds of years. Other countries, India, they are
21 -- they want to keep what's worked for 200 years and
22 keep it working. When the bottom line is the State can
23 allege anything that it wants and put a hodgepodge of
24 evidence together, but the bottom line goes to you.
25 You're the check on the prosecutorial power of the

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1 government. When the government has done its duty, you
2 cannot be politicized for saying you didn't prove your
3 case. You needed to prove it beyond a reasonable doubt.
4 And that's a criminal standard, not a civil standard.
5 You get into a car wreck, well that's not -- sure, it's
6 important, but it's not as important as the possibility
7 of taking someone's freedom. So the standard of a car
8 wreck is more likely than not. It's just, you know,
9 that is the balance of the scales of justice is just a
10 little bit more. It's more likely than not that you're
11 the one who ran the red light. Well, what happens?
12 Well, you pull out your wallet and wrote a check for
13 that defendant. Okay? You know, nobody goes to jail.
14 There's no threat of a loss of freedom. Okay? And
15 that's why the standard is not in the middle here.
16 Okay? It's all the way toward the end, because they
17 have to prove the guilt beyond a reasonable doubt
18 because so much is at stake.

19 And we have twelve jurors, and you all have to work
20 together. You have a conscience, and you don't have to
21 give up your conscience ever in regards to this. I want
22 you all to listen to the evidence and what I think was a
23 lack of it, while he says he has no *smoking gun*, I
24 believe is the way the Solicitor has it, in other words,
25 they don't have a solid case.

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1 And here's what you're going to hear. You're going
2 to hear from, I believe, Ridgeland Police Officer Wells,
3 who arrived on the scene. He pulls up. This is where
4 the KFC is. You all local. Everybody's been over to
5 the Subway and Huddle House and Kentucky Fried Chicken,
6 and along over in there, and you all are familiar with
7 the town in which you live. That's another thing.
8 Don't leave your common sense at home. You all have
9 unique skills and training and experiences that you're
10 going to bring and mix together. Okay? If you were a
11 chemist, you would bring that skill of chemistry. If
12 you work with children, you would bring that skill of
13 working with children. Whatever it is you do. Okay?
14 You have all these great skills that you're not expected
15 -- it's common sense. What goes toward making good
16 common sense is the experiences of life, which are so
17 great. And all these things are going to help you.

18 But you're going to hear where Deputy Wells pulls
19 up. He has a video camera. He sees the body near the
20 KFC trash cans. There is Mr. Anderson there. He
21 interviews Mr. Anderson. Mr. Anderson says that this
22 Peanut and Dre. Mr. Wells, you're going to hear, gets
23 on the radio. He radios to Ridgeland police officer
24 that, look for -- go back to the Siesta Hotel and look
25 for Peanut and Dre. Peanut is somebody who is Eric

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1 Darien, who is charged with this crime, as the Solicitor
2 has said. Okay. And Dre is another male. All right?
3 Now, it's noted in the reports that he says it's Peanut
4 and Dre several times. Okay. Well, if you know who did
5 it, what do you tell the police when they go, wow, who
6 shot your brother? You would say who did it. Okay?

7 Now, you can tell from his video that he is there
8 and they're communicating. Mr. Wrenshad Anderson is on
9 his cell phone constantly. You can look and see his
10 demeanor. His demeanor is described as the officer as
11 unsteady on his feet and his speech slurred. So that
12 might give you an indication to watch out for that sort
13 of thing. And what would do that? And that affects
14 witness credibility, as the Solicitor has pointed out to
15 you.

16 Then, when Ginn returned, Lieutenant Ginn returns
17 and helps set the scene, he says you know, he says it's
18 Peanut and Dre. Then a couple days later, I believe
19 that it's -- that it could fairly be said that
20 Lieutenant Litchfield is telling people that the -- that
21 Mr. Anderson, the survivor of that shooting, says that
22 it's Peanut and Dre. So then, you have to figure out
23 how to it became that Aneisha Young, who is not a black
24 male about the size of six feet, five-ten or so, but
25 barely five feet, if that. Four-something. And how you

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1 can go from seeing someone, which is what you want to
2 look for evidence of, and then all of the sudden, that's
3 the person becoming shorter and a different sex. And
4 you'll have to look at the reliability of the witnesses
5 and part of what they're trying to tell you. They have
6 to prove in the case as the identification of my client
7 as the person taking shots. So that's going to be the
8 only on-scene identification. That sounds a bit
9 frightening to me, okay? as great evidence.

10 I have -- there are statements that are made.
11 There's a lot of back-and-forth allegations, as I
12 understand it. That'll come out. You all have to hear
13 this evidence, and they're going to have to prove that
14 my client, not that it happened, obviously, the man was
15 shot, not that it happened, but that my client was
16 shooting and killed him beyond a reasonable doubt, and
17 was also shooting at Mr. Anderson. It's not something,
18 an idea, that was figured out later on, because that's
19 not -- eyewitness means I myself saw it and witnessed
20 it. I. Okay? With my eyes.

21 So I want you all to look for who put my client at
22 that scene, just some hodgepodge of circumstances, and
23 see if they're proving their case beyond a reasonable
24 doubt. You all have a great duty here. I want you all
25 to listen. That might be unusual for a defense lawyer

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1 to say. And you all take this very -- this is my
2 client's one day in court, and you all are going to make
3 the decisions today, and I expect tomorrow. And we just
4 want you to do what is fair. And I don't believe the
5 State can show that they have proved their case beyond a
6 reasonable doubt, above suspicion. And I think the only
7 verdict that you're going to be able to return is one of
8 not guilty. Thank you.

9 THE COURT: Thank you, Mr. Plexico. The State will
10 call their first witness.

11 SOLICITOR HOLLEN: Thank you, your Honor. The
12 State calls Matthew Fraleigh.

13 THE COURT: Come on forward, sir.

14 MADAM CLERK: Raise your right hand. Place your
15 left hand on the *Bible*. Is the testimony you're about
16 to give the truth, the whole truth, and nothing but the
17 truth, so help you God?

18 MATTHEW FRALEIGH: I do.

19 MADAM CLERK: Come on around, have a seat in the
20 witness chair.

21 THE COURT: Whenever you're ready, Mr. Hollen.

22 SOLICITOR HOLLEN: Thank you.

23 MATTHEW FRALEIGH

24 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

25 Q. Good morning, Mr. Fraleigh. How are you?

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1 A. Good morning. I'm good. How are you?

2 Q. Good. Thank you. Who do you work for?

3 A. I work for the Jasper County Communications
4 Center.

5 Q. And what is your position with the Jasper County
6 Communications Center?

7 A. I'm an on-call or part-time telecommunications
8 officer.

9 Q. All right. And what are your duties as when you're
10 working there as a communications officer?

11 A. It ranges from answering 911 calls, to
12 administrative calls. We do traffic stops, send Fire
13 and Rescue, law enforcement to calls for services.

14 Q. Okay. And in your position there, do you have
15 knowledge about how records are kept, how calls are
16 recorded, that sort of thing?

17 A. Yes, sir.

18 Q. How are calls recorded in the 911 center?

19 A. We have an automatic call recording system that,
20 from the time the call, 911 call, is placed, the call
21 begins recording, so even before we answer the call.
22 And that way, you know, anything before. And it's kept
23 indefinitely until, you know, we need to pull it for any
24 reasons.

25 Q. So records, I think we're saying they're recorded

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MATTHEW FRALEIGH - DIRECT - HOLLEN

1 sort of contemporaneously as they come in?

2 A. Correct.

3 Q. And after they are recorded, is there any way that
4 they can be manipulated or changed?

5 A. No, sir.

6 Q. And those records you know are kept in the
7 ordinary course of your business?

8 A. Yes, sir.

9 Q. All right.

10 SOLICITOR HOLLEN: Court's indulgence, your Honor.

11 BY SOLICITOR HOLLEN:

12 Q. In just a second, Mr. Fraleigh, I'm going to
13 approach and hand you something that is marked for
14 identification as State's Exhibit 1. I'd like you to
15 take a minute and let me know if you recognize it.
16 Okay?

17 A. Okay.

18 SOLICITOR HOLLEN: Your Honor, may I approach the
19 witness?

20 THE COURT: You may.

21 SOLICITOR HOLLEN: Thank you.

22 BY SOLICITOR HOLLEN:

23 Q. Very good, Mr. Fraleigh. Can you take a look at
24 that.

25 A. This is a 911 call transcript that I verified as

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1 being accurate, on 3/18 of 2018 at 1446.

2 Q. All right. So you're a step ahead of me. How do
3 you recognize that?

4 A. It's got my signature on it.

5 Q. All right. And did you review that at my request?

6 A. Yes, sir.

7 Q. Is that 911 call that came into the Jasper County
8 Communications Center on April 30th of 2016 in this
9 case?

10 A. Yes, sir.

11 Q. Is that a full and accurate copy of the call? Has
12 it been changed or altered in any way?

13 A. No, sir.

14 Q. I asked you two separate questions.

15 A. Oh, I'm sorry.

16 Q. The first, is it fair and accurate?

17 A. Yes.

18 Q. Has it been changed or altered?

19 A. No, sir.

20 Q. All right. Thank you.

21 SOLICITOR HOLLEN: Your Honor, at this time I would
22 offer State's Exhibit 1 into evidence.

23 THE COURT: Any objection?

24 MR. PLEXICO: I have no objection.

25 THE COURT: Without objection, it's in evidence.

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1 SOLICITOR HOLLEN: Thank you.

2 ITEM IDENTIFIED AS DVD OF

3 911 CALL

4 MARKED STATE'S EXHIBIT NUMBER 1

5 ADMITTED AS EVIDENCE.

6 BY SOLICITOR HOLLEN:

7 Q. All right. We're going to go ahead and play that.

8 Thank you, Mr. Fraleigh.

9 PLAYING ITEM IDENTIFIED AS STATE'S EXHIBIT

10 NUMBER 1, DVD OF 911 CALL.

11 PAUSE PLAYING ITEM IDENTIFIED AS STATE'S

12 EXHIBIT NUMBER 1, DVD OF 911 CALL.

13 OFF-THE-RECORD DISCUSSION.

14 CONTINUE PLAYING ITEM IDENTIFIED AS

15 STATE'S EXHIBIT NUMBER 1, DVD OF

16 911 CALL.

17 END PLAYING ITEM IDENTIFIED AS DVD OF

18 911 CALL.

19 BY SOLICITOR HOLLEN:

20 Q. All right. Mr. Fraleigh, is there anything else

21 to that call, or is that it?

22 A. That is it.

23 Q. All right. Thank you, Mr. Fraleigh.

24 SOLICITOR HOLLEN: Your Honor, I don't have any

25 further questions.

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1 MATTHEW FRALEIGH

2 CROSS-EXAMINATION BY MR. PLEXICO:

3 Q. Did he say he didn't know who it was on that, or
4 did I mis-hear that?

5 A. I do not recall that.

6 Q. Okay. He did say somebody's shooting at us?

7 A. Yes.

8 Q. But he didn't say who it was?

9 A. No, sir.

10 Q. All right.

11 MR. PLEXICO: I don't have anything further.

12 THE COURT: Anything further for this witness?

13 SOLICITOR HOLLEN: No, your Honor.

14 THE COURT: All right. Any objection to this
15 witness being excused?

16 SOLICITOR HOLLEN: I would ask that he be excused.

17 THE COURT: All right. Officer, you're excused,
18 sir.

19 A. Thank you, your Honor.

20 THE COURT: Thank you. The State will call their
21 next witness.

22 SOLICITOR HOLLEN: Officer Rusty Wells.

23 MADAM CLERK: Would you raise your right hand,
24 please, and place your left hand on the *Bible*. Is the
25 testimony you're about to give the Court will be the

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1 truth, the whole truth, and nothing but the truth, so
2 help you God?

3 DUSTY WELLS: So help me God.

4 MADAM CLERK: Go right around, have a seat in the
5 witness chair.

6 OFFICER RUSTY WELLS

7 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

8 Q. Good morning, Mr. Wells.

9 A. Good morning.

10 Q. Who do you work for?

11 A. I work for Jasper County Emergency Services as
12 deputy director. I also am a reserve law enforcement
13 officer for the Town of Ridgeland.

14 Q. All right. So you work for Emergency Services
15 full time; you say as a reserve officer for Ridgeland.
16 How long have you been a reserve police officer with the
17 Ridgeland Police Department?

18 A. Since 2011.

19 Q. And so, as a reserve police officer, what kind of
20 training do you have? Is it standard?

21 A. It was a sanctioned course through the South
22 Carolina Criminal Justice Academy.

23 Q. Okay. So you're a trained law enforcement
24 officer?

25 A. Yes.

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1 Q. How often do you work as a reserve officer? How
2 often have you worked in the past as a reserve officer
3 for Ridgeland?

4 A. Twenty hours a month.

5 Q. Twenty hours a month? All right.

6 A. Yes, sir.

7 Q. And were you working as a reserve officer for the
8 Ridgeland Police Department on April 30th of 2016?

9 A. Yes, sir.

10 Q. Did you respond to a scene behind the KFC here in
11 Ridgeland?

12 A. Yes, sir, I did.

13 Q. And do you know what county that's in?

14 A. Jasper.

15 Q. All right. Can you describe for us what you found
16 when you got there.

17 A. I arrived on scene. I found two individuals
18 sitting on the ground. One was holding another
19 individual.

20 Q. And were you able to later determine who those
21 individuals were?

22 A. Yes.

23 Q. And who were they?

24 A. Wrenshad Anderson. He provided me his South
25 Carolina I.D., and then he identified Mr. Devonte

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1 Freeman as the other victim.

2 Q. All right. So was -- you said *victim*. So someone
3 had an injury in this case?

4 A. Yes, sir.

5 Q. Were you able to determine where the injury was
6 when you responded?

7 A. It appeared that Mr. Freeman had what appeared to
8 be a possible gunshot wound to the upper portion, back
9 part of his head.

10 Q. All right. So you work for Jasper County
11 Emergency Services full time. Is that right?

12 A. Yes, sir.

13 Q. And so, are you a trained first responder as well?

14 A. I am.

15 Q. When you responded to this scene, what were you
16 focusing on?

17 A. Scene security. Making sure that there were no
18 assailants on the scene that could have continued an act
19 of aggression.

20 Q. So when you usually respond to scenes, in your
21 main duties, you have a little bit different
22 responsibility. Is that right?

23 A. Yes, sir.

24 Q. In this case, however, you had to put on the
25 police hat instead of the EMS hat?

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1 A. Yes, sir.

2 Q. So what did you do after you got there and saw
3 that there was an injured victim? Did you call anybody?

4 A. I did. I advised Dispatch that the scene was
5 secured and EMS could arrive.

6 Q. And did they do that?

7 A. Yes, sir, they did.

8 Q. Was anyone transported away from the scene?

9 A. Yes, sir.

10 Q. And who was that?

11 A. Mr. Freeman.

12 Q. So Mr. Freeman was transported from the scene.

13 Did Mr. Anderson stay on scene?

14 A. He did.

15 Q. And what was his demeanor like? How was he
16 acting?

17 A. He was very upset.

18 Q. Did he appear to you to be under the influence so
19 much that he didn't understand, or was he stumbling or
20 anything like that, that you noticed?

21 A. Not that I can recall.

22 Q. Okay. Did you see any suspects around?

23 A. No, sir.

24 Q. Did you look for suspects?

25 A. I did.

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1 Q. Okay. And you weren't able to locate any?

2 A. No, sir.

3 Q. Did you contact any other law enforcement when you
4 got on scene?

5 A. My initial contact with Mr. Anderson, I asked him
6 did he know who did it, what were -- what were the
7 suspects wearing, does he know where they went. All of
8 that information, I immediately relayed out over the
9 radio to the other officer on duty, which would be
10 Lieutenant Ginn.

11 Q. All right. And I think you can go ahead and tell
12 us what he said when you first got there. Do you recall
13 what you asked him and what his response was?

14 A. I asked him if he knew who did it. He indicated
15 it was Peanut and Dre.

16 Q. Okay.

17 A. That they were dressed in all black.

18 Q. All right.

19 A. And he believed that they were going back to the
20 Siesta.

21 Q. Okay. So did you relay that information to
22 Lieutenant Ginn?

23 A. I did.

24 Q. And where did Lieutenant Ginn go as a result of
25 that information?

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1 A. I believe he went to the Siesta.

2 Q. All right. And while he went to the Siesta, what
3 did you do at the scene?

4 A. I continued to maintain scene security to make
5 sure that there was no potential for assailants to
6 return, while the paramedics tended to Mr. Freeman and
7 got him loaded, and departed the scene. At which point
8 in time, I also spoke with Mr. Anderson, and tried to
9 keep him on the scene as well.

10 Q. Okay.

11 A. He, again, was very excited. He was upset. At
12 one point in time, he attempted to try and walk away. I
13 had to bring him back in front of the patrol car.

14 Q. He tried to walk away? Do you know where he was
15 headed?

16 A. He walked around back toward the direction of the
17 Siesta.

18 Q. Okay. Like he wanted to go back that way?

19 A. Yes, sir.

20 Q. All right. So you kept him on scene. Do you know
21 about how long or how much later after you initially got
22 there Lieutenant Ginn left the Siesta to go over the
23 scene of the shooting?

24 A. If I -- if I recall --

25 Q. Approximately.

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1 A. -- about ten minutes.

2 Q. Okay.

3 A. Give or take.

4 Q. So after Lieutenant Ginn gets there, what do you do
5 next?

6 A. I turned command and control of the incident over
7 to Lieutenant Ginn.

8 Q. All right. So was Lieutenant Ginn, I guess for
9 lack of a better term, the ranking officer on the scene?

10 A. Yes, sir.

11 Q. So he would have been in charge of the crime
12 scene?

13 A. Yes, sir.

14 Q. All right. After he gets there, do you guys --
15 what do you do next? Did you talk to Mr. Anderson some
16 more?

17 A. I -- I -- I had a voluntary statement. I asked
18 Mr. Anderson to provide a voluntary statement, which he
19 did.

20 Q. Okay.

21 A. It was written out on the -- on the hood of the
22 patrol car and signed.

23 Q. All right. Now, at any point when you're sitting
24 there talking to Mr. Anderson, in addition -- let me
25 back up. So you're speaking with him. Does he have any

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1 information, further information, about Peanut and Dre
2 that he gives you?

3 A. He indicates that he has contact numbers for
4 Peanut and Dre in his cell phone. And then, he also
5 identified Aneisha --

6 Q. Okay.

7 A. -- as -- as somebody else.

8 Q. All right. So he ended up, before leaving the
9 scene, he identified three individuals?

10 A. Yes, sir.

11 Q. You didn't ask him -- did you ask him, I mean, I
12 don't want to put words in your mouth. Did you ask him
13 to clarify about what he meant by naming the three
14 people?

15 A. No, sir.

16 Q. Did he tell you how many shooters he saw?

17 A. Two.

18 Q. He saw two shooters? All right. Did you and
19 Lieutenant Ginn attempt to locate evidence when you were
20 on scene?

21 A. Yes, sir, we did.

22 Q. Where did you look to locate evidence?

23 A. We walked behind the business along Adams Street.
24 We proceeded back toward Logan Lane. At the corner of
25 the business complex, we attempted to look for any type

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1 of evidence from where Mr. Anderson indicated that he
2 believed the shots to come from. We were unable or
3 unsuccessful in finding any evidence that we could see.

4 Q. All right.

5 SOLICITOR HOLLEN: Court's indulgence, your Honor.

6 BY SOLICITOR HOLLEN:

7 Q. Mr. Wells --

8 SOLICITOR HOLLEN: Your Honor, may I approach the
9 witness?

10 THE COURT: You may.

11 BY SOLICITOR HOLLEN:

12 Q. I'm going to hand you what's been marked for
13 identification as State's Exhibit Number 2. I'm going
14 to ask you to take a look at that, if you don't mind.

15 A. Okay.

16 Q. Do you recognize the area in that photo?

17 A. Yes, sir.

18 Q. Where is it?

19 A. That would be the incident location where Mr.
20 Anderson and Mr. Freeman were engaged.

21 Q. Okay.

22 A. And that wasn't taken the night of the incident,
23 was it?

24 Q. I'm sorry, I didn't hear what he said. They were
25 engaged? I didn't hear that.

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1 A. Where the incident -- the location of the
2 incident.

3 Q. So that was taken after the fact, correct?

4 A. Yes, sir.

5 Q. Is it still a fair and accurate depiction of the
6 crime scene? I mean, I know a couple things may have
7 changed, but as far as where everyone was, has anything
8 changed?

9 A. I'm pretty sure the area -- yes, sir.

10 Q. All right.

11 SOLICITOR HOLLEN: Your Honor, at this time, I
12 would ask to admit State's 2 into evidence.

13 MR. PLEXICO: I don't have any objection.

14 THE COURT: Without objection, it's in evidence.

15 ITEM IDENTIFIED AS PHOTOGRAPH

16 MARKED AS STATE'S EXHIBIT NUMBER 2

17 ADMITTED AS EVIDENCE.

18 SOLICITOR HOLLEN: All right. Now, -- your Honor,
19 may I ask Mr. Wells to step down, just so he can --

20 THE COURT: You may.

21 BY SOLICITOR HOLLEN:

22 Q. Mr. Wells, can you come over here? And this is
23 probably the easiest thing.

24 MR. PLEXICO: May I approach just over there.

25 THE COURT: You may.

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1 SOLICITOR HOLLEN: Yeah, that's fine.

2 BY SOLICITOR HOLLEN:

3 Q. Do you mind going over there. And can you tell
4 the jury -- you may not be able to see it exactly, but
5 about where Mr. Anderson and Mr. Freeman were when you
6 arrived on scene?

7 A. About right here.

8 Q. Okay. And the direction that Mr. Anderson
9 indicated they were coming from, what about that?

10 A. They were traveling here.

11 Q. Okay. So they were coming down behind the strip
12 mall there?

13 A. Yes, sir.

14 Q. And were you able to locate any sort of blood
15 spots or anything like that, where it was indicated Mr.
16 Freeman was hit?

17 A. There was a small blood pool somewhere back in
18 this area.

19 Q. So sort of on the other side of that palm tree
20 there?

21 A. Give or take.

22 Q. And I know it's hard to tell, but you said that
23 you looked for evidence, you and Lieutenant Ginn. Can
24 you just sort of indicate on that picture where you guys
25 were, looking for evidence?

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1 A. We -- we walked all up and down through here; and
2 then got all the way back up to this side; and
3 subsequently, this side.

4 Q. Okay. Did you look on the other side of the road
5 or anything like that, or just there?

6 A. The best of my recollection, no, sir.

7 Q. And you were not able to locate any evidence at
8 the time?

9 A. No, sir.

10 Q. All right. I think that's all I have for that
11 picture. Will you take the stand again for me.

12 You said you asked Mr. Anderson to write a written
13 statement before leaving the scene. Is that correct?

14 A. A voluntary statement, yes, sir.

15 Q. A voluntary statement. And did he do that?

16 A. Yes, sir, he did.

17 Q. And was that statement preserved?

18 A. Yes, sir, it was.

19 Q. In that statement, does he -- do you recall him
20 seeing it recently? Did he write any names? If you
21 don't remember, just --

22 A. If I could see it.

23 Q. I'm not going to worry about that right now.

24 A. Okay.

25 Q. But he did write a voluntary statement. About how

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1 long after this, how long after the shooting did he
2 write the statement?

3 A. The time is on the -- the written statement. My
4 guess would be maybe within an hour or less.

5 Q. Okay. So within an hour you've got him writing a
6 voluntary statement on what he saw and what happened?

7 A. Yes, sir.

8 Q. Was he -- I'm going to withdraw that. Hold on.
9 All right. So after Lieutenant Ginn gets there, you
10 speak with Mr. Anderson. About how long do you remain
11 on scene? Do you know?

12 A. I don't recall, sir.

13 Q. Do you get a call to go somewhere else at some
14 point?

15 A. Yes, sir.

16 Q. And where was that, or what was that?

17 A. I believe it was a person with a gun.

18 Q. So you get a call while you're on scene about a
19 person with a gun. And what do you do as a result of
20 that?

21 A. We leave that scene and attempt to locate the
22 person with a gun.

23 Q. Do you know how many people were on duty for the
24 Ridgeland Police Department at the time the shooting
25 happened?

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WELLS - CROSS - PLEXICO

1 A. It was just myself and Lieutenant Ginn.

2 Q. So there were two officers on duty. What about at
3 the time you got the call for the person with the gun?

4 A. Just myself and Lieutenant Ginn.

5 Q. Two officers on duty?

6 A. There was a -- a third officers, but he was
7 indisposed on a transport of a prisoner to Columbia.

8 Q. Okay. So you had two officers available?

9 A. Yes.

10 Q. All right. Officer Wells, I don't have anymore
11 questions for you. Please answer anything Mr. Plexico
12 has.

13 A. Okay.

14 OFFICER DUSTY WELLS

15 CROSS-EXAMINATION BY MR. PLEXICO:

16 Q. All right. Do you have your narrative with you in
17 your files, sir?

18 A. No, sir, I don't have it.

19 Q. Okay. All right.

20 MR. PLEXICO: May I approach the witness and allow
21 him to review --

22 THE COURT: You may, sir.

23 BY MR. PLEXICO:

24 Q. Could you review this, and tell me what that is?

25 A. Yes, sir. That would be the narrative that I

1 entered into the -- the report.

2 Q. Okay. All right. And in that, you put down that
3 the suspects that Wrenshad Anderson told you was Peanut
4 and Dre, correct?

5 A. Yes, sir.

6 Q. All right. Then you have a -- and do you know a
7 Nisha Jones, who was -- would that be Dre's girlfriend,
8 Nisha Jones?

9 A. I don't know any of them prior to this incident.

10 Q. Okay.

11 A. Have no idea.

12 Q. Do you know a Tynisha Jones, T/Y-neisha [sic]
13 Jones?

14 A. No, sir.

15 Q. Okay. All right. But you only put down in there
16 that Neisha. Okay?

17 A. Yes, sir.

18 Q. Now, you never put in that statement -- you may
19 have mentioned the word Neisha one time, correct?
20 Toward the bottom.

21 A. Yes, sir.

22 Q. And what context is that in?

23 A. If I may read the last paragraph?

24 Q. Read the sentence. The last sentence, yes.

25 A. The last paragraph of my -- my narrative indicates

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1 that:

2 Anderson, at some point in time during
3 his excited state, indicated that he had in
4 his cell phone the contact numbers for Peanut
5 and Dre. He also included a third name of
6 Aneisha. He further indicated several times
7 that Peanut and Dre were the suspects.
8 Anderson also indicated that Freeman and Peanut
9 had a beef all day. I obtained a written --
10 voluntary written statement from Anderson.
11 Anderson was provided a copy of the statement.

12 MR. PLEXICO: Judge, may I approach, please.

13 THE COURT: You may.

14 BY MR. PLEXICO:

15 Q. All right. So you didn't know who Nisha was at
16 this point?

17 A. No, sir.

18 Q. Correct?

19 A. No, sir.

20 Q. And you didn't know it was Dre's girlfriend or
21 whoever, as far as Nisha, you just don't know?

22 A. I do not know, sir.

23 Q. Okay. So when you all got the call for -- the
24 additional call for the -- another person with a gun,
25 would it be fair to say that you and Lieutenant Ginn

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1 were certain about who the perpetrators were that did
2 the shooting at the scene that night, before you left?
3 You all knew who you were looking for?

4 A. Based on the information that was conveyed to us
5 from a witness, that's the information I had, yes, sir.

6 Q. And Mr. Wrenshad Anderson, is he the only
7 eyewitness to the shooting?

8 A. From my perspective, an encounter, yes, sir.

9 Q. Okay. You don't know of anything else, any other
10 person, who witnessed that shooting, aside from you
11 [sic].

12 A. No, sir.

13 Q. Okay. All right. And he repeatedly said in front
14 of you and Lieutenant Ginn that Peanut and Dre were the
15 shooters?

16 A. Yes, sir.

17 Q. And that's Keandre Frazier. Is that correct? Dre
18 is Keandre Frazier?

19 A. I do not know the suspects past the street names
20 that were given to me from Mr. Anderson.

21 Q. Clearly, he never said Aneisha was the shooter
22 while you were there on that night, correct?

23 A. To the best of my recollection, no, sir.

24 Q. Okay. All right. So and did he indicate that he
25 -- well, I looked at your video, and you came up, and on

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1 the picture that -- well, you see the picture that's in
2 -- do you all have the picture that was introduced?

3 Thank you. All right. Thank you, sir.

4 Now, did you see any evidence of any drag marks on
5 -- this is a little dirt path that starts here and ends
6 here, correct?

7 A. Yes, sir.

8 Q. This well-worn dirt path.

9 A. Very well.

10 Q. Okay. And did you see any drag marks in that dirt
11 when you arrived?

12 A. I do not recall.

13 Q. Okay. All right. But, so this is about parallel
14 with the edge of the building, the palm tree.

15 A. Yeah.

16 Q. Correct?

17 A. Yeah.

18 Q. And did you find the blood spot in between these
19 two?

20 A. It was in that area. A little bit further back.

21 Q. Pretty close, though.

22 A. Behind the building.

23 Q. About here?

24 A. I think a little further bit back.

25 Q. Where the dark spot is here?

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WELLS - CROSS - PLEXICO

1 A. Possibly.

2 Q. Okay. Around that area?

3 A. Yes, sir, around that area.

4 Q. And that's what? about six feet from the corner,
5 then?

6 A. If I did -- if I'm making the presumption, yes,
7 sir.

8 Q. I mean, to be fair, I'm not going to hold you
9 exactly to it. Okay.

10 A. Give or take, yes, sir.

11 Q. All right.

12 A. I believe so.

13 Q. So if Devonte's about six feet tall, the person
14 you saw on the ground who had been shot was about six
15 feet tall, correct?

16 A. Yes, sir.

17 Q. So he was just a body's length, almost, from the
18 edge of the building, on the brick part?

19 A. I'm sorry?

20 Q. He was a body's length away from the edge of the
21 building and the brick part?

22 A. Possibly, yes, sir.

23 Q. All right. And you went back here with -- you went
24 all the way past this road here, on that side?

25 A. To the cluster of trees.

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WELLS - CROSS - PLEXICO

1 Q. Is that correct?

2 A. Yes, sir.

3 Q. And you all used augmented light?

4 A. The flashlights that we have, yes, sir.

5 Q. Okay. And those are good police flashlights?

6 A. Yes, sir.

7 Q. And you all had normal batteries in them, and
8 there weren't any problems, and they were working
9 properly?

10 A. Yes, sir.

11 Q. Okay. Where did he say that the -- is this the
12 cut beside this building --

13 A. About --

14 Q. -- this building that goes to the mailbox here?

15 A. Yes, sir.

16 Q. Is there a cut that goes back to Logan Lane around
17 that way?

18 A. Yes, sir.

19 Q. And that's pretty heavily wooded?

20 A. It is, but it also has very worn paths.

21 Q. Okay. All right. But it's a wooded area,
22 correct?

23 A. Yes.

24 Q. All right. And I was noticing as I was watching,
25 you had -- your car was parked about here?

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WELLS - CROSS - PLEXICO

1 A. Yes, sir.

2 Q. And you were shining light through this gap here,
3 correct? So you could see --

4 A. My vehicle was staged more toward the front of the
5 building.

6 Q. Okay. And I looked at your dashcam video and it
7 appeared dark back there, correct?

8 A. It would appear, on the video, yes, sir.

9 Q. And in fact, it was dark back there?

10 A. Yes, sir. There was a functioning street light on
11 the back corner of the building.

12 Q. Where is that?

13 A. Do you see the second power pole?

14 Q. This one?

15 A. On the inside. Yes, sir.

16 Q. That was functioning?

17 A. Yes, sir.

18 Q. Okay. All right. So that's the only functioning
19 back light that you saw?

20 A. And then the parking lot lights.

21 Q. And that's over here somewhere?

22 A. Yes.

23 Q. Okay. So it's dark over in here?

24 A. Yes.

25 Q. Because this light is being cast this way,

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WELLS - CROSS - PLEXICO

1 correct?

2 A. Yes.

3 Q. You can see it in there, and that's surrounded by
4 transformers, which block the light, and that made this
5 area pretty dark, actually. Is that why you all didn't
6 find the cartridges?

7 A. Quite possibly, yes.

8 Q. Okay. All right. Now, did he say where the
9 shooters were?

10 A. He indicated back in that -- that particular area.

11 Q. Back in this area in the trees here, or on the
12 other side of the road?

13 A. To the best of my recollection, it was just in
14 that area.

15 Q. Did he -- was he able to specifically say where
16 they were standing?

17 A. No, sir, not to my recollection.

18 Q. So he couldn't remember where they were staying --
19 standing?

20 A. To the best of my recollection, he could not.

21 Q. Okay. All right. And you all found no evidence,
22 no shell casings, or anything that evening?

23 A. No, sir.

24 Q. Okay. All right. And that's what, seventy to
25 eighty yards back there, from this point to back here,

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WELLS - CROSS - PLEXICO

1 is about seventy or eighty yards?

2 A. Possibly.

3 Q. Okay. All right. Is it a fair estimation?

4 A. I would say that that could be a fair estimate,
5 yes, sir.

6 Q. Okay. All right. Now, so you were so sure of the
7 suspects, I guess they call it a APB on television, but
8 what did you do, and what did you relay to Lieutenant
9 Ginn to do?

10 A. As -- as Mr. Anderson is giving me the
11 information, I was immediately relaying that, via the
12 radio, in an attempt to try and get resources in that
13 area to potentially intercept them.

14 Q. Okay. And did you say it was Peanut and Dre;
15 they're heading toward the Siesta?

16 A. Yes, sir.

17 Q. And did Lieutenant Ginn inquire if they were on
18 foot, and did you respond *on foot, on foot*?

19 A. Possibly. Yes, sir.

20 Q. Okay. Do --

21 A. I haven't heard the radio traffic to the recall,
22 but quite possibly.

23 Q. But were you --

24 THE COURT: Okay. If you'd ask one question, let
25 him answer, and then go ahead.

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WELLS - CROSS - PLEXICO

1 MR. PLEXICO: Okay.

2 BY MR. PLEXICO:

3 Q. Did Wrenshad Anderson tell you on the scene that
4 night that Dre and Peanut were on foot, and they were
5 headed toward the Siesta?

6 A. Yes, sir.

7 Q. Okay. All right. So nobody said anything about
8 hearing a car leaving, correct?

9 A. No, sir.

10 Q. Okay. All right. And that's the reason you could
11 not find the shell casings, is because it was so dark
12 back there. Is that correct?

13 A. I believe so, sir.

14 Q. Okay. So he said it was Peanut and Dre a total of
15 at least four times, correct?

16 A. That's fair, yes, sir.

17 Q. All right. And you all just simply -- you could
18 have called SLED, you could have called the Sheriff's
19 Department. But at that point in time, you all kind of
20 thought who you were looking for and who you were going
21 to arrest and charge, and that would have been Peanut
22 and Dre, right?

23 A. I believe so.

24 Q. Okay. And you were looking for two black males.
25 And did you get a description of them, aside from all

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WELLS - CROSS - PLEXICO

1 black?

2 A. Dressed in all black, on foot.

3 Q. Okay.

4 A. Peanut and Dre.

5 Q. And you all were there well over an hour before
6 you got called away?

7 A. I believe so.

8 Q. And nothing changed during that hour on the
9 suspects that Wrenshad Anderson told you to look for.

10 A. Other than just whatever his statement is, and
11 what I documented in my report.

12 Q. Okay.

13 A. It was only a three- or four-line statement, but
14 he never said in that statement it was Aneisha, because
15 he didn't waiver on the scene, correct?

16 A. No, sir.

17 Q. All right. And the statement doesn't say it was
18 Aneisha was involved, either?

19 A. No, sir.

20 Q. Unless you really twist it around, it doesn't
21 fairly say that, now, does it?

22 A. The statement is whatever -- document.

23 Q. Okay. All right. And you read it, and it didn't
24 -- you didn't go out looking for Aneisha, did you?

25 A. No, sir.

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RUSTY WELLS - RE-DIRECT - HOLLEN

1 Q. Or Aneisha? Okay. All right.

2 MR. PLEXICO: I don't have anything further for
3 this witness.

4 THE COURT: Anything? Okay.

5 SOLICITOR HOLLEN: Yes, your Honor.

6 OFFICER DUSTY WELLS

7 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

8 Q. Officer Wells, you didn't go looking for anybody
9 that night, did you?

10 A. No, sir.

11 Q. In fact, after this, you got called to a scene.
12 What did you do after you went to the scene with the
13 person with the gun?

14 A. I went back to the -- the station and completed my
15 report, and subsequently ended my tour.

16 Q. Okay.

17 SOLICITOR HOLLEN: Court's indulgence, your Honor.

18 BY SOLICITOR HOLLEN:

19 Q. Officer Wells, I'm going to now hand you in just a
20 second what has been pre-marked for identification as
21 State's Exhibit Number 3, and I'm going to ask that you
22 take a look at it. Okay?

23 A. Okay.

24 SOLICITOR HOLLEN: Your Honor, may I approach the
25 witness?

1 THE COURT: You may.

2 BY SOLICITOR HOLLEN:

3 Q. You recognize that?

4 A. Yes, sir.

5 Q. What is it?

6 A. That's the written statement Mr. Anderson provided
7 to me on the scene.

8 Q. What's the time on that?

9 A. 1:30 a.m.

10 Q. And is that -- he read that completely on video.
11 Is that right?

12 A. Yes, sir.

13 Q. Is that a full and accurate statement that he
14 wrote at that night?

15 A. Yes, sir.

16 SOLICITOR HOLLEN: Your Honor, I'd ask that we
17 enter State's 3 into evidence at this time.

18 THE COURT: Any objection?

19 MR. PLEXICO: I have no objections to it being
20 entered just by -- as far as the truthfulness of it,
21 Judge. I would have a -- I have no objection to that
22 being entered for the purpose that is the statement of
23 Wrenshad Anderson.

24 THE COURT: Okay. It's in evidence, ladies and
25 gentlemen.

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RUSTY WELLS - RE-DIRECT - HOLLEN

1 ITEM IDENTIFIED AS DOCUMENT TITLED
2 VOLUNTARY STATEMENT (WRENSHAD ANDERSON)
3 MARKED STATE'S EXHIBIT NUMBER 3
4 ADMITTED AS EVIDENCE.

5 BY SOLICITOR HOLLEN:

6 Q. Is it legible enough for you to read?

7 A. Yes, sir.

8 Q. Can you read it to the jury, please.

9 SOLICITOR HOLLEN: May I publish, your Honor?

10 THE COURT: You may.

11 BY SOLICITOR HOLLEN:

12 Q. Go ahead.

13 A. *We just left the Siesta. Weekly rentals.*
14 *Talking to Mr. Horton. And we was walking to*
15 *Econo Lodge. When we got close to KFC path,*
16 *that's when we heard shots.*

17 I'm sorry. I'm trying to decipher this.

18 *Vonte got into it with Peanut earlier*
19 *today, and we saw Neisha and her friend.*
20 *That's when we was ordered to leave. That's*
21 *when we left walking, and they sneak up behind*
22 *us and started shooting.*

23 Q. Does that statement say Aneisha?

24 A. Yes, sir.

25 Q. Okay. So you were given that name Aneisha by Mr.

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RUSTY WELLS - RE-DIRECT - HOLLEN

1 Anderson Less than 45 minutes after the shooting. Is
2 that right?

3 A. Somewhere around there, yes, sir.

4 Q. All right. What time does that statement say?

5 A. 1:30 a.m.

6 Q. Do you know what time you got on scene of the
7 shooting?

8 A. I do not recall, sir.

9 Q. If I were to hand you a call detail report, would
10 you be able to determine what time you got on the scene?

11 A. Yes, sir.

12 Q. And this is just to refresh your recollection, Mr.
13 Wells.

14 SOLICITOR HOLLEN: May I approach, your Honor?

15 THE COURT: You may.

16 BY SOLICITOR HOLLEN:

17 Q. Will you take a look at that. Based on that --
18 well, look at it first.

19 A. Okay.

20 Q. Now, does that have things like call signs or
21 related to specific officers and things like that?

22 A. Yes, sir.

23 Q. And what time did the call come in?

24 A. The call was created at 12:47:15 a.m.

25 Q. And what time did you get on scene?

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RUSTY WELLS - RE-DIRECT - HOLLEN

1 A. It says that I was in the area at 12:49:04 a.m.

2 Q. So you were there in about two minutes after the
3 call was created.

4 A. Yes, sir.

5 Q. Where were you that you were so close to the
6 scene?

7 A. Actually, I had just left Dispatch; was coming
8 over to Third Street Bridge, Railroad Bridge, when the
9 call went out.

10 Q. And so, you went straight there?

11 A. Yes.

12 Q. Mr. Plexico asked you a lot about this dashcam
13 video. You were driving a car that was equipped with
14 dashcam, right?

15 A. Yes, sir.

16 Q. Now, there is a problem with that video, isn't
17 there?

18 A. Yes, sir.

19 Q. Not necessarily with the video, but is there any
20 audio on it?

21 A. No, sir, there is not.

22 Q. So you can't hear anything; it's just a picture of
23 kind of what's going on. And what does it show? Just
24 in front of your car?

25 A. Just the front view of the car, yes.

1 Q. Why isn't there any audio?

2 A. The previous call for service, I had gotten into a
3 foot chase, and subsequently, ran into a ditch filled
4 with water up to about my chest.

5 Q. So you were with a suspect?

6 A. Yes.

7 Q. Did you catch him or her?

8 A. Caught one of them, yes.

9 Q. Okay. Well, that's good. Did you know at the
10 time that your -- you were wearing a body microphone.
11 Is that right?

12 A. Yes, sir.

13 Q. And did you know when you got on the scene of the
14 shooting that it wasn't working?

15 A. No, sir, I did not.

16 Q. So as far as you knew, it was recording everything
17 that was being said?

18 A. Yes, sir.

19 Q. All right. But that's not the case, is it?

20 A. No, sir.

21 Q. Do you know how long that dashcam video is?

22 A. I honestly do not know.

23 Q. Is it hours long, possibly?

24 A. I turned it on probably coming off of Third
25 Avenue, making a right-hand turn onto Jacob Smart. And

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RUSTY WELLS - RE-CROSS - PLEXICO

1 then, I wouldn't have stopped it until either it ran out
2 or I formally cleared the scene.

3 Q. All right. But there's no audio, and it just
4 shows directly in front of the car?

5 A. Yes, sir.

6 Q. All right. I don't think I have anything further
7 for you, Mr. Wells. Please answer the --

8 THE COURT: Anything further?

9 MR. PLEXICO: Yes, your Honor.

10 THE COURT: Okay.

11 OFFICER DUSTY WELLS

12 RE-CROSS EXAMINATION BY MR. PLEXICO:

13 Q. And you've already testified about what could see
14 on the video and how dark it was back where the shooting
15 happened.

16 A. I believe so.

17 Q. It was very dark. Is that correct?

18 A. I believe so.

19 Q. All right. Do you still have the statement in
20 front of you that he just introduced?

21 A. No, sir. I just --

22 THE COURT: May I approach the court reporter, your
23 Honor, and retrieve the statement?

24 SOLICITOR HOLLEN: Mr. Plexico.

25 MR. PLEXICO: Thank you.

1 BY MR. PLEXICO:

2 Q. And I believe that's State's Exhibit 3 in front of
3 you. Is that correct, sir?

4 A. Yes, sir.

5 Q. All right. The first sentence of this statement
6 says -- I'm going to break it down by sentence. It's
7 only about four or five. It says:

8 *We just left the Siesta weekly rentals,*
9 *talking to Mr. Horton, and we was walking to*
10 *Econo Lodge.*

11 A. Yes, sir.

12 Q. Is that the first sentence?

13 A. Yes, sir.

14 Q. Is the next sentence:

15 *When we got close to KFC path, that's*
16 *when we heard shots.*

17 Is that the next sentence?

18 A. Yes, sir.

19 Q. Then, the next sentence is -- sentence is:

20 *Vonte got into it with Peanut early*
21 *today, and we saw Neisha and her friend.*

22 Is that the next sentence? Joined by the end.

23 Then he starts with another sentence with *that's*.

24 A. Possibly. I mean, the grammatical -- I mean, the
25 punctuations aren't there, but.

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RUSTY WELLS - RE-CROSS - PLEXICO

1 Q. Okay. But then, the next sentence, could it be:

2 *That's when we was ordered to leave.*

3 A. Okay.

4 Q. Doesn't he appear to begin his sentences with
5 that?

6 A. Fair enough.

7 Q. Is that correct?

8 A. I can't speak to his grammatical, but that would
9 be possible, yes, sir.

10 Q. Is that a fair reading of the statement?

11 A. I believe so, yes, sir.

12 Q. All right. And then, the next sentence is:

13 *That's when we left walking, and they*
14 *sneak up behind us and started shooting.*

15 Correct?

16 A. Yes, sir.

17 Q. So has -- no way identifies Neisha as shooting.
18 Is that correct?

19 A. I -- I believe that you could correlate that, yes,
20 sir.

21 Q. Okay. And that's a fair reading of the statement,
22 correct?

23 A. Yes, sir.

24 Q. All right. And you didn't have anything else to
25 do with this case afterwards, aside from your -- what

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BY THE COURT

1 you've testified to and what you did that night?

2 A. Correct.

3 MR. PLEXICO: I don't have anything further.

4 BY THE COURT:

5 THE COURT: Anything further?

6 SOLICITOR HOLLEN: No, your Honor. I'd ask that he
7 be excused.

8 THE COURT: All right. Officer Wells, step down,
9 sir. Thank you.

10 Ladies and gentlemen of the jury, we're going to
11 take a very brief recess. We typically like to run
12 until roughly 1:00 o'clock for lunch, but that's my
13 anticipation right now, give or take a few minutes or
14 so.

15 I need to remind you, and I'm going to do this
16 every time I send you back to your jury room, refresh
17 yourselves, get a cup of coffee if you need to, do not
18 discuss this case with each other. Again, you haven't
19 heard all the evidence, and it would be inappropriate
20 for any of you to talk about it. All right? We'll
21 bring you back shortly, and again, you can look to go to
22 lunch around 1:00-ish. Okay? So we'll be right back.
23 We'll bring you right back.

24 Mr. Foreperson, as soon as you all are ready,
25 knock on the door and let me know you're ready. Okay?

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BY THE COURT

1 We'll have you come back in. Okay?

2 JURORS LEAVE COURTROOM 10:59 A.M.

3 THE COURT: All right. We'll be at ease for about
4 five minutes or so. Okay?

5 SOLICITOR HOLLEN: Thank you, your Honor. I'm
6 going to take this opportunity, your Honor, to mark the
7 evidence.

8 THE COURT: Thank you.

9 SOLICITOR HOLLEN: We haven't done that. I'm
10 sorry.

11 THE COURT: I appreciate it.

12 OFF THE RECORD 11:00 A.M.

13 BACK ON THE RECORD 11:21 A.M.

14 MADAM CLERK: All rise.

15 THE COURT: Thank you. Please be seated. Who's
16 your next witness?

17 SOLICITOR HOLLEN: Alex Inniss, EMT.

18 THE COURT: Why don't you call him and bring him in
19 here so we don't have to wait for the fifteen-minute
20 walk down the aisle.

21 SOLICITOR HOLLEN: I agree, your Honor.

22 JURORS ENTER COURTROOM 11:22 A.M.

23 THE COURT: You all okay? Are you cold?

24 UNIDENTIFIED JUROR: Yeah.

25 UNIDENTIFIED JUROR: It's cold.

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1 THE COURT: I know. Sometimes we're freezing
2 people out, but sometimes it can be hot as an oven in
3 here, so. I apologize. We'll work on that. Is
4 everyone okay?

5 Madam Foreperson, is everyone all right on the
6 jury?

7 MADAM FOREPERSON: Far as I know.

8 THE COURT: Well, okay. Well, ladies and
9 gentlemen, you need to let her know if there are any
10 issues.

11 At this time, we're going to go ahead and continue
12 with our witnesses. If you'd call the next witness, Mr.
13 Hollen.

14 SOLICITOR HOLLEN: Thank you, your Honor. Alex
15 Inniss.

16 MADAM CLERK: Raise your right hand, please, and
17 place your left hand on the *Bible*. Do you swear the
18 testimony you're about to give the Court be the truth,
19 the whole truth, and nothing but the truth, so help you
20 God?

21 ALEX INNISS: Yes.

22 MADAM CLERK: Go right around and have a seat in
23 the witness chair.

24 ALEX INNISS

25 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

3-13-18 STATE V. YOUNG INNISS - DIRECT - HOLLEN

1 Q. Good morning, Mr. Inniss. How are you?

2 A. I'm all right. How are you?

3 Q. Good. Thank you. Who do you work for?

4 A. I work with Jasper County Fire and Rescue.

5 Q. And what's your position with Jasper County Fire
6 and Rescue?

7 A. I am a Firefighter III, nationally registered
8 paramedic.

9 Q. What does that mean, I know, in compared to other
10 forms of first responders?

11 A. That means that I provide a dual service to the
12 citizens of Jasper County, and I'm a firefighter, as
13 well as being a paramedic. So I transport, treat the
14 sick and injured out of Jasper County ambulances.

15 Q. Is there a difference between a paramedic and an
16 EMT?

17 A. Yes. Their level of care and their available
18 skills.

19 Q. Okay. And so, are you licensed to provide a
20 higher level of care than an EMT?

21 A. Yes.

22 Q. So paramedic is kind of an extra grade of an EMS
23 worker, sort of?

24 A. Yes. I provide the highest level of care the
25 state allows.

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INNISS - DIRECT - HOLLEN

1 Q. Okay. Did you respond to the call of a gunshot --
2 possible gunshot wound, that you recall, on April 30,
3 2016?

4 A. Yes.

5 Q. Do you remember where you responded?

6 A. Not exactly.

7 Q. Would it help if I were to give you the Fire and
8 Rescue report? Could you refer to that?

9 A. Yes.

10 SOLICITOR HOLLEN: Your Honor, may I approach the
11 witness?

12 THE COURT: Of course you may.

13 BY SOLICITOR HOLLEN:

14 Q. Mr. Inniss, can you take a look at that for me?
15 Could you just look over it for a second?

16 A. Okay.

17 Q. Does that refresh your recollection a little bit
18 about what you did that night and where you responded?

19 A. Yes.

20 Q. So where did you end up going?

21 A. Up to behind the KFC.

22 Q. And is that here in Jasper County?

23 A. It is.

24 Q. Do you remember what you found when you got there,
25 as far as a victim that you treated or helped treat?

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INNISS - DIRECT - HOLLEN

1 A. Yes.

2 Q. And what did you find?

3 A. In accordance to the report, I found a early
4 twenties male, unresponsive, lying supine, breathing,
5 with -- pulseless.

6 Q. So you're referring to your report a lot. You go
7 to a lot of calls, don't you?

8 A. Yes.

9 Q. So you have a lot of independent recollection of
10 this, or just based mostly on what you're seeing in that
11 report?

12 A. Based mostly on the report.

13 Q. Okay. So you say you found him supine. What does
14 that mean?

15 A. That means on his back.

16 Q. All right. So he was laying down. Was he
17 responsive?

18 A. No, he was not responsive.

19 Q. Unresponsive. Was he breathing? Did he have a
20 pulse?

21 A. Yes, he was breathing, with a pulse.

22 Q. All right. So he had a pulse. All right. What
23 did you do when you first get there? What's the
24 response?

25 A. After being requested by law enforcement, we took

1 final precautions, placing a C-collar and long spine
2 board is to protect any further injuries that are in the
3 unknown, and loaded him into the ambulance where we
4 provided more assessment and further treatment.

5 Q. All right. Did you notice any wounds on him when
6 you got there?

7 A. Yes. We noticed a penetrating wound to the right
8 occipital lobe, which is right here.

9 Q. So back of his head? for lack of a better term.

10 A. Yes.

11 Q. What about -- you said he was breathing with a
12 pulse. Does that report indicate what type of
13 breathing? Is there any specific symptom that you
14 noticed?

15 A. It does. It names Cheyne-Stokes type of
16 respirations, which is indicative of a neurological
17 damage.

18 Q. So can you describe in layman's terms what that
19 means? Was he -- were they short breath, deep breath?

20 A. It was a pattern of breathing which -- which is
21 quickly deep exhalations and inhalations, followed by
22 short and rapid exhalations and inhalations.

23 Q. Okay. And you said that's indicative, in your
24 experience, of a neurological disorder?

25 A. Correct.

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INNISS - DIRECT - HOLLEN

1 Q. Do you see that frequently with gunshot wounds to
2 the head?

3 A. Not frequently, but then, again, the situation
4 dictates.

5 Q. All right. So you load him into the ambulance,
6 and where do you take him?

7 A. I take him to Memorial Medical Center in Savannah.

8 Q. So you didn't take him -- what's the closest
9 hospital to here in Jasper County?

10 A. The closest hospital to Jasper County is Coastal
11 Carolina.

12 Q. All right. So you didn't take him there. Why?

13 A. Because they're not capable to handle such
14 injuries. Part of our job as a paramedic is to take
15 people to the appropriate places, where they can be best
16 treated, and that was the closest place I could take him
17 where he could be best treated.

18 Q. Okay. Do you know if there was any attempt to
19 airlift him or anything like that to Savannah? Would
20 that have been -- let me ask you that first. Do you
21 know?

22 A. Not in accordance to my report.

23 Q. Okay. Are people airlifted sometimes from Jasper
24 County to Savannah?

25 A. Absolutely.

1 Q. What are the situations where someone can't be
2 airlifted?

3 A. Mostly due to weather and availability at the time
4 for the helicopter to be here.

5 Q. All right. So as you're taking him to Savannah,
6 what do you do working on him?

7 A. I secured his airway with an OPA, which is a
8 device that goes in the mouth and removes the tongue out
9 of the throat. I breathed for him using a valve mouth
10 mask, and secure a large part of his left and right
11 A.C.s. I attempted to secure an advanced airway,
12 unsuccessfully, due to him having a clenched jaw.

13 Q. Okay. So his jaw is clenched. Is that indicative
14 of anything to you?

15 A. A neurological issue.

16 Q. So a brain injury?

17 A. Right.

18 Q. And does he ever regain consciousness on the way
19 to Savannah?

20 A. No.

21 Q. Did he ever say anything to you guys in the
22 ambulance?

23 A. I don't have a record of that.

24 Q. And does this agonal breathing, or this Cheyne-
25 Stokes breathing, continue all the way to Savannah?

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INNIS - CROSS - PLEXICO

1 A. It continued up until the point where I started
2 breathing for him.

3 Q. Okay. So you were having to breathe for him?

4 A. Yes.

5 Q. All right. I don't have any further questions for
6 you. Let me get that report back from you. Please
7 answer anything Mr. Plexico has.

8 THE COURT: Mr. Plexico.

9 ALEX INNISS

10 CROSS-EXAMINATION BY MR. PLEXICO:

11 Q. Savannah is what? about an hour and fifteen,
12 thirty minutes away?

13 A. I don't have an exact time.

14 Q. I mean, what's your estimation of it?

15 A. My best estimation, it's about thirty minutes.

16 Q. Thirty minutes?

17 A. Yes, sir.

18 Q. Okay. All right. Now, you said that it could be
19 because of the weather. Wasn't there some fog that
20 night?

21 A. Sir?

22 Q. Wasn't there some fog that evening?

23 A. I don't recall the weather.

24 Q. Okay. All right. And if you look at Page 1 of
25 your report? Do you have that report in front of you?

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INNIS - CROSS - PLEXICO

1 A. I do not.

2 Q. Okay. You have already testified his mental
3 status was unresponsive, meaning he wasn't speaking or
4 saying anything, correct? All right. May I approach
5 the witness, your Honor?

6 THE COURT: You may.

7 BY MR. PLEXICO:

8 Q. Having reviewed the first page on that, is that
9 marked that you -- Devonte Freeman has been using
10 alcohol? Is that correct?

11 A. No, sir. I said I smelled it.

12 Q. You smelled alcohol?

13 A. Yes, sir.

14 Q. And then, generally that smell, that's beer, or
15 the smell of alcohol, indicated beer or liquor?

16 A. Correct.

17 Q. In your training, you would want to be able to
18 tell the E.R. doctor that when you got there?

19 A. Right.

20 Q. Okay.

21 MR. PLEXICO: May I approach and retrieve that?

22 BY MR. PLEXICO:

23 Q. So there's no question in your mind you actually
24 filled out the report?

25 A. Right.

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JOEY GINN - DIRECT - HOLLEN

1 Q. All right. Did you watch the video, or did you
2 remember this man in the blue over-shirt being there?

3 A. I do not.

4 Q. You don't recall was there a lay witness there, a
5 layperson there, aside from the officers and the EMS
6 response team?

7 A. I do not recall.

8 MR. PLEXICO: Okay. I don't have anything further.

9 THE COURT: Anything further?

10 SOLICITOR HOLLEN: No, your Honor. I'd ask that he
11 be excused.

12 THE COURT: All right. Mr. Inniss, you are
13 excused, sir. Thank you. Call your next witness.

14 SOLICITOR HOLLEN: Lieutenant Joey Ginn.

15 MADAM CLERK: Raise your right hand and place your
16 left hand on the *Bible*. Do you swear the testimony
17 you're about to give to the Court be the truth, the
18 whole truth, and nothing but the truth, so help you God?

19 LIEUTENANT JOEY GINN: Yes.

20 MADAM CLERK: Go right around and have a seat in
21 the witness chair.

22 LIEUTENANT JOEY GINN

23 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

24 Q. Good morning, Lieutenant Ginn.

25 A. Good morning.

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JOEY GINN - DIRECT - HOLLEN

1 Q. It is still morning. Who do you work for?

2 A. Ridgeland Police Department.

3 Q. And what's your position at the Ridgeland Police
4 Department?

5 A. I'm a lieutenant in charge of patrol division.

6 Q. All right. So you're a supervisor, for lack of a
7 better term?

8 A. Correct.

9 Q. Okay. And how long have you been with the
10 Ridgeland Police Department?

11 A. Since August the 1st of 2007.

12 Q. What about before that? Any law enforcement
13 experience before you --

14 A. Yes. I was previously with the Hampton Police
15 Department and the Sheriff's Office in Hampton County.

16 Q. Okay. Were you working with the Ridgeland Police
17 Department on April 30, 2016?

18 A. Yes, I was.

19 Q. And did you respond or receive a call, let's start
20 there, about a possible shooting behind the KFC?

21 A. Yes.

22 Q. Is that here in Jasper County?

23 A. Yes.

24 Q. As a result of getting that call, what's the first
25 thing that you do?

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JOEY GINN - DIRECT - HOLLEN

1 A. It depends on each situation, because each
2 situation is different. I had -- I had received
3 information from an officer that was on scene very
4 shortly after the call came out, and I was checking the
5 area for suspects, based on the description given to me.

6 Q. Okay. So you looked around the area for suspects.
7 And did you go somewhere after that?

8 A. Yes, I went to the Siesta Hotel.

9 Q. You went to the Siesta Hotel. All right. What
10 did you do when you got to the Siesta Hotel -- or Motel?

11 A. I checked the area and made a contact with
12 suspects or anyone matching that description. And I
13 made contact with Keith Horton, the owner. He was
14 there.

15 Q. Okay. So you spoke with Keith Horton, who is the
16 owner, that night?

17 A. Um-hmm.

18 Q. And how long were you on scene at the Siesta?

19 A. I'm guessing ten minutes.

20 Q. And you were looking for suspects on foot. Is
21 that right?

22 A. Yes. That's what -- based on what was told to me,
23 yes.

24 Q. Was there any particular area of the Siesta you
25 were focusing on you thought they might be coming from?

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JOEY GINN - DIRECT - HOLLEN

1 A. Yes. There's a hole in the fence at the rear of
2 the complex, and it is known for people to go through
3 both ways, leaving and coming back on that property
4 because of the hole in the fence.

5 Q. Gotcha. So that's a common shortcut people use?

6 A. Yes, yes.

7 Q. All right. So you waited around, you said
8 looking, searching for suspects for about ten minutes?

9 A. Correct.

10 Q. And where did you go after that?

11 A. I went to the scene, the incident location.

12 Q. All right. What did you see when you get to the
13 scene.

14 A. I immediately observed Officer Wells and a subject
15 who was later identified as Wrenshad.

16 Q. Okay. Wrenshad Anderson?

17 A. Yes.

18 Q. Was Mr. Anderson acting in any sort of way? What
19 was his demeanor?

20 A. He was very confused, excited, delirious at times.
21 I thought he may have been impaired on something.

22 Q. Okay.

23 A. Because just the way he was acting.

24 Q. Right.

25 A. A lot of his statements, the things he was

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JOEY GINN - DIRECT - HOLLEN

1 saying, were either inaudible or I couldn't comprehend
2 what he was saying, based upon how he was saying it.

3 Q. Gotcha. So you put, in fact, in your report that
4 you believed he was intoxicated, based on what you saw?

5 A. Yes.

6 Q. Okay.

7 A. I think impaired may have been better.

8 Intoxication is -- generally, if I put intoxication,
9 intoxication is usually based on alcoholic beverage. I
10 never smelled any alcoholic beverage on this person.

11 Q. Oh, okay. So when you get there, is -- you said
12 Wrenshad Anderson was excited, he's upset, everything.
13 What do -- do you try to speak with him?

14 A. Yes. I try to calm him down first.

15 Q. Okay. So you try to calm him down. Does he
16 finally calm down enough for you to talk to him?

17 A. Yes, he does.

18 Q. How long does that take?

19 A. Three or four, five minutes.

20 Q. Okay.

21 A. It takes a little bit because I'm -- I'm -- I'm
22 still allowing him to talk on the phone, because he --
23 well, I say allow. I don't think I'd have been able to
24 stop him, so I continued to let him do so.

25 Q. Gotcha. So when you get there, he's on the phone,

1 and he's speaking with people. Was he calling -- you
2 don't know who he was talking to?

3 A. No, I don't.

4 Q. But he is on the phone?

5 A. Yes.

6 Q. Pretty much the whole time when you get there for
7 that period?

8 A. First five minutes or so, yes.

9 Q. All right. After that, you -- what do you do next
10 when he finally calms down?

11 A. When we were able to get him calmed down, --

12 Q. Um-hmm.

13 A. -- and he was showing us where things had
14 happened.

15 Q. Okay. When you say where things have happened, do
16 you walk the scene with him?

17 A. Yes, yes, yes.

18 Q. Okay. So he walks you to where he says he
19 believes the shooters were?

20 A. Correct.

21 Q. And when he does that, where do you -- you go with
22 him and you start looking for any kind of evidence?

23 A. Correct.

24 Q. Were you able to identify any location where Mr.
25 Freeman may have been hit? Were there blood spots or

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JOEY GINN - DIRECT - HOLLEN

1 anything like that?

2 A. Yes, yes. Around the corner. I cannot remember
3 the name of the nail salon, but behind that store there
4 were three large spots of blood, one being pretty close
5 size of a basketball. I'd describe a fairly large
6 circular spot and two other spots of blood, and that was
7 where the deceased later -- the deceased fell.

8 Q. Okay.

9 A. I can imagine.

10 SOLICITOR HOLLEN: May I approach the witness, your
11 Honor?

12 THE COURT: You may.

13 BY SOLICITOR HOLLEN:

14 Q. I'm going to hand you, Lieutenant Ginn, what's
15 already been entered into evidence as State's Exhibit
16 Number 2, and I'm going to ask if you recognize that.
17 So take a look at that for me.

18 A. Yes, I do.

19 Q. Now, is that the scene, or picture of the scene
20 from some point later?

21 A. Yes, yes.

22 Q. Okay. So you get there, he's showing you -- he
23 finally calms down, he walks to show you where he
24 believes the shooters were coming from, or where they
25 shot from? Do you mind --

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JOEY GINN - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: Your Honor, may I ask him to
2 step down just briefly?

3 THE COURT: You may step down, sir, if you'd like.

4 A. Thank you.

5 BY SOLICITOR HOLLEN:

6 Q. Tell you what. Here's the pointer for you. Can
7 you --

8 MR. PLEXICO: Can I move, your Honor, so --

9 THE COURT: Of course, sir.

10 BY SOLICITOR HOLLEN:

11 Q. All right. So when you get there, where --

12 MR. PLEXICO: May my client come over and see
13 where he's pointing at? She can just stand here so she
14 can see.

15 THE COURT: She can come stand next to you.

16 BY SOLICITOR HOLLEN:

17 Q. All right. When you get there, where is Mr.
18 Anderson standing, and is he speaking with Mr. Wells
19 when you get there?

20 A. I think Mr. -- Officer Wells is trying to calm him
21 down, but he's very nervous. But they were in this area
22 here.

23 Q. Okay.

24 A. Best I can remember.

25 Q. Right. Okay. And is there -- did you notice a

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JOEY GINN - DIRECT - HOLLEN

1 blood spot somewhere further behind that building?

2 A. It was somewhere around in here.

3 Q. When he's -- when you're asking him to show you
4 where the shooters were coming from, you walked the
5 length of that building and a little bit further?

6 A. About to the end of the building. I don't ever
7 recall going to both sides of the roadway over here.

8 Q. Yeah.

9 A. But we did search this area here.

10 Q. Okay.

11 A. We walked this area around. And if I'm correct, I
12 believe this is the trail here. May be further up.
13 That's it right here. Yeah. Yeah.

14 Q. Okay. So he indicated --

15 A. I was off a little bit, but yeah.

16 Q. So he indicated that the shooting was coming from
17 the area of the trail?

18 MR. PLEXICO: That's leading, your Honor. I
19 object.

20 SOLICITOR HOLLEN: Okay.

21 THE COURT: Sustained. Don't lead him.

22 BY SOLICITOR HOLLEN:

23 A. He was -- he was uncertain. He said he heard
24 rustling leaves, and he couldn't tell what side of the
25 road it came from.

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JOEY GINN - DIRECT - HOLLEN

1 Q. Gotcha.

2 A. So he was unsure what side.

3 Q. All right. He indicated -- how many shooters
4 did he indicate?

5 A. At the time, he kept saying two people.

6 Q. Two people.

7 A. All right.

8 A. And eight to ten shots is what he was saying.

9 Q. Okay. So he said eight ten shots. Thank you.
10 You may take the stand.

11 All right. Were you able to locate any shell
12 casings or any other evidence that night?

13 A. No, sir.

14 Q. And did you communicate that to anyone?

15 A. Lieutenant Litchfield.

16 Q. When you weren't able to locate any shell casings,
17 did you make any assumptions?

18 A. Yes, I did. Obviously, the first one that would
19 be logical was that a revolver was used, because shell
20 casings would not have been spent from the weapon. And
21 secondly, that if the shooter was further in the roadway
22 than what he originally thought, the shell casings would
23 have went further into the woods or the tall grass, and
24 I wouldn't be able to see them anyway.

25 Q. Okay. Did some family members arrive on scene?

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JOEY GINN - DIRECT - HOLLEN

1 A. Yes.

2 Q. Family members of who?

3 A. Davonte.

4 Q. Davonte. And did you speak to them?

5 A. I spoke to just about every one of them.

6 Q. And did you speak again with Wrenshad Anderson?

7 A. Yes.

8 Q. Did you do anything about marking off or putting
9 up crime scene tape at the scene?

10 A. No, I did not.

11 Q. And is there a reason you didn't do that?

12 A. I cannot remember at what point I had -- not long
13 after I got on the scene of this, we actually had
14 another call come out where someone was alleging that a
15 firearm had been presented at them. Actually, at a gas
16 station just a couple hundred yards away from our
17 current location.

18 Q. Okay. So you got a call while you were out there.
19 Did you communicate -- you said you spoke to Lieutenant
20 Litchfield. Is that right?

21 A. Yes.

22 Q. All right. Did you communicate any information to
23 him before going to this other call?

24 A. Yes.

25 Q. And so, did you leave the scene before he got

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JOEY GINN - DIRECT - HOLLEN

1 there? After he got there? At what point did you leave
2 the scene?

3 A. Before, before.

4 Q. So you left before he got there. Did you have any
5 information that he was on his way to that scene?

6 A. Once he was on his way, yes, I did.

7 Q. Okay. And did you -- let me ask you this. How
8 many people, how many officers were on duty for the
9 Ridgeland Police Department that night?

10 A. At 7:00 o'clock that night, we have three. One at
11 the time of this incident was actually on the way to
12 transport juveniles that were involved in an incident
13 prior to this one to Columbia. And so, there was two
14 more after that one.

15 Q. So two available officers at the scene when this
16 happened?

17 A. Correct.

18 Q. Did you, after you went to the scene of the
19 pointing the firearm, did you go back to the scene of
20 the shooting?

21 A. Yes, I did.

22 Q. And what did you do when you got back there?

23 A. I continued to look again, and found nothing of
24 evidentiary value.

25 Q. Were any other --

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JOEY GINN - DIRECT - HOLLEN

1 A. There was no -- no -- there was no other people
2 there.

3 Q. Okay.

4 A. And then I left after that, immediately
5 afterwards.

6 Q. You said -- I'm sorry, I didn't mean to interrupt
7 -- you said there were no other people there. Were
8 there any other officers on the scene when you got back
9 there?

10 A. No -- or I think Wells was still there. I can't
11 -- I can't recall, because I left a couple of times.

12 Q. Okay. Because of that other call being in close
13 proximity, I went and checked on it at one point, and
14 came back and left again, and actually tried to make
15 contact with the complainant at their residence.

16 Q. Of the pointing?

17 A. Yes.

18 Q. The firearm?

19 A. Yes.

20 Q. All right. So did you see Lieutenant Litchfield
21 that night

22 A. Yes.

23 Q. You did see him. At that scene of the shooting?

24 A. Um-hmm. Yes.

25 Q. Did you explain to him where Mr. Anderson --

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JOEY GINN - CROSS - PLEXICO

1 A. Yes, I did.

2 Q. -- indicated where the shots came from? Is there
3 anything that probably that you should have done at the
4 scene as far as securing it or anything differently,
5 your protocol?

6 A. Oh, yes, yes.

7 Q. Why didn't you do it?

8 A. Unlike most scenes, this one was very calm. I
9 think everyone there was trying to provide information
10 instead of causing a problem for us.

11 Q. Okay.

12 A. Everyone knew to stay here, don't go here, and we
13 did not have any problems at all with anybody on the
14 scene.

15 Q. So basically, what you saw that night, people were
16 listening to your instructions?

17 A. Very much so.

18 Q. All right, Lieutenant. I don't have anything
19 further for you right now. Answer anything Mr. Plexico
20 has. Okay?

21 A. Yes, sir.

22 LIEUTENANT JOEY GINN

23 CROSS-EXAMINATION BY MR. PLEXICO:

24 Q. Okay. Your first involvement in this case was you
25 got a radio message from Officer Wells, correct?

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JOEY GINN - CROSS - PLEXICO

1 A. Part of that was from Dispatch.

2 Q. Okay. All right. What were you requested to do?

3 A. As with any call we get, the dispatchers respond
4 because some -- some incident has occurred.

5 Q. Okay. And did you, as a result of that, were you
6 looking for Peanut and Dre at the Siesta?

7 A. I was looking for two unknown people dressed in
8 all black at this point.

9 Q. Okay. You have listened -- did you -- this case
10 is about two years old, correct?

11 A. (NO VERBAL RESPONSE.)

12 Q. All right. Did you review --

13 COURT REPORTER: I'm sorry, a verbal?

14 A. I'm sorry. Yes.

15 THE COURT: Thank you.

16 BY MR. PLEXICO:

17 Q. Did you review the case notes? You knew the trial
18 was coming up this week, correct?

19 A. Yes, sir.

20 Q. And did you review your case notes in preparation
21 for the trial to refresh your memory?

22 A. Yes, sir, I did.

23 Q. Okay. Did you look at any of the video in regards
24 to refreshing your memory, to bring it back to you so
25 you could testify?

1 A. Some. Some I didn't.

2 Q. All right. So there was -- are you saying there
3 was not a call and you were not told to look for Peanut
4 and Dre?

5 A. Once I was on scene, I was given those two names.
6 And I say *scene*, at the Siesta.

7 Q. All right. Were you -- did you review any of the
8 Dispatch transcripts to prep for this trial?

9 A. No, sir, I did not look at those.

10 Q. Okay. All right. So who were you looking for
11 over at the -- over at the Siesta?

12 A. I was instructed by Officer Wells that it was two
13 unknowns dressed in all black.

14 Q. Okay. So they could have been Asian, they could
15 have been Hispanic, they could have been white, they
16 could have been black. Is that correct?

17 A. Yes.

18 Q. Did you radio back for a better description of who
19 to look for?

20 A. No, not at that time.

21 Q. Okay. Were you looking for someone on foot?

22 A. That's what I was told, yes.

23 Q. Okay. And as a matter of fact, the transmission
24 was *on foot*, *on foot*, when you require -- when you
25 inquired. Is that correct?

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JOEY GINN - CROSS - PLEXICO

1 A. Yes. And headed to the location that I went to,
2 eventually got to.

3 Q. So when you arrived at the KFC, were any family
4 members there already by the time you got there?

5 A. I don't recall, but I think there was a couple at
6 this point.

7 Q. How large did the crowd grow to?

8 A. I'm thinking around fifteen people at the -- at
9 the most.

10 Q. Okay. So --

11 A. I didn't take an exact count, but you know, just
12 to guess, more or less, it probably could have been a
13 little less. Probably not more than fifteen.

14 Q. All right. And you only got the name of one
15 person who was there, correct? One of those family
16 members. Is that correct?

17 A. I don't recall if it -- I don't know which one it
18 was.

19 Q. Okay. Do you have a list of those fifteen family
20 members who were there?

21 A. No, I do not.

22 Q. Okay. When you arrived, wasn't Wrenshad Anderson,
23 the individual seated right here in the blue over-shirt,
24 wasn't he talking on his cell phone and talking to these
25 other people?

1 A. I don't know who he was talking to.

2 Q. Okay. He was talking to a lot of people. Is that
3 correct?

4 A. He made several calls. I think his phone rang,
5 and he made calls at that point.

6 Q. Okay. All right. You wrote that you felt as if
7 Anderson was impaired as he spoke on the phone, based on
8 his slurred speech, his unsteadiness, and you said
9 delirious was the way he was behaving?

10 A. Yes.

11 Q. Okay. All right. And in front of you, he said it
12 was Peanut and Dre. Is that correct? Who were the
13 suspects you all were looking for?

14 A. If that's what it says in my narrative.

15 Q. Well, I'm asking you what do you remember, since
16 you refreshed yourself?

17 A. Yes.

18 Q. Okay. All right. You said you did not have a
19 list of the fifteen people who were there?

20 A. No.

21 Q. Okay. All right. Did some of them actually
22 refuse to give you their name?

23 A. Yes.

24 Q. Okay. So they were not exactly being cooperative,
25 correct?

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JOEY GINN - CROSS - PLEXICO

1 A. They did not want to be involved.

2 Q. Okay.

3 A. But they were being cooperative because they
4 stayed back as I asked.

5 Q. When you go to a crime scene, particularly a
6 murder scene, and you're law enforcement, correct?
7 Correct?

8 A. What's that?

9 Q. When you go to a murder scene, of law enforcement,
10 you're in charge, correct?

11 A. Yes.

12 Q. All right. When you go to that scene, you take
13 charge, correct?

14 A. Yes.

15 Q. And if you see particularly a serious crime, such
16 as murder, you gather data which may, at some point in
17 time, help the State solve that particular serious
18 crime, correct?

19 A. Yes.

20 Q. All right. Now, as part of your duty to take
21 charge and preserve evidence, do you normally get the
22 names of all of the people who are on the crime scene?

23 A. I felt as if just the people there were not on the
24 crime scene, because where they were located was not --
25 had anything to do with where the incident occurred.

1 Q. Well, some of them were discussing the matter with
2 Wrenshad Anderson, correct?

3 A. Like I said, I -- I couldn't understand what he
4 was saying, and I did not know who he was speaking to.

5 Q. Okay. All right. And people on the scene were
6 talking to him, correct?

7 A. I don't recall.

8 Q. All right. Was it pretty chaotic at times
9 controlling the crowd?

10 A. It could have been, yes.

11 Q. Okay. Was it pretty chaotic -- that would be a
12 yes or a no -- at times controlling the crowd?

13 A. No, because like I said, once I told them what I
14 needed them to do, they listened.

15 Q. So you mean fifteen people showed up, none of them
16 talked to him?

17 A. I don't know. I couldn't keep my eyes on him at
18 all times, obviously.

19 Q. Okay. All right. Okay. So you don't know is the
20 answer. Okay. All right. Do you have a dashcam on
21 your car? Did you have a dashcam on your car?

22 A. The vehicle I was in, yes.

23 Q. Okay. All right. Did you get any recordings off
24 of that that had audio?

25 A. I don't recall.

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JOEY GINN - CROSS - PLEXICO

1 Q. Okay. All right. Now, you described Mr. Anderson
2 as delirious and impaired. Is that correct?

3 A. I think I stated earlier he was delirious.

4 MR. PLEXICO: May I approach the witness and
5 retrieve an exhibit? Okay. Could I get you all to turn
6 it up?

7 THE COURT: Yes.

8 MR. PLEXICO: Display it on this Exhibit 2.

9 BY MR. PLEXICO:

10 Q. All right. And you were saying that he said the
11 shots came from over here somewhere. Is that correct?

12 A. I think you're pointing a little further back.

13 Q. All right.

14 A. It would've been about even with the rear of the
15 building.

16 Q. About here is where he said -- you saw those
17 shells there.

18 A. No, sir.

19 Q. Okay. All right. And the path going to the
20 apartments is right here, approximately right there?

21 A. Yes, approximately.

22 Q. Okay. So either -- so the person -- the
23 assailants could have come off the path and then fired?

24 A. Anything is possible.

25 Q. All right. And when did the firing start? What

1 did Wrenshad Anderson say? Were they halfway up, three-
2 quarters of the way up? When did the firing start?

3 SOLICITOR HOLLEN: Your Honor, I'm going to
4 object. Mr. Anderson is the one. That's hearsay.

5 MR. PLEXICO: Well, I mean, they're going to put
6 him up, and this is what -- the accuser.

7 THE COURT: To see if he remembers, he can tell
8 you.

9 BY MR. PLEXICO:

10 Q. All right. He gave you a statement. Wrenshad
11 Anderson gave you a statement that he was being shot at?

12 A. Um-hmm. Yes.

13 Q. He was walking along from here, headed toward this
14 point, correct?

15 A. Yes.

16 Q. At what point did he tell you that he was being
17 shot at? Halfway? Three-quarters?

18 A. I -- I don't remember the exact moment or the
19 exact point, whether halfway, three-quarter, but it was
20 between the trail and the corner of the building that
21 was nearest us in the picture.

22 Q. That would be this trail?

23 A. No, the trail that he came out of.

24 Q. No, this trail. That trail.

25 A. What is referred to as Ho Chi Minh Trail.

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JOEY GINN - CROSS - PLEXICO

1 Q. The what?

2 A. It's called the Ho Chi Minh Trail.

3 Q. The Ho Chi Minh Trail?

4 A. Well, whatever it's --

5 Q. From Vietnam.

6 A. Yes.

7 Q. Thank you. All right. Suffice it to say, that
8 would be a danger, the Ho Chi Minh Trail in Vietnam
9 would be a dangerous trail to be on, particularly if you
10 were being bombed by the Americans, correct?

11 A. I wasn't there. I don't know.

12 Q. Well. So you're kind of taking your life in your
13 own hands if you're running arms and ammunition on the
14 Ho Chi Minh Trail over here.

15 SOLICITOR HOLLEN: Objection, your Honor.
16 Speculation.

17 THE COURT: Let's just ask him a specific question.

18 BY MR. PLEXICO:

19 Q. So there is a lot of crime that originates back in
20 this area. Wouldn't that be fair to say that's a high-
21 crime area back along that trail?

22 A. We -- we get very few reports about that trail.

23 Q. You've gotten shootings back there before, haven't
24 you?

25 A. I don't know. I'd have to go back and look.

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JOEY GINN - CROSS - PLEXICO

1 Q. All right. But that's a well-known, well-worn
2 path, correct?

3 A. Yes. People use it to go from the apartments to
4 Adams Street.

5 Q. And this is practically a ditch dug, it's so deep,
6 right? I mean, it's notably worn down, it's well-worn?

7 A. There's -- well, there's no grass growing on it.
8 How worn it is I don't know.

9 Q. All right. But you found no forensic evidence or
10 anything of value. Is that correct?

11 A. Yes.

12 Q. No footprints that you wanted to record?

13 A. No.

14 Q. There was no physical evidence you wanted to keep?

15 A. No, sir.

16 Q. Okay. All right. And you all used your
17 flashlights so you could see well out there?

18 A. Yes, sir.

19 Q. Okay. All right.

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

21 SOLICITOR HOLLEN: And I don't have anything
22 further. I'd ask that he be excused.

23 THE COURT: Lieutenant Ginn, you may be excused,
24 sir. Thank you. And I think now is a very good time
25 for lunch, ladies and gentlemen. By the clock in the

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JOEY GINN - CROSS - PLEXICO

1 back of the room, is it acceptable if you all will be
2 back, Margaret, is 2:15 okay? Is that all right?

3 MADAM CLERK: That's the right -- that's the right
4 time now.

5 THE COURT: That is the right time now.

6 MADAM CLERK: We fixed it this morning.

7 THE COURT: You fixed it, so we are off. I am so
8 sorry, ladies and gentlemen. Let me ask you, are you
9 ready for lunch, or do you want to wait until 1:00? How
10 do you feel? Like I said, at my house, everyone is so
11 up in arms about Daylight Savings Time, I can't begin --

12 UNIDENTIFIED JUROR: 1:00.

13 THE COURT: You want to wait until 1:00? All
14 right. Margaret, thank you. Well, let's then call our
15 next witness and keep going. At any point, Madam
16 Foreperson, the jury says it's time to eat, let us know.
17 Okay?

18 SOLICITOR HOLLEN: Demitria Williams.

19 THE COURT: Thank you.

20 MADAM CLERK: Raise your right hand and place your
21 left hand on the *Bible*. Do you swear your testimony to
22 the Court to be the truth, the whole truth, and nothing
23 but the truth, so help you God?

24 DEMITRIA WILLIAMS: Yes.

25 MADAM CLERK: Come right around. Have a seat in

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DEMITRIA WILLIAMS - DIRECT - HOLLEN

1 that chair.

2 DEMITRIA WILLIAMS

3 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

4 Q. Good morning, Ms. Williams, for another minute.

5 A. Good morning.

6 Q. Ms. Williams, where are you from?

7 A. Tarboro, South Carolina.

8 Q. Tarboro, South Carolina. Okay. And Ms. Williams,
9 did you know the victim in this case, Devonte Williams?

10 A. Yes, sir.

11 Q. How did you know him?

12 A. That's my child father.

13 Q. He's the father of your child?

14 A. Yes, sir.

15 Q. How old is your child?

16 A. My son is one years old.

17 Q. One year old at the time of this incident, doing
18 my math, you were pregnant?

19 A. Yes, sir. Two months.

20 Q. You were two months pregnant at the time this
21 happened. Okay. Ms. Williams, do you remember being
22 interviewed awhile back, or shortly after this incident,
23 by Lieutenant Litchfield of the Ridgeland Police
24 Department?

25 A. Yes, sir.

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DEMITRIA WILLIAMS - DIRECT - HOLLEN

1 Q. Let me ask you this. Were you at the Siesta Motel
2 or at the scene of this shooting, either one, on the
3 night that this happened?

4 A. When he got killed, no, sir.

5 Q. So you weren't at the Siesta?

6 A. No, sir.

7 Q. And you weren't behind the KFC?

8 A. No, sir.

9 Q. Do you remember talking about an incident that you
10 witnessed between Mr. Freeman and the defendant, Aneisha
11 Young?

12 A. Yes, sir.

13 Q. Do you know Aneisha Young?

14 A. Yes, sir.

15 Q. How do you know her?

16 A. We went to school together.

17 Q. What kind of school? High school, grade school?

18 A. High school.

19 Q. You went to high school together.

20 A. Yes, sir.

21 Q. So you have known her for awhile, then?

22 A. Yes, sir.

23 Q. Do you remember talking about that incident?

24 A. Yes, sir.

25 Q. Can you tell us just a little bit? Do you know

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DEMITRIA WILLIAMS - DIRECT - HOLLEN

1 what it was about?

2 A. Yes, sir.

3 Q. What was it about?

4 A. It was about she thought that Devonte Freeman --

5 MR. PLEXICO: Your Honor, unless she has personal
6 knowledge of what it was about, I would object to that.

7 THE COURT: Okay. You can testify to what you
8 know.

9 BY SOLICITOR HOLLEN:

10 A. Okay. She came to my house one morning. I forgot
11 about what time it was. She knocked on my door when me
12 and Devonte Freeman was living together at Siesta. She
13 knocked on my door, I opened my door, put a crack in my
14 door. She bulge her way in my house. Her and Devonte
15 Freeman was wrestling and tumbling and whatever, and I
16 had my uncle's son in the house with me. I ran to
17 Thomas Riley to get Thomas Riley. And Thomas Riley came
18 in the house, he broke the fight up, and then she dapped
19 Thomas Riley up, and said, don't worry about it, I got
20 it any -- I'll handle it. And she was going to kill
21 Davonte.

22 Q. Okay. When she came in, was she saying anything?

23 A. She was just like, oh, wake up, you p/u/s/s/y, get
24 him up, you know.

25 Q. Where was Devonte?

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DEMITRIA WILLIAMS - DIRECT - HOLLEN

1 A. In the bed asleep.

2 Q. He was in the bed asleep?

3 A. Yes, sir.

4 Q. Did she do anything when she came in?

5 A. She tried going through his pants pockets on the
6 -- on the floor by the bed.

7 Q. Did she say anything while she was picking up his
8 pants or anything?

9 A. She was just like, that N has some of her money.

10 Q. So this was about money?

11 A. Yes, sir.

12 Q. Okay. Do you remember about how long before
13 Devonte was killed that this took place?

14 A. I would say like a couple of weeks, or -- I'm not
15 sure. I think about a couple weeks or a month, I'd say
16 around.

17 Q. Okay. So a couple weeks to a month before is when
18 this happened?

19 A. Yes, sir.

20 Q. Now, Ms. Williams?

21 A. Yes, sir.

22 Q. Do you have any other information? Did you see
23 anything else? You weren't at Siesta, right?

24 A. That's all that I know of what I seen when she
25 came to the house.

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DEMITRIA WILLIAMS - CROSS - PLEXICO

1 Q. That's all you saw?

2 A. Yes, sir.

3 Q. Okay. That's all I have for you, Ms. Williams.

4 A. Okay.

5 Q. Thank you.

6 A. Thank you.

7 DEMITRIA WILLIAMS

8 CROSS-EXAMINATION BY MR. PLEXICO:

9 Q. All right. Did the police come and investigate --
10 did the police come and investigate that?

11 A. I'm sorry?

12 Q. Did the police come and talk to Devonte about the
13 stealing?

14 A. No, sir.

15 Q. Okay. But they have talked to him about stealing
16 before. Is that correct?

17 SOLICITOR HOLLEN: Objection, your Honor.

18 MR. PLEXICO: This is about the decedent, your
19 Honor.

20 SOLICITOR HOLLEN: It's the character of the
21 decedent.

22 MR. PLEXICO: He's open game.

23 THE COURT: Okay. If she has any knowledge of it,
24 she can testify to it.

25 BY MR. PLEXICO:

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DEMITRIA WILLIAMS - CROSS - PLEXICO

1 A. What was the question?

2 Q. Had the police talked to him about stealing
3 before?

4 A. Not to my knowledge.

5 Q. Okay. Did he ever use any drugs?

6 A. No, sir. As -- he used to smoke weed.

7 Q. Excuse me?

8 A. He smoked -- he smoked reefer.

9 Q. I cannot understand. Say it again.

10 A. He used to smoke reefer.

11 Q. He used to smoke -- that would be marijuana?

12 A. Right.

13 Q. Okay. All right. Now, and you have never known
14 him to do any other drug at all? Is that correct?

15 A. Not in front of me.

16 Q. All right. Now, do you know -- you know -- you
17 know Dre?

18 A. I do.

19 Q. And who is Dre?

20 A. He's a friend, was a friend to Devonte and
21 Wrenshad.

22 Q. Okay. Is that Keandre Frazier?

23 A. Yes, sir, it is.

24 Q. Okay. And Dre, does Dre date Tynisha?

25 A. Excuse me?

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DEMITRIA WILLIAMS - CROSS - PLEXICO

1 Q. Who does Dre date?

2 A. Nobody.

3 Q. Doesn't he have a Tynisha that he dates and sees?

4 A. No. They was friends, never dated.

5 Q. Okay. All right. What is her name? Who was the
6 friend that you're referring to?

7 A. I mean, he was cool with all the family. He was
8 friends with all the family. Are you talking about
9 Tynisha Jones?

10 Q. Yeah.

11 A. Oh, they was friends.

12 Q. Okay. All right. And did they ever live
13 together, have children together?

14 A. No, sir, they don't.

15 Q. Okay. But Tynisha Jones?

16 A. Yeah, that's her name.

17 Q. Okay. All right. And Devonte was involved with
18 or knew about several murders, correct?

19 A. Okay.

20 SOLICITOR HOLLEN: Objection, your Honor. I don't
21 know how -- I don't know whether this is -- how it's
22 relevant.

23 THE COURT: Okay. I don't either.

24 MR. PLEXICO: Well, she's trying to say -- he's
25 trying to say that my client had a motive, and I'm

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DEMITRIA WILLIAMS - CROSS - PLEXICO

1 trying to point out that other people had a motive, to.

2 THE COURT: And you don't need to argue in front of
3 the jury, sir. You can ask her a question, and she can
4 answer whether or not she knows the answer.

5 BY MR. PLEXICO:

6 Q. Was he involved in other murders?

7 A. He wasn't.

8 Q. Okay. Did he know about other murders?

9 A. Not of my knowledge. I mean, what are you trying
10 to get at?

11 Q. How long have you known him?

12 A. I've known him since I was sixteen.

13 Q. Okay. How long have you had a close, personal
14 relationship?

15 A. Since we was sixteen. Since I was sixteen.

16 Q. And you know of no others. Do you know any reason
17 anybody would have dislike Devonte?

18 A. I mean, plenty of people disliked him, but what
19 are you trying to get at with this? That's a question
20 to ask.

21 Q. I'm asking why they disliked him.

22 A. The question is why didn't they?

23 Q. You don't know.

24 A. I don't.

25 Q. Oh, okay. All right. So he was just a fine,

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DEMITRIA WILLIAMS - CROSS - PLEXICO

1 upstanding guy, as far as you know?

2 A. As far as I know. What are you trying to get at?

3 Q. Excuse me. I don't --

4 A. What are you trying to get at?

5 Q. I don't understand what you're talking about.

6 A. I said, what are you trying to get at with this,
7 with the question you're asking me.

8 Q. What did you say before that?

9 TALKING OVER EACH OTHER.

10 COURT REPORTER: I'm sorry, one at a time, please.

11 A. I'm asking you, what are you trying to get at with
12 this? That don't have nothing to do with this murder
13 case.

14 Q. Okay. I'm trying to find out why other people
15 didn't like him.

16 THE COURT: Is there a question to that, Mr.
17 Plexico?

18 MR. PLEXICO: Yes, yes.

19 THE COURT: What is it?

20 MR. PLEXICO: Well, she says she doesn't know. I
21 don't guess I have anything else to ask her, Judge.

22 BY MR. PLEXICO:

23 A. Okay. Thank you.

24 THE COURT: Mr. Hollen? Anything?

25 SOLICITOR HOLLEN: Very briefly, your Honor.

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DEMITRIA WILLIAMS - RE-DIRECT - HOLLEN

1 DEMITRIA WILLIAMS

2 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

3 Q. Ms. Williams, who is Tynisha Jones?

4 A. That's his -- they call each other sisters, but
5 they're really cousins. She's back there.

6 Q. Okay. So she was a close family to Devonte?

7 A. Yes, sir.

8 Q. All right. So that's clear. You said something
9 about a dap? You said dap. Somebody dapped? What's
10 that?

11 A. Yeah. He -- that's right. She dapped him. Yes.
12 Yes, sir.

13 Q. Okay. I just wanted to make sure that was clear.

14 A. Yes, sir.

15 Q. Now, what did Ms. Young say when she was -- and
16 who did she dap?

17 A. Thomas Riley.

18 Q. She dapped Thomas Riley?

19 A. Yes, sir.

20 Q. And what did she say to him?

21 A. She said, don't worry about it, I'll handle it.

22 Q. Okay.

23 A. Yes, sir.

24 Q. Thank you, Ms. Williams. That's all I've got.

25 A. Okay. Thank you.

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1 THE COURT: Anything else?

2 MR. PLEXICO: Just briefly.

3 DEMITRIA WILLIAMS

4 RE-CROSS EXAMINATION BY MR. PLEXICO:

5 Q. When every did this -- could this happen months
6 before? A number of months?

7 A. A couple weeks or a month. I don't reco -- I
8 don't recommend when it happened, but it happened around
9 that time he got killed on April 30th.

10 Q. Okay. But it was a week? Weeks to a month before
11 that?

12 A. I don't recall when it was. I didn't look at the
13 date when it happened, sir.

14 Q. Did you report it to the police?

15 A. Did I report it to the police?

16 Q. Yes.

17 A. We did not call the police.

18 Q. Oh.

19 A. Okay.

20 THE COURT: Anything else?

21 MR. PLEXICO: I don't have anything further.

22 THE COURT: Mr. Hollen?

23 SOLICITOR HOLLEN: No, your Honor.

24 THE COURT: All right. Any objection to this
25 witness being excused?

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1 SOLICITOR HOLLEN: None, your Honor.

2 MR. PLEXICO: None, your Honor.

3 THE COURT: Ms. Williams, you're excused.

4 A. Thank you.

5 THE COURT: Call your next witness.

6 SOLICITOR HOLLEN: Next call Bernard Seabrooks.

7 MADAM CLERK: Come right around.

8 THE COURT: Come on forward, sir.

9 MADAM CLERK: Raise your right hand and place your
10 left hand on the *Bible*. Do you swear the testimony
11 you're about to give the Court to be the truth, the
12 whole truth, and nothing but the truth, so help you God?

13 COURT REPORTER: I'm sorry, I didn't hear your
14 answer. I didn't hear your answer to her question.

15 BERNARD SEABROOKS: Yes, ma'am.

16 COURT REPORTER: Thank you.

17 BERNARD SEABROOKS: Yes, ma'am.

18 THE COURT: Come on around, sir.

19 MADAM CLERK: You can adjust that chair and the
20 mic.

21 BERNARD SEABROOKS

22 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

23 Q. Good afternoon, Mr. Seabrooks.

24 A. How are you doing?

25 Q. Good. How are you?

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1 A. I'm okay.

2 Q. Good. Mr. Seabrooks, where are you from,
3 originally?

4 A. I'm originally from South -- South Carolina, right
5 here.

6 Q. This area.

7 A. Ridgeland.

8 Q. Okay. Where were you living in April of 2016?

9 A. Siesta.

10 Q. You were living out at Siesta Motel?

11 A. Yes, sir.

12 Q. How long did you live there?

13 A. Oh, about a -- about a year.

14 Q. You lived there about a year?

15 A. About a year.

16 Q. And you were living there, you said, April 2016?

17 A. Yes, sir.

18 Q. Do you know the victim in this case? Did you know
19 Davonte Freeman?

20 A. Yes, I did.

21 Q. Did you know Eric Darien?

22 A. I know of him.

23 Q. Peanut? You know of him?

24 A. Yeah, yeah.

25 Q. Okay. So were you at the Siesta on the night of

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1 April 29th and April 30, 2016, the night that Davonte
2 was killed?

3 A. Yes, sir.

4 Q. You were? Okay. What were you doing at the
5 Siesta that night? You were living there, but what were
6 you doing?

7 A. Just playing cards.

8 Q. So you were hanging out playing cards?

9 A. Yes, in my house.

10 Q. You're at your house.

11 A. In my house.

12 Q. Who all was in your house hanging out that night?

13 A. See, that -- see, that, I can't tell you.

14 Q. Right.

15 A. Because it was just open.

16 Q. So were there a lot of people inside and out?

17 A. Yes. Yeah.

18 Q. Did Davonte come and go?

19 A. Yes, he did.

20 Q. Did Wrenshad Anderson come and go?

21 A. Who is that?

22 Q. Wrenshad. Wrenshad Anderson, Kwame.

23 A. Oh, yeah, he came in.

24 Q. Davonte's brother?

25 A. Yeah.

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1 Q. You know him?

2 A. Yes.

3 Q. Okay. So you all were hanging out at your house.
4 At some point, did you see Mr. Keith Horton?

5 A. Yes, later on that night.

6 Q. Okay. So when you're in your house, how did you
7 come into contact with Keith Horton?

8 A. Someone came out and told me that he wanted to see
9 me.

10 Q. Okay. And what did you do then?

11 A. I came down and saw him.

12 Q. And you talked to Mr. Horton?

13 A. Yes, I did.

14 Q. Did he ask you to do anything?

15 A. He asked me was he -- Davonte up in my house.

16 Q. Gotcha. And was Davonte up in your house?

17 A. Yes, he was.

18 Q. So what did you do?

19 A. I went and told Davonte to come, he want to see
20 me.

21 Q. Okay. So you went up and sent Davonte down to see
22 Mr. Horton?

23 A. Yes, sir.

24 Q. Mr. Horton, did he ever get out of his car?

25 A. No, he didn't.

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1 Q. Do you know what he drove, Mr. Horton?

2 A. Pickup truck, Chevy pickup.

3 Q. Pickup truck?

4 Q. So he sat in his car?

5 A. Um-hmm.

6 Q. What did he do when he was sitting in his car?

7 A. He was just talking.

8 Q. Talking to Davonte?

9 A. Yes, sir.

10 Q. Did anyone else, when Davonte went down to talk to
11 Mr. Horton, did anybody go with him that you saw?

12 A. No. No.

13 Q. Did you see at any point Eric Darien or Peanut
14 talking to Mr. Horton?

15 A. Well, they -- well, he went down there, and they
16 was down there together, you know.

17 Q. Okay. So --

18 A. But I don't know who they were talking with, but
19 they was down there. He went downstairs.

20 Q. Peanut did?

21 A. Yeah.

22 Q. Did he go down with Davonte?

23 A. No. I can't say they went together, no.

24 Q. All right. But that he went down. Did you see
25 Peanut or Eric Darien talking to Mr. Horton with

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SEABROOKS - CROSS - PLEXICO

1 Davonte?

2 A. No. No, sir.

3 Q. All right. But you saw them go down about the
4 same time?

5 A. Yeah, yeah, that's right.

6 Q. Anybody else that you saw that was hanging out in
7 your house that night? What are the names of some other
8 people that were there?

9 A. Well, see, it was just --

10 Q. Just in and out?

11 A. Yeah, right. And I'm playing cards, so I'm not
12 really paying attention, so.

13 Q. Gotcha. So the only thing you really know is that
14 Davonte went and talked to Mr. Horton. Is that right?

15 A. Yes.

16 Q. And you said that Peanut went down about the same
17 time?

18 A. Yeah.

19 Q. All right. I don't have anything further for you,
20 Mr. Seabrooks.

21 A. Okay.

22 Q. Answer anything that Mr. Plexico has. Okay?

23 A. All right.

24 BERNARD SEABROOKS

25 CROSS-EXAMINATION BY MR. PLEXICO:

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SEABROOKS - CROSS - PLEXICO

1 Q. You did say he went down about the same time. You
2 really don't know when Peanut went down. They were just
3 both down there together, you think, at some point?

4 A. Yes.

5 Q. They both left. And you don't know what they were
6 doing? You don't know if he talked to Mr. Horton or he
7 went down the road or?

8 A. No. Talking to Mr. Horton.

9 Q. You saw Davonte talking to Mr. Horton.

10 COURT REPORTER: One at a time, please. Would you
11 answer again? You saw Davonte what?

12 A. Talking to Mr. Horton.

13 Q. Okay.

14 Q. Okay. And you don't know what happened to Peanut.

15 A. No, sir.

16 Q. Okay.

17 A. No, sir.

18 MR. PLEXICO: I don't have anything further.

19 THE COURT: Anything further?

20 SOLICITOR HOLLEN: No, your Honor. I'd ask he be
21 excused.

22 THE COURT: Mr. Seabrooks, you're excused, sir.

23 Thank you.

24 BERNARD SEABROOKS: Thank you, ma'am.

25 THE COURT: Okay. Call your next witness.

3-13-18 STATE V. YOUNG KEITH HORTON - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: Keith Horton.

2 MADAM CLERK: Raise your right hand and place your
3 left hand on the *Bible*. Is the testimony you're about
4 to give the Court the truth, the whole truth, and
5 nothing but the truth, so help you God?

6 KEITH HORTON: I do.

7 MADAM CLERK: Come right around and have a seat in
8 the witness chair. You can adjust that chair and the
9 mic.

10 KEITH HORTON

11 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

12 Q. Good afternoon, Mr. Horton.

13 A. Good afternoon.

14 Q. Mr. Horton, what do you do for a living?

15 A. Real estate agent and property manager for Siesta
16 and Palms Motel.

17 Q. So you are a property manager for the Siesta
18 Hotel. Do you recall the evening/morning hours of April
19 30, 2016?

20 A. Yes.

21 Q. For lack of a better term, you may not know the
22 date, but do you remember the Day Davonte Freeman was
23 killed?

24 A. Yes.

25 Q. Did you know Davonte Freeman?

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1 A. Yes.

2 Q. How did you know him?

3 A. From coming up to the Siesta. He had rented from
4 us at times, and he had been a regular up there.

5 Q. So you knew him?

6 A. Yes, sir.

7 Q. The night that Davonte was shot and killed, did
8 you get a phone call?

9 A. Yes, sir. I was at home, received a phone call
10 probably around 11:00-ish, around that time.

11 Q. Okay.

12 A. Somewhere in that neighborhood. That something --
13 they were telling me that Davonte was on trespass notice
14 up there. He wasn't supposed to be up there. Received
15 a call that he was there and on the property. So I went
16 up there at that time.

17 Q. Okay. So Davonte was on trespass notice?

18 A. Yes.

19 Q. Is that something you took out?

20 A. Yes.

21 Q. Do you remember why?

22 A. There was an incident where he had got in trouble
23 a couple weeks ago with having a gun on the property.

24 Q. Okay. And so, you took out a no trespass where he
25 wasn't allowed up there?

1 A. Yes.

2 Q. Did he have family members that lived up there at
3 the time?

4 A. He had cousins, I think, that was up there, and
5 that's when he would always try to sneak in to go see
6 them.

7 Q. Gotcha.

8 A. It was a regular for him trying to sneak in.

9 Q. Okay. This call you got, what kind of phone did
10 you receive it on?

11 A. It was on my cell phone.

12 Q. And is that a number that's known to a lot of
13 people at the Siesta?

14 A. Everybody. That's their emergency contact number.

15 Q. Okay. So what hours can they contact you on that
16 phone?

17 A. Twenty-four hours a day.

18 Q. Twenty-four hours a day. So you received a phone
19 call on your cell phone. Was there a number or anything
20 that popped up on that call?

21 A. I think it was -- it was a blocked number -- it
22 was a blocked -- it wasn't a number with it, but it was
23 a female on the other end.

24 Q. So it was a female from a blocked number. And do
25 you recall what it said, what the phone call said?

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1 A. She told me that Davonte was up at the Siesta, and
2 I believe -- I can't remember exactly, but I believe she
3 told me which room he was in, which was Seabrooks'.

4 Q. All right. So what do you do as a result of that?

5 A. I got ready and rode up there. And when I pulled
6 up to the Siesta, I pulled up there in front of the
7 apartment where I was told he was at. I was met -- like
8 three people came up to the truck. One was female, one
9 was a male, and I'm -- I'm not sure if it's Seabrooks or
10 if it was somebody else came and he told me where he was
11 at. And I asked them if they'd go get him and have him
12 come and talk to me. He knew me. He was, you know,
13 wasn't going to be no issue with him coming to talk to
14 me.

15 Q. Gotcha. So you get up there, and you see a female
16 and a male, and maybe Mr. Seabrooks?

17 A. Yes, sir.

18 Q. Do you remember what the female or the male looked
19 like?

20 A. Pretty much the female, I do, she was a shorter
21 lady.

22 Q. Do you recognize her? Did you see her -- the
23 person you saw that night, do you see her in the
24 courtroom?

25 A. Yes, sir.

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1 Q. Can you point her out for us.

2 A. Her hair's different, but that's her.

3 Q. All right. So that is the female. What? You
4 said you saw her? Did she come and talk to you?

5 A. She came up to the truck and, like I said, three
6 of them, and she was the one walked up next to my truck.
7 There was like three or four of them when I pulled up
8 there, to let me know what was going on.

9 Q. Okay. And did she indicate anything about where
10 Davonte was?

11 A. They told me he was upstairs.

12 Q. They told you he was upstairs, so he comes down
13 and talks to you? Was he rude to you? Was he mean?

14 A. No, sir. Davonte was always very polite. We've
15 had our dealings. He was on trespass, but he was always
16 very polite. Yes-sir, no-sir person. I just explained
17 to him, we actually talked for probably hour, hour and a
18 half at least before about that he needed to straighten
19 up, that I wasn't going to be letting him up there.

20 Enough, enough. I realize his family was up there. He
21 wanted to see them, but a trespass notice is a trespass
22 notice. Had to stop or else, you know, we would have to
23 call the law and get him put in jail for it.

24 Q. All right. Did you start to call the police that
25 night?

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1 A. No, because he was -- Davonte was -- like I say,
2 he was always super nice, and he gave no -- it was yes,
3 sir, I realize I'm wrong, I will leave, and there was no
4 -- there was no disturbance or anything. He was willing
5 to leave. He knew he was in the wrong; he admitted he
6 was in the wrong; said he would leave; said he wouldn't
7 come back and everything, so.

8 Q. So did you see Davonte Freeman leave the Siesta
9 that night?

10 A. Yes, he left with his brother.

11 Q. Which way did they go?

12 A. When they went to the parking lot, if you're
13 facing out, mostly turn to the right, like you're
14 heading towards Main Street, downtown red light.

15 Q. All right. Did you see -- let me ask you this.
16 They were on foot?

17 A. They was on foot, yes, sir.

18 Q. Okay. Did you see -- you said you saw -- you
19 pointed out the defendant, Aneisha Young. Did you see
20 her leave that night?

21 A. Yeah, they left a little bit before Davonte. It
22 was her, and I believe two -- I know one gentleman. I
23 believe it was two gentlemens inside of the car that
24 left shortly before Davonte and his brother left.

25 Q. So Aneisha Young and a couple of other people that

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1 you couldn't recognize, you said gentlemen?

2 A. Yeah.

3 Q. But you don't know names or anything like that?

4 A. No, sir.

5 Q. So they left shortly before Davonte and Wrenshad
6 did?

7 A. Yes, sir.

8 Q. Do you remember what -- did they leave on foot?

9 A. No, they left in a car.

10 Q. Do you remember anything about the car?

11 A. It was a -- I believe it was a four-door car when
12 they left, and memory -- it was like a silver-grayish-
13 car thing, I believe.

14 Q. All right. Do you remember anything about the
15 sound of the car?

16 A. No, sir.

17 Q. Okay.

18 A. I was still sitting in my car, so I couldn't hear.

19 Q. You're still sitting in your car, and you saw --
20 do you see the person in the courtroom you saw leaving
21 in that car?

22 A. Yes. It's the same lady.

23 SOLICITOR HOLLEN: All right. Let the record
24 reflect he's identified the defendant, Ms. Young.

25 BY SOLICITOR HOLLEN:

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1 Q. Anything else about this case that you know, Mr.
2 Horton?

3 A. No, sir, not really. Like I say, I was still up
4 there when we got the call that he was -- that somebody
5 had been shot behind the KFC and everything, and I went
6 and hung around. I was still on site whenever we got
7 the call from the police. I think the police department
8 came back over there.

9 Q. So you were at the Siesta when the call came in?

10 A. Yes, sir. I think the police came back up there,
11 and they were the one that told me that.

12 Q. So you spoke --

13 A. After he was shot.

14 Q. I'm sorry? You spoke with an officer that came to
15 the Siesta?

16 A. They send -- sent a police officer over.

17 Q. And he informed you of the situation?

18 A. Yes, sir.

19 Q. Anything you did after that, or did you go home?

20 A. I went around the shopping center, which is --
21 went on where he was shot. I went around there and I
22 spoke with his brother and family and stuff.

23 Q. Okay. So about, do you know how many people were
24 on scene, on the scene of that shooting, when you got
25 there?

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KEITH HORTON - CROSS - PLEXICO

1 A. Probably at least fifteen, twenty.

2 Q. Okay.

3 A. There was a good little crowd hanging around in
4 the front parking lot.

5 Q. Were there officers on that scene when you got
6 there?

7 A. Yes, sir. An ambulance was leaving when I got
8 there, and it just pulled off.

9 Q. Okay. All right. I believe that's all I have for
10 you. Answer anything Mr. Plexico has. Okay?

11 THE COURT: Mr. Plexico?

12 MR. PLEXICO: Court's indulgence.

13 KEITH HORTON

14 CROSS-EXAMINATION BY MR. PLEXICO:

15 Q. All right. So you believe that -- you said the
16 person you identified as my client left in a four-door
17 car with two gentlemen. Is that correct?

18 A. Yes, sir.

19 Q. All right.

20 A. I said I believe it was two gentlemen. I know it
21 was one gentleman. I believe it was two gentlemens.

22 Q. Okay. All right. Thank you.

23 SOLICITOR HOLLEN: Nothing further, your Honor. I
24 ask to be excused.

25 THE COURT: You're excused, Mr. Horton, sir.

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CEDRIC RILEY - DIRECT - HOLLEN

1 A. Thank you.

2 THE COURT: Your next witness.

3 SOLICITOR HOLLEN: Cedric Riley.

4 MADAM CLERK: Raise your right hand and place your
5 left hand on the *Bible*. Do you swear the testimony
6 you're about to give the Court be the truth, the whole
7 truth, and nothing but the truth, so help you God?

8 CEDRIC RILEY: Yes, ma'am.

9 MADAM CLERK: Come right around and have a seat in
10 the witness chair. You can adjust that chair and the
11 mic.

12 CEDRIC RILEY

13 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

14 Q. Good afternoon, Mr. Riley.

15 A. Yes, sir.

16 Q. You all settled in?

17 A. Yes, sir.

18 Q. Okay. Mr. Riley, where -- are you from this area?
19 Where are you from?

20 A. I'm from Ridgeland. I grew up on Logan Lane.

21 Q. Okay. And where did you live in April of 2016?

22 A. Siesta's Apartment.

23 Q. So do you recall the night that Davonte Freeman
24 was shot and killed?

25 A. Yes, sir.

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CEDRIC RILEY - DIRECT - HOLLEN

1 Q. All right. Mr. Riley, what were you doing on the
2 night that Davonte Freeman was shot and killed?

3 A. Playing cards with my cousin and her boyfriend.

4 Q. So you were playing cards that night?

5 A. Um-hmm.

6 Q. Where were you at the Siesta? Whose apartment
7 were you in?

8 A. I was at my cousin's apartment.

9 Q. And who is your cousin?

10 A. Tynisha.

11 Q. Okay. Let's clarify. Not Aneisha, over there.
12 Not the defendant.

13 A. No.

14 Q. What's her last name? Do you know?

15 A. Jones.

16 Q. So is that Tynisha Jones?

17 A. Uh-huh.

18 Q. And she was Davonte's cousin, also?

19 A. Yes.

20 Q. Mr. Riley, you knew Davonte Freeman. Is that
21 right?

22 A. Yeah, that's my cousin.

23 Q. Do you know Eric Darien?

24 A. Yeah.

25 Q. Or -- did he go by Peanut?

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CEDRIC RILEY - DIRECT - HOLLEN

1 A. Yes, sir.

2 Q. Do you know the defendant, Aneisha Young?

3 A. I done seen her before, but I don't know her like
4 that.

5 Q. Gotcha. So at the Siesta that night, who all was
6 playing cards?

7 A. Me, Tynisha Jones, her boyfriend, and one of my
8 friends.

9 Q. Okay. Which friend?

10 A. Name Dre. Keandre.

11 Q. Keandre Frazier?

12 A. Yes, sir.

13 Q. All right. So just the four of you all playing
14 cards?

15 A. Um-hmm.

16 Q. Do you remember seeing Davonte that night?

17 A. Yeah, I seen him one time.

18 Q. All right. Do you remember seeing Eric Darien
19 that night?

20 A. Yeah, I seen him.

21 Q. Mr. Riley, when you first saw Eric Darien, do you
22 remember what he was wearing?

23 A. Some green pants.

24 Q. Okay. At some point that night, did Eric Darien
25 change his clothing?

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CEDRIC RILEY - DIRECT - HOLLEN

1 A. He had some black pants on.

2 Q. All right. So you say he had gray pants first?

3 A. Like some grayish/greenish looking. Like they
4 were like collards.

5 Q. And so, he changed into black pants? What color?

6 A. Well, earlier, like a little bit before, you know,
7 before the incident happened. But it was early.

8 Q. Okay. So before the incident happened, he changed
9 clothes?

10 A. Um-hmm.

11 Q. What color --

12 A. It was -- it was probably before the argument, but
13 he did change clothes.

14 Q. Okay. What argument?

15 A. I guess they had a argument out there.

16 Q. Okay. Do you remember what color shirt he was
17 wearing?

18 A. He always had on a black shirt.

19 Q. Black shirt, black pants.

20 A. Um-hmm.

21 COURT REPORTER: Yes, no?

22 A. Yes, ma'am.

23 Q. Do you remember the defendant, Aneisha Young,
24 showing up that night?

25 A. Yeah, she came up. She came up to get him.

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CEDRIC RILEY - DIRECT - HOLLEN

1 Q. She came to get him?

2 A. Yeah, to take him home, I guess. That's what he
3 say, he was on his way home.

4 Q. Do you know what kind of relationship, and I don't
5 mean romantic, but do you know what kind of relationship
6 Mr. Darien and Ms. Young have?

7 A. I mean, he call her his sister, but you know.

8 Q. He called her his sister? So they were pretty
9 tight?

10 A. Yeah. I guess so. That's what he said.

11 Q. You see them hanging out before this?

12 A. I seen them one time before.

13 Q. All right. Did Mr. Darien ever live with you?

14 A. Yeah.

15 Q. Did he -- you saw him with Ms. Jones, then?

16 A. Yeah, she came one time. She came to see him one
17 time.

18 Q. I mis-spoke. Ms. Young, right? Sorry. Not Ms.
19 Jones.

20 A. Yeah.

21 Q. Okay. So you remember seeing Ms. Young that
22 night?

23 A. Yeah.

24 Q. Do you remember what she was wearing?

25 A. She had on like a black shirt. I couldn't really

1 -- I know it was short pants. I couldn't really tell
2 you.

3 Q. Gotcha.

4 A. Because I don't remember, you know. It was a
5 minute ago.

6 Q. What color were the clothes she was wearing?

7 A. Her shirt was black.

8 Q. Okay.

9 A. Her pants, they might have been gray, black. I
10 don't know. I know it was shorts.

11 Q. Okay. Do you remember Keith Horton coming up to
12 the Siesta?

13 A. Yeah, he came and talked to me.

14 Q. He came to talk to you?

15 A. Yeah.

16 Q. And did you speak with him?

17 A. Yes, sir.

18 Q. And did he --

19 A. He asked me was Davonte in my apartment, and I
20 told him no. He said somebody called and told him
21 Davonte was in my apartment at the time. Davonte wasn't
22 in my apartment at the time. So I told him he can go up
23 there and look. Me and him was talking, and --

24 Q. Did he find Davonte at some point?

25 A. Yeah, he found him.

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CEDRIC RILEY - DIRECT - HOLLEN

1 Q. He talked to Davonte. Do you know how long he
2 spoke with him?

3 A. I don't know exactly how long.

4 Q. All right.

5 A. I was --

6 Q. Did you see Davonte leave that night?

7 A. No, sir. I was in the back, still playing cards.

8 Q. All right. Did you see Eric Darien leave that
9 night?

10 A. Yeah, I seen him pull off.

11 Q. All right. Who was in the -- how did Eric Darien
12 leave that night?

13 A. He left with Aneisha and whoever the other person
14 was. I don't know the other person.

15 Q. So there was the third person. Do you know if it
16 was a male or a female?

17 A. It looked like a female.

18 Q. Okay.

19 A. But it could have been a male.

20 Q. All right. So did you see Peanut and Aneisha
21 together that night?

22 A. Um-hmm.

23 COURT REPORTER: Yes, no?

24 THE COURT: Yes or no.

25 A. Yes, ma'am. Yes.

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CEDRIC RILEY - DIRECT - HOLLEN

1 Q. So when they left, how did they leave?

2 A. A little, small, black car.

3 Q. A little, small car? Do you remember if it was a
4 two-door or four-door?

5 A. I think it was a four-door.

6 Q. You think it was a four-door. Do you remember
7 anything about that car?

8 A. It was like a loud muffler.

9 Q. A loud muffler on it.

10 A. It had a loud muffler on it.

11 Q. When did you see the defendant, Aneisha Young;
12 Peanut, or Eric Darien; and this third person leave? Do
13 you remember what time?

14 A. I was talking to Mr. Horton at that time.

15 Q. You were talking to Mr. Horton at that time?

16 A. Um-hmm.

17 Q. About how long before -- let me back up. Do you
18 remember when the shooting happened?

19 A. I got a call -- we got a call saying Davonte got
20 shot.

21 Q. People started getting phone calls when Davonte
22 got shot?

23 A. Um-hmm.

24 Q. About how long before he got shot do you remember
25 them leaving?

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CEDRIC RILEY - DIRECT - HOLLEN

1 MR. PLEXICO: I'm unclear about who he's talking
2 about. He said *them*.

3 BY SOLICITOR HOLLEN:

4 Q. The defendant, Ms. Young; and Eric Darien; and
5 this third person.

6 A. I say about twenty minutes.

7 Q. About twenty minutes. All right. Did you hear
8 the shots?

9 A. Not really, no, sir.

10 Q. You know where it occurred, though?

11 A. Um-hmm.

12 Q. How far is it from the Siesta? You know?

13 A. It's not that far. Probably like ten -- walking,
14 five minutes, ten minutes at the most.

15 Q. So you all did not -- didn't hear the shots?

16 A. No, because we had music on. We was playing cards
17 and making a lot of noise, too.

18 Q. Okay. Mr. Riley, in that car, do you remember
19 where people were sitting?

20 A. I remember the person, I don't know, she was
21 driving.

22 Q. Okay.

23 A. Aneisha got on the passenger side, Peanut got on
24 the back driver's side.

25 Q. So unknown person driving, the defendant in the

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CEDRIC RILEY - CROSS - PLEXICO

1 front passenger seat?

2 A. Yeah, passenger.

3 Q. And Mr. Darien in the back?

4 A. Um-hmm.

5 Q. Now, Mr. Riley, do you see the person in the
6 courtroom today that you know as Aneisha Young?

7 A. Right there.

8 Q. Is that the same person you saw get in the car
9 with Eric Darien and this unknown person and leave?

10 A. Yes, sir.

11 Q. All right.

12 SOLICITOR HOLLEN: Court's indulgence, your Honor.

13 THE COURT: Yes, sir.

14 BY SOLICITOR HOLLEN:

15 MR. HOLLON: All right, Mr. Riley. I don't have
16 anything further. Please answer any questions Mr.
17 Plexico has.

18 THE COURT: Mr. Plexico?

19 MR. PLEXICO: Thank you.

20 CEDRIC RILEY

21 CROSS-EXAMINATION, BY MR. PLEXICO:

22 Q. You said you were talking to Mr. Horton. Is that
23 correct? At some point during that night?

24 A. Yes, sir.

25 Q. Okay. And Mr. Horton was there awhile, and he

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CEDRIC RILEY - CROSS - PLEXICO

1 talked to Davonte Freeman, correct?

2 A. Yes.

3 Q. All right. And when you saw the person you
4 identified as my client leaving, okay, Mr. Horton was --
5 had he yet talked to Mr. Davonte Freeman?

6 A. No, he was talking to me.

7 Q. He was talking to you. Then he talked to Davonte?

8 A. Um-hmm.

9 Q. And while he was talking to -- when Davonte came
10 down, you went back to playing cards and listening to
11 music. Is that correct?

12 A. He went to the front to find -- really, to find
13 out which apartment he was in.

14 Q. Okay.

15 A. Because he really didn't know which apartment. I
16 guess he came down to talk to him.

17 Q. Okay. And that's when you saw the people you have
18 identified as my client leaving with two other people?

19 A. No, when I was talking to Mr. Horton, they was
20 leaving.

21 Q. Okay. All right. So then, when Mr. Horton went
22 about his business of finding Davonte and seeing what
23 apartment?

24 A. Yeah. Yes, sir.

25 Q. And then, they had a chat, and that's -- and then

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1 he left at some point? Okay. All right. Now, this was
2 about two years ago, correct?

3 A. Yes, sir.

4 Q. All right. And this was -- what was this, a
5 Saturday night or a Friday night? Do you recall?

6 A. I don't remember what night it was.

7 Q. Were you all drinking beer?

8 A. Were we drinking beer?

9 Q. Were you drinking alcohol?

10 A. No, no.

11 Q. Consuming alcoholic beverages?

12 A. We was playing cards.

13 Q. Okay.

14 A. They might have been drinking alcohol, but we
15 wasn't drinking alcohol. We was out there just playing
16 cards and having fun.

17 Q. Okay. All right. Did you get a call from
18 Wrenshad Anderson that night?

19 A. Yes.

20 Q. And was it shortly after the shooting?

21 A. Yes.

22 Q. Okay.

23 A. And I didn't get the call; we got the call.

24 Q. Who's we?

25 A. His cousin, which is my cousin, Nisha or Tynisha.

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CEDRIC RILEY - CROSS - PLEXICO

1 Not that Neisha.

2 Q. Aneisha -- Tynisha Jones.

3 A. Jones.

4 Q. Okay. So he would call a Nisha Jones. Is that
5 correct?

6 And how much -- how shortly after --

7 COURT REPORTER: He didn't answer. *So he would*
8 *call a Nisha Jones. Is that correct?*

9 A. Yes, ma'am.

10 Q. How shortly after the shoot -- was it almost
11 immediately he called Nisha after the shooting?

12 A. Yes. Like five or ten minutes, five, he probably
13 called -- then called her.

14 Q. All right. And that's right after the shooting?

15 A. Um-hmm. Yes, sir.

16 Q. And Dre was playing cards with you and Nisha
17 Jones?

18 A. Yes, sir.

19 Q. And okay. All right. And so, he believed that
20 Dre, at that point, until he talked to Nisha, had shot
21 him. Is that correct?

22 A. Yes, sir.

23 Q. All right. Then he changed his mind.

24 A. No, had something to do with it. He didn't say he
25 shot him. He thought we had -- he thought we had

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1 something to do. He thought we was with them.

2 Q. Okay. So he thought that you --

3 A. Yes. At that time, he was just saying anybody
4 that associated with them had something to do. He was
5 mad. He was upset. He didn't know what was going on.

6 Q. Because he didn't know who shot him. Is that
7 correct?

8 A. No, he knew who shot -- he knew who shot him,
9 because he went to call back there. So obviously, he
10 knew what happened.

11 Q. He called the names of Peanut and Dre that shot
12 him?

13 A. He didn't say Dre shot him. He said you had
14 something to do with it.

15 Q. Okay. All right. Now, you've got -- you weren't
16 -- were you using any drugs that night?

17 A. No.

18 Q. And you've got a drug conviction for distribution
19 of cocaine?

20 A. That don't have nothing -- that don't have nothing
21 to do with this.

22 Q. Do you have drug conviction of distribution of
23 cocaine?

24 A. Yes, I -- yes, I do.

25 Q. You got a failure to stop for a blue light?

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CEDRIC RILEY - CROSS - PLEXICO

1 A. Yes, I do.

2 Q. All right. Did you call the police and relay
3 anything that you knew to them? Did you deal with the
4 police?

5 A. You said did I deal with the police?

6 Q. Yes. Did you call the police and relay anything
7 about the phone calls?

8 A. No.

9 Q. Okay. All right. And you don't sell drugs. Is
10 that correct?

11 A. No.

12 Q. All right. You've never sold drugs. Is that
13 correct?

14 A. No, sir.

15 Q. All right. But you've got a conviction for it?

16 A. I plead guilty to it.

17 Q. Okay.

18 THE COURT: Anything further?

19 MR. PLEXICO: No, Judge.

20 THE COURT: Anything further, Mr. Hollen?

21 CEDRIC RILEY

22 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

23 Q. Mr. Riley, at some point, did you voluntarily go
24 and give a statement?

25 A. Yes, sir.

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CEDRIC RILEY - CROSS - PLEXICO

1 Q. And do you remember giving that statement to
2 Lieutenant Litchfield?

3 A. Yes, sir.

4 Q. Okay. And you did that on your own, correct?

5 A. Yes, sir.

6 Q. All right. Did you tell them everything at that
7 time that you knew about this?

8 A. Yes, sir.

9 Q. And you're still telling us everything you know
10 about this?

11 A. Yes, sir.

12 SOLICITOR HOLLEN: I don't have anything further,
13 Mr. Riley. Thank you.

14 MR. PLEXICO: Court's indulgence, your Honor,
15 please.

16 THE COURT: Okay.

17 MR. PLEXICO: I have nothing further, your Honor.

18 THE COURT: Okay. Mr. Hollen, anything?

19 SOLICITOR HOLLEN: No, your Honor.

20 THE COURT: All right. Sir, you may step down.

21 Thank you. Do we have another short witness, or is the
22 next witness going to be a long?

23 SOLICITOR HOLLEN: Unless -- your Honor, may I have
24 a brief moment to check on a witness?

25 THE COURT: Sure. Why don't you run on out and see

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1 if they're there.

2 SOLICITOR HOLLEN: Thank you.

3 THE COURT: Yes, sir. Sit tight, ladies and
4 gentlemen.

5 SOLICITOR HOLLEN: Your Honor, I have a short
6 witness I can call before lunch.

7 THE COURT: Very good. Let's do that, and then
8 break for lunch.

9 SOLICITOR HOLLEN: William Malphrus.

10 MADAM CLERK: Raise your right hand and place your
11 left hand on the *Bible*. Do you swear the testimony
12 you're about to give to the Court to be the truth, the
13 whole truth, and nothing but the truth, so help you God?

14 WILLIAM MALPHRUS: Yes, ma'am.

15 MADAM CLERK: Come on around. You can adjust that
16 chair and the mic.

17 WILLIAM MALPHRUS

18 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

19 Q. Good afternoon, Mr. Malphrus. How are you today?

20 A. Thank you. I'm well.

21 Q. Mr. Malphrus, where did you live in April of 2016?

22 A. [REDACTED] East Adams Street.

23 Q. And is that right near or right behind the KFC?

24 A. Yes, within a rock's throwing distance of it.

25 Q. Okay. So you lived there in April 2016. Do you

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1 remember speaking to officers about something you heard
2 on a night in April of 2016?

3 A. Vaguely, but I do.

4 Q. So you were living in the area behind KFC. Can
5 you tell us what you heard and what you saw when you
6 were living on East Adams Street?

7 A. Well, to the best of my ability, I kind of
8 remember hearing some gunshots.

9 Q. Okay.

10 A. And then I walked out on the porch.

11 Q. Um-hmm.

12 A. Then the next road over from us is the main drag,
13 main road.

14 Q. Right.

15 A. And I heard what sounded like one of them small
16 *Fast and Furious* cars taking off up the road.

17 Q. Okay.

18 A. I really can't tell how many gunshots. I just
19 know I heard a couple gunshots, and went out on the
20 porch, and this little car was taking -- you could hear
21 it taking off up the road. That's really about the best
22 I can say for that.

23 Q. All right. So you weren't unable to see, or you
24 don't recall, or do you recall, a tag number or a car
25 color or anything else?

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1 A. No, sir.

2 Q. So you really just heard it.

3 A. Right.

4 Q. Did you hear gunshots out there a lot?

5 A. Yes, sir. A couple weeks prior and a couple of
6 months after. It seemed like every other week or so
7 somebody was out there shooting.

8 Q. Okay. Tell you what, Mr. Malphrus --

9 SOLICITOR HOLLEN: Your Honor, may I approach?

10 THE COURT: You may.

11 BY SOLICITOR HOLLEN:

12 Q. I'm going to hand you what has already been
13 entered into evidence as State's Exhibit Number 2, and
14 it's going to be -- let me hand you that. Can you take
15 a look at it for me.

16 A. Yes, sir.

17 Q. Is that a familiar area to you?

18 A. Yes, sir.

19 Q. And can you see your house on that picture? Is
20 it --

21 A. Almost. You can just barely see the piece of the
22 front porch right there, but you can almost see it, yes,
23 sir.

24 Q. I tell you what, you mind stepping down briefly?

25 SOLICITOR HOLLEN: Your Honor, may I have him step

1 off?

2 THE COURT: Certainly.

3 BY SOLICITOR HOLLEN:

4 Q. All right. Take that. Can you just about
5 identify where your house is in relation to --

6 A. This is my front porch right here.

7 Q. All right.

8 A. No, wait a minute. This is my front porch. This
9 is my -- actually, it's my little small house, a rental
10 property. This is where I live, right here. That's a
11 big magnolia tree in my front yard.

12 Q. Okay. Do you still -- that's all I needed from
13 you. Thank you. Go ahead and take your seat. Mr.
14 Malphrus, do you still live on East Adams Street?

15 A. No, sir, I don't. Back in the latter part of
16 December, I moved out to Great Swamp Baptist Church
17 area.

18 Q. Okay. Mr. Malphrus, in one second, I'm going to
19 hand you this. And let me mark it. It's marked for
20 identification as State's Exhibit Number 4.

21 A. Okay.

22 Q. And I'd ask you to just take a look at it and see
23 if that area is familiar to you. Without showing it to
24 the jury yet.

25 A. Yes, sir.

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1 SOLICITOR HOLLEN: Your Honor, I don't believe I'm
2 going to enter this into evidence. I would use it for
3 demonstrative purposes only. May I publish it to the
4 jury?

5 MR. PLEXICO: If he publishes it, it is introduced
6 to the jury, and it would be an exhibit.

7 THE COURT: Actually, it's not, but you can do it
8 either way you would like. So again, you can publish.

9 SOLICITOR HOLLEN: All right. Let me offer State's
10 4 into evidence this time.

11 THE COURT: Any objection?

12 MR. PLEXICO: Without objection.

13 THE COURT: Without objection, it's in evidence.

14 ITEM IDENTIFIED AS POSTER BOARD PHOTO

15 MARKED STATE'S EXHIBIT NUMBER 4

16 ADMITTED AS EVIDENCE.

17 BY SOLICITOR HOLLEN:

18 Q. Mr. Malphrus, I'm going to turn this around. And
19 do you mind -- I tell you what, step down again for me,
20 if you will.

21 A. Okay.

22 MR. PLEXICO: May I come around?

23 THE COURT: Of course.

24 BY SOLICITOR HOLLEN:

25 Q. All right. Don't worry about any of this. Can

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1 you identify where your house is on there?

2 A. Should be right here.

3 Q. All right. And where -- what was the street where
4 you saw the loud or heard the loud car?

5 A. It sounded like it was running up Main Street,
6 right here.

7 Q. Okay. Which direction was it traveling? Do you
8 recall?

9 A. I don't really recall. I just remember hearing
10 the car. Like I say, them little small cars, you got
11 that little varooom sound in them when they take off.
12 And it took off within -- I had just enough time to get
13 off the couch and open the front door when I heard the
14 car take off after the shots.

15 Q. Okay.

16 A. So it was very soon after the shots took place I
17 heard the car take off.

18 Q. All right. Okay. You can take your seat. Mr.
19 Malphrus, I don't have anything further for you. Answer
20 anything Mr. Plexico has. Okay?

21 A. No problem.

22 WILLIAM MALPHRUS

23 CROSS-EXAMINATION, BY MR. PLEXICO:

24 Q. Thanks for being here today.

25 A. No problem.

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1 Q. Now, you said that you hear -- you heard, when you
2 lived in that area, shots on a regular basis there?

3 A. Yes, sir. For a short period of time there, it
4 seemed like every time you turned around somebody was
5 back there shooting.

6 Q. Okay. I'm going to hold this up over here,
7 State's Number 5. Now, is this a pretty accurate
8 depiction of everything that's here?

9 A. Yes, sir.

10 Q. Okay. And your house is --

11 A. About where you just had your finger.

12 Q. About here?

13 A. Yes, sir.

14 Q. And it's almost covered up with all the growth
15 around here?

16 A. Right. We've got a bunch of big trees there.

17 Q. Okay. All right. And there's some kind of path
18 that goes through this wooded area here?

19 A. Yes, sir.

20 Q. And it starts about here and goes down this way.

21 A. Yes, sir. About right where your finger is, yes,
22 sir.

23 Q. Okay. All right. And there's a lot of activity
24 and a lot of things going -- a lot of crime going on
25 back there?

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WILLIAM MALPHRUS - CROSS - PLEXICO

1 A. Yes, sir.

2 Q. Okay.

3 A. Unfortunately.

4 Q. Okay. I'm sorry, yes, but thank you. And you
5 heard a car coming -- going, you believe, this way,
6 about here?

7 A. Yes, sir.

8 Q. With a loud -- it sounded like a loud sports car?

9 A. Yes, sir.

10 Q. Okay. All right. And you didn't see any vehicles
11 along here, correct?

12 A. No, sir, not that I can remember.

13 Q. All right. So you were in your living room. Are
14 there any obstructions going through the front door?

15 A. Plastic on the windows. Oh, no, to get to the
16 front door? No, sir.

17 Q. You just walk up and open it, and you stood on
18 your porch to look and see what --

19 A. It's from here to the lady right there with the
20 jacket on. It's not -- it's a old, small house.

21 Q. So you heard the gunshots, you immediately got up,
22 and you were outside on your porch within seconds?

23 A. Yes, sir. Because it sounded like it was right in
24 front of the house.

25 Q. Okay. All right. So and you saw no one?

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BY THE COURT

1 A. No, sir.

2 Q. Okay. All right. And you heard a car on the main
3 road?

4 A. Yes, sir.

5 Q. All right.

6 MR. PLEXICO: I don't have anything further.

7 THE COURT: Okay.

8 SOLICITOR HOLLEN: Nothing further from the State,
9 your Honor. I would ask that Mr. Malphrus be excused.

10 THE COURT: All right. You are excused, Mr.
11 Malphrus. Thank you, sir.

12 BY THE COURT:

13 WILLIAM MALPHRUS: Thank you, ma'am.

14 THE COURT: Ladies and gentlemen, I'm ready for
15 lunch now. By the clock in the back, it is a quarter to
16 1:00. I am going to ask that you be back in your jury
17 room at 2:05, if that's all right, you all. I normally
18 don't like to have an odd number, but 2:05 sounds about
19 good enough time to go grab a bite to eat. Please
20 understand, ladies and gentlemen, I can't start until
21 all fourteen of you are here. So if you run into
22 problems or you're running a little late, call into the
23 Clerk's Office, please, and let us know that you're here
24 or getting here.

25 Again, you are not to discuss this case with

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BY THE COURT

1 anyone. Again, you can't to each other. You are not to
2 do any independent research, ladies and gentlemen. No
3 one is to go drive by anything. Again, go grab a bite
4 to eat, come back. We look forward to seeing you all,
5 again, at 2:05, and we're going to go ahead and continue
6 with the trial of this case. Okay? Thank you.

7 JURORS LEAVE COURTROOM 12:48 P.M.

8 THE COURT: Gentlemen, Ms. Rowe pointed out that
9 there is some exhibit that you all would like to put in
10 the record, but was not. It's a court's exhibit? Let
11 me see what it is. Okay. It is one of Mr. Plexico's
12 original court exhibits. So you want this in as a court
13 exhibit, correct?

14 MR. PLEXICO: Yeah, court exhibit only, and that's
15 with the approval of --

16 THE COURT: Okay. So it's only a court exhibit,
17 Wanda, from pretrial motions. Okay? For pretrial
18 motions only. Okay?

19 All right, gentlemen, are we good? Do you have
20 enough witnesses and everything is fine, Mr. Hollen,
21 through the end of the Day. Is that correct?

22 MR. HOLLON: I think we should be fine.

23 THE COURT: Are you moving along as anticipated?
24 Are we going fast? Slow?

25 MR. HOLLON: We might actually be moving a tiny bit

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BY THE COURT

1 faster than I anticipated.

2 THE COURT: Very good.

3 MR. HOLLON: So we -- I think I can keep us busy
4 until 5:00, and then we could pick up tomorrow morning
5 with a witness or two, maybe.

6 THE COURT: Sounds good.

7 MR. HOLLEN: Maybe three, maybe four, depending on
8 how many we get, but yeah, we're on schedule, I think.

9 THE COURT: Perfect. Thank you. All right, you
10 all, go grab a bite to eat, have a nice lunch. Ladies
11 and gentlemen, if anyone comes into contact or anywhere
12 near any juror over the lunch hour. Ridgeland can be
13 small. Do not speak to them in any way, shape, or form.
14 Okay? Thank you. Have a good lunch everybody.

15 OFF THE RECORD 12:50 P.M.

16 BACK ON THE RECORD 2:25 P.M.

17 BY THE COURT:

18 THE COURT: Mr. Hollen, are you ready to go?

19 SOLICITOR HOLLEN: Yes, ma'am.

20 THE COURT: All right. Mr. Plexico, are you ready
21 to go?

22 MR. PLEXICO: Yes, your Honor.

23 THE COURT: All right. Let's bring the jury in.

24 JURORS ENTER COURTROOM 2:25 P.M.

25 THE COURT: Welcome back, ladies and gentlemen. I

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1 trust you all got a bite to eat. Yes?

2 RESPONSES BY JURORS.

3 THE COURT: All right. Mr. Hollen, call your next
4 witness.

5 SOLICITOR HOLLEN: Wrenshad Anderson.

6 THE COURT: Come on forward, Mr. Anderson.

7 MADAM CLERK: Raise your right hand and place your
8 left hand on the *Bible*. Do you swear the testimony you
9 give to the Court is the truth, the whole truth, and
10 nothing but the truth, so help you God?

11 WRENSHAD ANDERSON: Yes, ma'am.

12 MADAM CLERK: Come right around, have a seat.
13 Adjust that chair, pull up this mic.

14 WRENSHAD ANDERSON

15 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

16 Q. Mr. Anderson, how are you doing?

17 A. Doing fine.

18 Q. Mr. Anderson, how do you know Davonte Freeman?
19 How did you know Davonte Freeman?

20 A. He's my brother. A year apart.

21 Q. A year apart?

22 A. Um-hmm.

23 Q. You all close?

24 A. Yeah, we real close.

25 Q. Okay. Where are you from? Are you from here?

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1 A. I'm from Ridgeland.

2 Q. From Ridgeland? Lived here your whole life?

3 A. Most of it.

4 Q. Okay. Mr. Anderson, I'm going to take you back a
5 little bit. Do you remember the night of April 29th and
6 30th, 2016, the night your brother got killed?

7 A. Yes, sir.

8 Q. Can you tell me a little bit -- well, I tell you
9 what. Before this, you had a little run-in with the co-
10 defendant, Eric Darien, also known as Peanut. Is that
11 correct?

12 A. Yes, sir.

13 Q. Can you tell us about that, tell us what happened.

14 A. It wasn't really nothing that serious. Just
15 something like, you know, we was friends. We was cool.
16 Like look out for this guy, like give him clothes,
17 shoes, food, so it wasn't really -- it was like a big
18 misunderstanding. He just took it wrong.

19 Q. I gotcha. What happened?

20 A. Well, I took some stuff from him. That's what
21 happened.

22 Q. Okay. All right. And did he like that?

23 A. I mean, he took some stuff from me, but no, he
24 didn't like it.

25 Q. Okay. So if we go forward to the night of the

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1 29th and 30th, what were you doing? What were you all
2 doing? What did you do the day before you went to the
3 Siesta?

4 A. Well, I was doing some -- I was working all Day
5 'til about 6:00 or 7:00.

6 Q. Okay. Where were you working?

7 A. Well, I was working on a car, building the engine
8 in a car.

9 Q. Okay. So at some point that day, did you go to
10 the Siesta?

11 A. Once I got off, I contact my brother to see where
12 he's at, and he let me know he was out at Siesta. So I
13 guess I walked around for about two hours. I didn't
14 feel right. I didn't even want to go out there, so I
15 kind of walked around for like two hours, and I
16 eventually went out there, because, I didn't want to, I
17 mean.

18 Q. Okay. So when you get to Siesta, where do you go?

19 A. I went straight to Mr. Seabrooks' room.

20 Q. Okay. You went to Mr. Seabrooks' room and --

21 A. I went straight there because --

22 Q. What was going on in there?

23 A. Well, Mr. Darien was walking around with his
24 pistol in his -- like walking around, and when he see
25 me, he stop, like, open his shirt.

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1 Q. Okay. What was everybody else doing? So you saw
2 Mr. Darien?

3 A. Well, they was just looking at me like they know
4 what was going on 'fore I even know what was going on.
5 I was kind feeling funny.

6 Q. All right. So who was there when you got there?

7 A. It was my brother, Mr. Seabrooks, me, and like two
8 other people. We was just playing cards. We just meet
9 up playing cards at Mr. Seabrooks' house. That's
10 something we do like every Friday, just meet up and play
11 cards and shoot some crow.

12 Q. So this was a normal Friday night?

13 A. It's a normal routine.

14 Q. Do you see that night the defendant, Aneisha
15 Young?

16 A. Yeah, I seen her that night. I talked to her.

17 Q. In Mr. Seabrooks' room?

18 A. In Mr. Seabrooks' room.

19 Q. Okay.

20 Q. When I seen her, it was like I felt funny, kind of
21 eye contact, what she doing in here.

22 Q. Why'd it feel funny?

23 A. Because she wasn't supposed to be there.

24 Q. She wasn't? When you say she wasn't supposed to
25 be there, was it unusual?

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1 A. It was unusual. That's not her spot. She wasn't
2 supposed to be there.

3 Q. Gotcha. Did you happen to notice what she was
4 wearing?

5 A. She was wearing all black. Black hoodie, black
6 pants.

7 Q. Do you know what time she got there?

8 A. I wasn't really looking at the time. I was just,
9 you know, you had Darien walking around with his pistol,
10 so I was looking at him most of the time. And then,
11 when she popped up, it really got awkward, like kind of
12 like what are you doing here.

13 Q. Do you know how she got there?

14 A. No, I wasn't really looking outside to see how she
15 got there. She just walked up and came in the house,
16 sat down, and then staring at my brother the whole time.

17 Q. Did you know about the history between your
18 brother and Ms. Young?

19 A. Yeah, I know everything. He tell me everything.
20 I know everything that he had going on. They had a
21 little competition, you know. In the past, they got
22 into it. Like me and Neisha a little closer than what
23 she was with my brother, so she didn't really know him
24 like that. Me and her was closer, so.

25 Q. You talking about the defendant?

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1 A. The defendant.

2 Q. You mean close in age close like --

3 A. No, just like closer than -- she wasn't friends
4 with my brother. Like she didn't know that was my
5 brother, but me and her had a history together, like you
6 know.

7 Q. Okay. What about Ms. Young and Mr. Darien?

8 A. I didn't know they was cool. They was like
9 another generation, so I didn't know they was cool.

10 Q. Okay.

11 A. Everybody know everybody in Ridgeland, you know,
12 so.

13 Q. Right. Okay. So you're hanging out at Mr.
14 Seabrooks. What happens next? At some point, did
15 somebody come up there?

16 A. Well, we was playing cards, and it got well into
17 the night. So was going to like spend the night with
18 Mr. Seabrooks, because, you know, we didn't want to walk
19 because we felt funny the whole night, so. When Mr.
20 Keithie came, asked me things, like getting serious,
21 because I know -- we knew my brother wasn't supposed to
22 be there. So I was like, man, somebody had called him.
23 So that's when he ran out and talked to Mr. Keithie.
24 Mr. Keithie told us 12:30, and you got thirty minutes,
25 12:30 I got to leave. So once he finished talking, we

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1 left.

2 Q. So Mr. Keithie, is that Keith Horton?

3 A. Mr. Horton.

4 Q. Mr. Horton. And he's the property manager at the
5 Siesta?

6 A. Property manager.

7 Q. All right. So your brother talks -- did your
8 brother talk to Mr. Horton for a little while?

9 A. He talked to him a good while.

10 Q. Did he?

11 A. They was shaking hands and laughing, you know.

12 Q. Did you see anybody else talk with Mr. Horton with
13 your brother?

14 A. Well, I seen Peanut just walking around the truck.
15 He was -- he was making a statement about big dude can't
16 go to jail, big dude can't go to jail.

17 Q. Okay. All right. So after Mr. Horton talks to
18 your brother, what do you all do next?

19 A. Well, we had to leave. We had to leave, so we was
20 like, walking, our normal routine. And once we got
21 through the path, we start feeling funny, and you know,
22 start talking the whole -- the whole way walking. We be
23 like, man, something going on, something going on, we
24 don't feel right, we don't feel right. And we was out
25 in the open, so that's what we was kind of discussing

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1 the whole way. Then, once we got on the path,
2 everything really started feeling fishy, because we was
3 like, you know, like the hair standing up on the back of
4 your neck? So I was like, man, let me go get -- too
5 dark, anyway. So we start walking and we got on the
6 road, and we got halfway by the light post.

7 Q. When you're talking about the road, are you
8 talking about Adams' street?

9 A. Yeah, Adams Street.

10 Q. Okay.

11 A. Because we left out the path.

12 Q. Where the path comes out.

13 A. Yeah. So we got there. We got halfway to the
14 light post, and we heard like dry leaves, and I was
15 like, you hear dry leaves. Chh, chh, chh, chh, pow,
16 pow, pow, pow, pow, pow, pow. We really didn't know we
17 was the one getting shot at 'til -- it was like too loud
18 and too close, so we took off running.

19 Q. Okay.

20 A. We started running shoulder to shoulder. And I
21 was looking at my brother in his eyes, like, we was,
22 like, man, them guys come really -- come shooting at us
23 and stuff like that. So once we -- like, we was
24 running. He was looking at me like this. We was
25 looking at each other, and when the bullet hit him, we

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1 was looking at each other in the eyes, and I see him, he
2 was like, and fell down hard, because he fell. He fell
3 down, and they kept shooting. I ran over to him. I ran
4 over, you know, kind of crawl over there to him. And I
5 had to pick him up. Once they stop shooting, I pick him
6 up. I was dragging. He was -- he was like, limp. I
7 had to pick him up and just drag him around the corner.
8 And I didn't know if they was coming back or whatever
9 situation was. I just want to get him out of harm's
10 way.

11 Q. Okay. Mr. Anderson, I'm going to show you what
12 has already been entered into evidence as State's
13 Exhibit Number 2. I want you to look at it. Okay?

14 SOLICITOR HOLLEN: Your Honor, may I approach the
15 witness?

16 THE COURT: You may.

17 BY SOLICITOR HOLLEN:

18 Q. That, what is that?

19 A. This right here is the path. This is the normal
20 path everybody takes in Ridgeland, like, especially if
21 you live in around the area, you walk on that back road
22 to go to the path.

23 Q. You mean like Adams Street, this --

24 A. It was like a normal routine for us like that
25 ways. Adams Street is a normal routine. This is --

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1 this is the way I walk. This is the way I pick my girl
2 up from work at. Like this is the normal road I'm
3 always on.

4 Q. So you all took that all the time?

5 A. All the time. And defendant, them know that.
6 They know that.

7 Q. Where were you all headed this night?

8 A. We was going to get a hotel room. We was kind of
9 like -- we was going through some things at the time, so
10 we was kind of like homeless. So we was kind of like
11 bouncing around hotel to hotel. It was kind of hard for
12 us, so we was going to buy a hotel room.

13 Q. Okay.

14 A. I just had worked that day. I wanted to go lay
15 down and relax. I thought that what I was going to do,
16 me and my brother, but it didn't happen like that.

17 Q. Mr. Anderson, looking at that picture, you said
18 when you got halfway to the light post --

19 A. Um-hmm.

20 Q. -- is when you heard something and started
21 running. Are you talking about the closest light post
22 to us in that -- in State's Exhibit --

23 A. The closest one to us, not the one by this road
24 here. It's another road that can take you right to the
25 main road, you know, Ridgeland, where that light post

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1 at. It's the second one.

2 Q. All right. I'll tell you what.

3 SOLICITOR HOLLEN: Your Honor, may I have him step
4 down?

5 THE COURT: You may.

6 BY SOLICITOR HOLLEN:

7 Q. I just want to make sure we're all clear.

8 MR. PLEXICO: May I step over, your Honor?

9 THE COURT: Of course.

10 BY SOLICITOR HOLLEN:

11 COURT REPORTER: I'm sorry, I can't -- speak up
12 just a little.

13 SOLICITOR HOLLEN: I tell you what, turn a little
14 bit this way when you talk and kind of point back so she
15 can -- so the court reporter can hear you.

16 BY SOLICITOR HOLLEN:

17 A. We was coming out the path right here. And we
18 know to look down this road right here, you know, just
19 to make sure everything was clear. So we was coming up
20 the path, we didn't really see nothing. So when we got
21 start walking side-by-side, just talking like normal
22 brothers do, time we got right here, that's when we hear
23 pow, pow. So we start running. We start running, came
24 this way. My brother fell right here. I picked him up,
25 and I dragged him around the corner until right here.

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1 Q. Okay. And -- all right. That's all I need from
2 you on that. Go take a seat. Okay?

3 All right. So you dragged him around the corner?

4 A. Yes, sir.

5 Q. When you get around the corner, what do you do
6 next?

7 A. Well, once I got him around the corner, like, I
8 already knew he was dead from me -- like, when I seen
9 him on the ground --

10 Q. Um-hmm.

11 A. -- I knew he was dead. Like, he wasn't moving,
12 And so, I kind of picked him up, trying, you know -- I
13 pick him up and drag him around the corner, and we fell,
14 because I was doing -- running so fast. I had fallen
15 right here by that trash can, right here where EMS find
16 us at --

17 Q. Um-hmm.

18 A. -- and my brother was just sitting on my lap. And
19 his head was right here.

20 Q. Yeah.

21 A. I was just holding him. So I had the phone in one
22 hand, trying to hold him and keep him up, trying to call
23 -- call the ambulance.

24 Q. Yeah.

25 A. Call our family members that we just left. I was

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1 like, man, this guy's so crazy, so I just been calling
2 everybody and --

3 Q. All right. Okay.

4 A. You know, I wait on the cops. Cops came.

5 Q. So you were in here earlier. That's you on the
6 911 call we heard?

7 A. That's me.

8 Q. All right. And how long -- you don't know, but
9 how long after that did help show up? Was it pretty
10 fast?

11 A. It was pretty -- it was pretty fast. Even the
12 shooting and everything that happened, it was boom,
13 boom. It was pretty fast. Like, soon as I called them,
14 like, they was right there. Like, they came, like, two
15 officers came and the ambulance came, and I helped them
16 put my brother on a gurney. I tried to leave in the
17 ambulance with him, but they won't let me leave, so I
18 had to stay on the scene. So I was on the scene, you
19 know, going through it.

20 Q. Okay. Mr. Anderson, you've been in the courtroom;
21 you've heard all this testimony.

22 A. Yes, sir.

23 Q. Do you remember talking to Officer Wells and
24 telling him, when he asked you who the shooters were, do
25 you remember saying Peanut and Dre?

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1 A. Well, I was delusional. Something like that
2 happened to you and you almost got your life taken from
3 you, and these people shooting at you --

4 Q. Um-hmm.

5 A. And you just -- you don't know what's happening
6 with your brother. You just know they haul him off
7 somewhere, and yeah, I was a little delusional. Like,
8 yeah, I was delusional, so.

9 Q. Okay. At some point before leaving the scene you
10 wrote a statement. You remember that?

11 A. Yeah. I told them I didn't want to write a
12 statement that night, because I was so delusional, but
13 he made me write one anyway. So that's --

14 Q. So you wrote that statement. I'm going to hand
15 you what's been marked as State's Number 3. I want you
16 to take a look at it. Okay?

17 SOLICITOR HOLLEN: Your Honor, may I approach?

18 THE COURT: Yes.

19 BY SOLICITOR HOLLEN:

20 Q. Do you recognize that, Mr. Anderson?

21 A. Yeah, this is my short statement I wrote. That's
22 all I could wrote.

23 Q. You remember writing it?

24 A. Yeah, I remember writing on the hood of the car.
25 It was so hot. I remember.

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1 Q. So you wrote it on the hood of the car and it was
2 hot?

3 A. It was hot.

4 Q. Was the car still on?

5 A. The car still was on.

6 Q. Okay. In that statement you say Neisha. You
7 talking about your cousin's sister, Tynisha? You
8 talking about that --

9 A. No, I'm talking about Aneisha.

10 Q. You're talking about that Neisha.

11 A. Talking about Aneisha.

12 Q. I just want to make it clear. All right. So you
13 remember saying that to Officer Wells? You remember
14 walking with him, trying to show him where you saw the
15 shooters?

16 A. Um-hmm.

17 COURT REPORTER: Yes, no?

18 A. Yes, ma'am.

19 THE COURT: Thank you.

20 BY SOLICITOR HOLLEN:

21 Q. Were you hanging out with them while they were
22 looking for the shell casings?

23 A. I took them to where I seen them standing at.

24 Q. Okay.

25 A. And the next Day, he went to the same spot and

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1 found the shell casings.

2 Q. Right. Okay.

3 A. And how much stuff. And I told him that -- and I
4 heard --

5 Q. I gotcha. Okay. So that night, you saw two
6 shooters. Is that right?

7 A. Two shooters.

8 Q. Okay. Before you left the scene, did you -- you
9 wrote that statement.

10 A. Um-hmm.

11 Q. And you remember telling Officer Wells, Peanut,
12 Dre, and then throwing in the name Neisha?

13 A. Well, I -- only reason I said Dre, to be honest
14 with you, is because I think he set it up, but those
15 were the two shooting at us, Peanut and Aneisha.

16 Q. Okay.

17 A. Those were the two.

18 Q. All right, now you say that --

19 A. I just thought he had something to do with it at
20 the time, or he set everything up.

21 Q. All right. Well, talk to me and the jury about
22 what you saw that night. When you saw two shooters,
23 tell me what you saw.

24 A. Basically, the reason I -- that I saw them because
25 when I went to go pick my brother up, I had to face the

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1 shooters, because at the time, you know, me seeing my
2 brother get killed like that, I really didn't care no
3 more. I said, man, got to kill me, too, I guess. You
4 know, I got to make sure he's free, so I was facing
5 them. And I seen -- you know, it's dark, so I seen the
6 little reflection off their guns. When they was
7 blasting, I seen them, and they had all black on all
8 night, so it was like, man, it's not rocket scientist,
9 you all had a beef like that. The only two people I had
10 a beef with. She had a beef with my brother, so they
11 got together, set up a plan, and tried to kill us.

12 Q. So based on what you're telling me -- don't let me
13 put words in your mouth -- you saw two shooters wearing
14 all black.

15 A. Shooters, all black. And I just left two people
16 wearing all black. They been walking around with they
17 pistol all day.

18 Q. Okay. Were they standing on the same side of the
19 road?

20 A. Yeah, they standing on the same side. Same side.

21 Q. Same side of the road. Were they on the side of
22 the road close --

23 A. No, on the left side. On the left side. So they
24 had to seen -- they had to seen us come out the path.
25 They be looking at us like, seeing what -- like coming

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1 out of the path. They been looking right at us, they
2 been there waiting on us. They got there before us, so
3 they was just waiting on us to come through the path.
4 When they seen us come through the path, I think what
5 saved my life was, I had a black tee-shirt on and some
6 black shorts because I was working that day, and my
7 brother had his khaki pants on and a white shirt. So I
8 think that saved my life a little bit, too.

9 Q. Now, we've seen a couple pictures at the scene.
10 It looks like -- you tell me, are there lights back
11 there, street lights?

12 A. Oh, yeah. It's a light back there on that back
13 road, yes, sir.

14 Q. Okay.

15 A. It's just that -- the light right here, this
16 little poles that we was walking up on. See, somebody
17 keep knocking it out, whatever, you know, with a rock or
18 whatever, so.

19 Q. Um-hmm.

20 A. The city got -- he come and put the light's out,
21 so they ain't put the light bulb in that light yet, but
22 it would normally be light back there. But at the time,
23 it was nothing but that back light on.

24 Q. Okay. So is that the one in the picture we saw?

25 SOLICITOR HOLLEN: Can we bring up State's Exhibit

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1 2 again?

2 BY SOLICITOR HOLLEN:

3 Q. It looks like there are two --

4 A. Yeah, they two light posts out there. The back
5 one, like you -- they have lights on the back of this
6 H&R -- this H&R Block and -- and the Chinese restaurant,
7 So you know, they have security lights on the other
8 side. So you know that side will light up for all the
9 employees to come out of H&R Block, so that whole row
10 light up right there, you know.

11 Q. And is that on the far side of this picture that
12 we can't see? Is that where we're talking about?

13 A. Yeah, that's on the other side where this first
14 light post at, that's on the other side. And that road
15 right there can take you straight to the main road, like
16 it's a straight shot past the barbeque place, and take
17 you straight on the main road, you going to make a quick
18 getaway.

19 Q. All right. This might help, okay? Mr. Anderson.
20 I'm going to show you what's been entered into evidence
21 as State's Number 4. Just to clarify for the jury, do
22 you mind stepping down here so we can show them what
23 you're talking about? All right. So this is what
24 you're talking about, right?

25 A. This is the road. This is the road, yeah. This

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1 is the road.

2 MR. PLEXICO: May I approach, your Honor.

3 THE COURT: Of course.

4 BY MR. HOLLEN:

5 Q. What road are you talking about that cuts through
6 the main road?

7 A. This road right here cut to the main road right
8 here. It's the road. It's a little business, KFC.
9 That road go straight to the main road.

10 Q. Gotcha. And so, which one of those lights on the
11 back was working?

12 A. These lights, the back.

13 Q. Those lights, and then the ones in that picture?

14 A. Yeah. Yeah, these lights always work. Always
15 work.

16 Q. All right. So it was lit up back there?

17 A. Yeah, that's right.

18 Q. Okay.

19 A. But this side right here, you know, the light bulb
20 blow, so.

21 Q. All right. You can take a seat.

22 A. Okay.

23 SOLICITOR HOLLEN: Court's indulgence, your Honor.

24 BY MR. HOLLEN:

25 Q. All right. So Mr. Anderson, I just want it to be

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1 clear. That night, tell me what you saw. Did you see
2 -- could you see the faces of the people that were
3 shooting at you?

4 A. I couldn't see their faces, but I seen the clothes
5 these guys had on. I been around them all day. They
6 got a beef with us. I don't really have no problem with
7 nobody else. Like, you -- my criminal record, I don't
8 have no record, so. I don't have no beef with nobody
9 else like that. To come at me like that, and I'm not
10 even that type person. So only person that have a
11 problem with us is she had a problem with my brother.
12 She never had a problem with me. They want to get
13 together and take them two brothers out.

14 Q. Okay. Did you hear or see a car or anything?

15 A. Man, I was so delusional. I was so delusional at
16 the time when that happened, like, I ain't never been
17 shot at. I was delusional. I wasn't looking -- I
18 wasn't even looking for no car. I was just worried
19 about my brother, trying to get him out of harm's way
20 and get him help.

21 Q. Right.

22 A. Because he got hurt real bad, the way the
23 situation is. And we just been walking and talking. We
24 had just been walking and talking and laughing all day,
25 so me seeing that right there, that's like, that messed

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1 my life up, man. That's all I had. I ain't had my mama
2 or my daddy. That's all I had. We all we had. So them
3 doing that to -- to me right now, and they know me,
4 that's kind of crazy.

5 Q. So after this, you're calling a bunch of people,
6 right?

7 A. Yeah. I called Niesha and I called Peanut. First
8 I called ambulance. I called the cops, you know, 911,
9 to get my brother help. And I was on the scene. When
10 the cops come in, he say I was on the phone. I was on
11 the phone. I talked to Mr. Darien. I said, man, I know
12 you was the one come shooting us. I know you was the
13 one shooting us. He sound like he was out of breath,
14 and go talking about he was in -- he in country. I just
15 left the Siesta. Ain't no way he got in the country
16 that fast.

17 Q. All right.

18 A. Then I called Ms. Neisha.

19 Q. Okay.

20 A. Hey, dude, you know. And she blow my phone up the
21 next day.

22 Q. So you had phone numbers in your phone for Ms.
23 Young and for Mr. Darien?

24 A. Well, I got her number from somebody. I didn't
25 have her number. It was awhile since we talked and we

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1 talked it up, so I ain't even have her number. I had
2 Peanut number, you know.

3 Q. Um-hmm.

4 A. Because he stayed at Siesta. I always see him.
5 So I had to get her number from somebody else.

6 Q. Okay. But you got it and you called her?

7 A. I got it and I called her.

8 Q. All right. She answer?

9 A. She answer. She denied it.

10 Q. Okay.

11 A. She called people up, trying to get people on her
12 side, talking about, oh, hey, dude, hey, dude. If you
13 ain't did it, why you keep blowing my phone up, why you
14 keep, you know, in denial about stuff? She did it.

15 Q. So did you see Keandre Frazier shoot at you?

16 A. No, I ain't see Keandre Frazier shoot at me. What
17 I'm saying, two guys out there in all black. Dre had a
18 white shirt on, some blue jeans, designer book bag, long
19 dreads. He ain't been out there. It was those two guys
20 right there. They got together, set up a plan, tried to
21 kill me and my brother. They killed my brother. I
22 don't know how I made it out. I guess I'm blessed or
23 whatever you could call it, you know. So I'm just glad
24 to be here.

25 Q. Do you know where Keandre Frazier was when the

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1 shooting happened?

2 A. Well, he was at --

3 MR. PLEXICO: I object, your Honor. That's not --
4 it would be hearsay, your Honor.

5 A. Well, he was --

6 THE COURT: He can say if he knows.

7 SOLICITOR HOLLEN: If he knows.

8 BY SOLICITOR HOLLEN:

9 A. I said I know -- I know where he was at. He was
10 playing cards around the back at Nisha. That's my
11 sister.

12 MR. PLEXICO: That's hearsay, your Honor, because
13 he couldn't know that if he's being shot at. He wasn't
14 there.

15 BY SOLICITOR HOLLEN:

16 A. I knew that because he wasn't -- he wasn't -- he
17 wasn't in --

18 Q. That's all right.

19 A. -- at Seabrooks' house at that time.

20 THE COURT: He can say where he wasn't, if he was
21 there and he knows.

22 BY SOLICITOR HOLLEN:

23 Q. Did you call --

24 A. I know he was at. I know -- I know where
25 everybody was at. I wasn't drunk, I wasn't high, I

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1 wasn't on nothing. Like, I was watching everybody,
2 everybody that night.

3 Q. All right. Do you know if this -- was there
4 another person with Aneisha Young that night? Did you
5 see that -- another person? Do you remember?

6 A. Yeah, I seen her. She came in Mr. Seabrooks'
7 house and sat on the couch. My brother was up there
8 playing cards, so she was like -- like a feet away from
9 him. And then, when he seen her, he start apologizing
10 to her, because he knew he done whip her behind or
11 whatever and took her money and all that. But he was
12 past that, because he was having kids, so he was trying
13 to, you know, turn a new leaf in life, so when he seen
14 her he started apologizing to her. He was like, man,
15 I'm sorry, doing you like that; I'll eventually pay you
16 back later on. She was like, yeah, yeah, yeah, it's
17 okay, it's okay, it's okay. And when she start doing
18 all that, I kind of felt funny. I was like man, stop
19 apologizing, because she ain't come down here for that.
20 My exact -- my exact words to him. I wanted him to stop
21 talking to her. She didn't come down here for nothing
22 else but do some crazy stuff. That's why she's down
23 here this time of night, cause she ain't here with him.
24 She at the Siesta at this time of night.

25 Q. All right. So you're talking -- you're talking

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1 about the defendant, Ms. Young?

2 A. Ms. Young.

3 Q. The other person, this girl that other people have
4 talked about, did you see her?

5 A. Yeah, she came in. The girl named Lisa.

6 Q. Okay.

7 A. I know the girl.

8 Q. All right. Did you know her or no?

9 A. I know her, like, I knew of her. I don't know her
10 like.

11 Q. Okay.

12 A. I don't live in Hilton Head, so I know of her. I
13 don't know her.

14 Q. Okay. All right. Mr. Anderson, I believe that's
15 all I have for you right now. Answer anything Mr.
16 Plexico has. Okay?

17 A. Yes, sir.

18 WRENSHAD ANDERSON

19 CROSS-EXAMINATION, BY MR. PLEXICO:

20 Q. So you were with -- you were with Davonte Freeman
21 from 6:00 o'clock on, correct?

22 A. 6:00 o'clock what?

23 Q. That evening of the 30th -- or the 29th.

24 A. No, I don't think it was 6:00 o'clock. I think it
25 was later than that. I was kind of like putting in some

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1 extra hours to make some money because of the situation
2 that we was in, so it was kind of like late. It was
3 dark by the time I got to my brother.

4 Q. Okay. All right. And so, you never left his side
5 that evening. Is that correct? After you got with him?

6 A. I didn't hear you.

7 Q. You didn't leave his side that evening?

8 A. No, I didn't leave his side that evening.

9 Actually, I went to the Siesta because he called me out
10 there, and I felt funny. I said, I can't leave him out
11 there like that, so that's why I went out there. We
12 don't never leave each other's side. We always close.

13 Q. Okay. And when -- and when Davonte apologized to
14 her --

15 A. Um-hmm.

16 Q. -- she said it was okay, and she actually gave him
17 a hug, right?

18 A. She didn't give him no hug. No, wrong.

19 Q. All right. But she said it was okay, correct?

20 A. She -- it was like some nonchalant-type okay,
21 like, I got you, like, bitch, laughing.

22 Q. But she didn't say that; she said it's okay,
23 correct?

24 A. Man, how she said it. This is how she said it.
25 It wasn't okay, it wasn't okay.

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1 Q. All right. But there weren't any problems with
2 her there, correct?

3 A. She ain't made it like it was a problem, but she
4 was -- she was around just, you know, just scoping stuff
5 out, to see what my brother had on, probably to see what
6 I had on.

7 Q. This is what you think?

8 A. It ain't what I think; it's what I know.

9 Q. Okay. All right. Now, so there were no problems
10 between Davonte Freeman and my client or you that
11 evening?

12 A. Yes, there was a problem. There was a problem
13 between her and Davonte.

14 Q. Okay. All right. Now, and that was a problem
15 Davonte caused, correct?

16 A. Actually, if you want to be technical, they both
17 caused it.

18 Q. Okay. All right. Now, that happened months
19 before this, correct?

20 A. It wasn't months before this. It was like at
21 least -- at least like three weeks before this, two
22 weeks. It was right -- it was right after he did that,
23 she claim, oh, she going to kill him, she going to kill
24 him. Two weeks later, they set that up, and it's down.

25 Q. Okay. All right.

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1 A. It's like a back-to-back situation.

2 Q. Now, Davonte had a lot of enemies, didn't he?

3 A. No, my brother ain't had no -- that much enemies.

4 Q. Well, he's been shot at twice before, correct, in
5 the same location?

6 A. Well, yes, he was shot at before.

7 SOLICITOR HOLLEN: Your Honor, may we approach?

8 THE COURT: You may.

9 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
10 HEARING OF JURORS. PRESENT: THE COURT,
11 MR. HOLLEN, MR. PLEXICO.

12 END BENCH CONFERENCE.

13 BY MR. PLEXICO:

14 Q. So those prior shootings happened pretty much in
15 the same place, correct?

16 A. No, sir.

17 Q. Is that correct?

18 A. Well, they happened in the same place, but
19 different -- different situations. That have nothing to
20 do with what's going on now.

21 Q. Okay. So there are other people that don't like
22 Davonte, correct?

23 A. No, sir.

24 Q. So people just shoot at him when they don't like
25 him?

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1 A. No, sir.

2 Q. Okay. All right. So you were not on any drugs
3 that day. Is that correct?

4 A. No, sir.

5 Q. And were you drinking that day?

6 A. No, sir. I don't drink.

7 Q. Were you smoking any marijuana?

8 A. No, sir.

9 Q. Were you on any kind of intoxicants at all?

10 A. No, sir. No, sir.

11 Q. Okay. Did you see your brother take any
12 intoxicants?

13 A. Well, it was like, they were playing cards. Yeah,
14 he had a little beer or whatever. I was straight. We
15 look out for each other. I see him kind of, you know,
16 get a little tipsy, you know, I'm going to watch
17 everything, sit back and watch it. That's how close we
18 is.

19 Q. Okay. All right. So he was only drinking beer
20 that night and not doing anything else.

21 WITNESS INTERRUPTING.

22 COURT REPORTER: I'm sorry, I didn't -- let him
23 finish his question.

24 Q. So he was only drinking beer that night and not
25 taking any other kind of intoxicants? Is that correct?

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1 A. Yes, sir.

2 Q. All right. Did he appear to be under the
3 influence to you?

4 A. Not at the time, no. No.

5 Q. Okay. All right. You do remember talking to
6 Officer Wells and Officer Ginn that night, correct?

7 A. Yes, sir.

8 Q. All right. And you did tell them repeatedly when
9 they asked you who did the shooting that it was Peanut
10 and Dre?

11 A. Well, I just seen my brother got shot in the head,
12 and I had to drag my brother from around the business,
13 so I was kind of delusional and out of it. That's why I
14 didn't want to make no statements to him or nothing,
15 because --

16 THE COURT: Sir, just -- you need to answer the
17 question yes or no, and then you can explain it all you
18 want.

19 A. Yeah.

20 THE COURT: But you need to answer the question
21 first. Okay?

22 A. Yes, ma'am.

23 THE COURT: So go ahead and ask the question, and
24 then, I'm going to allow him to explain it.

25 BY MR. PLEXICO:

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1 Q. You did -- all right. We'll start over. Did you
2 talk to Officer Wells that night?

3 A. Yes, sir.

4 Q. Did you talk to Lieutenant Ginn that night?

5 A. Yes, sir.

6 Q. Did you tell them repeatedly that when they asked
7 you who the shooters were that it was Peanut and Dre?

8 A. Yes, sir, I told them that, but it wasn't -- it
9 wasn't Peanut, though. It wasn't Dre. It was Aneisha.

10 Q. Was it -- okay.

11 A. It was Aneisha. It wasn't -- it wasn't Dre. Dre
12 set everything up, that's how I felt at the time. So I
13 just be telling them how I felt at the time. They asked
14 me what happened, and that's how I felt at the time.

15 Q. But you couldn't see the faces of who is was. Is
16 that correct?

17 A. I been around them all day. They had all black
18 on.

19 Q. Sir?

20 A. They had all black on.

21 Q. Okay. But you could not -- you just said you
22 couldn't see the faces?

23 A. That's why they had all black on, so I won't see
24 their face.

25 Q. So this is, on State's Exhibit 4, okay, this is

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1 where the trash can is, correct?

2 A. Yes, sir.

3 Q. All right. So you're saying the shooters were
4 back along here?

5 A. They was a little closer to the path entrance on
6 the left-hand side, a little closer. They -- they was
7 somewhere -- they was closer than that, like right
8 there. Go back some. Go back. Right --

9 Q. This way?

10 A. On the left side of the path. You coming out the
11 path, they was on the left side, on the front side of
12 it.

13 Q. On this side of the street?

14 A. Um-hmm.

15 Q. On the left side of the path, headed this way.

16 A. Um-hmm.

17 THE COURT: That's a yes for the record?

18 A. Yes.

19 THE COURT: Okay.

20 BY MR. PLEXICO:

21 Q. Okay. All right. And when you all heard the
22 gunshots, you all started running? Looked at each other
23 and started running toward the trash can, correct?

24 A. Yes, sir.

25 Q. And you weren't certain, because it was so loud,

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1 you weren't certain where the gunshots were coming from?

2 Is that right?

3 A. Well, I knew -- I knew I was getting shot at
4 because it wasn't no far shot. It was like, down the
5 road. It was like, close, like, you all don't want to
6 get shot. We knew that. When we first heard the first
7 gunshot, we was like, oh, man, so we start running. I
8 mean, we ain't have nothing on us that night.

9 Q. Okay. And Dre is about -- is just a little bit
10 shorter than you, correct? And you're a tall guy.

11 A. Well, he -- he's a tall kind of guy, too. Kind of
12 like me. You know what I'm saying?

13 Q. Dre is tall, like you?

14 A. Not tall like me. A little shorter.

15 Q. But he's close to your size?

16 A. Well.

17 Q. How tall are you, sir?

18 A. I'm six-two.

19 Q. You're six-two?

20 A. Um-hmm.

21 Q. And Ms. Young's what, about four feet-something?

22 A. I don't know.

23 Q. But she's a short person, correct?

24 A. Yeah, she a short girl.

25 Q. Okay. All right. So you repeatedly told the

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1 officers on the scene that the shooters were Peanut and
2 Dre. That's what you actually told them verbally,
3 correct?

4 A. Yes, sir.

5 Q. All right. Are you aware of your duty to tell the
6 truth to the officers when they're investigating a
7 felony?

8 A. Well, at the time, Mr. Plexico, I was delusional.
9 I just lost my brother, and I didn't know what was going
10 on. I was confused, so.

11 Q. Do you have any mental health problems?

12 A. No, sir.

13 Q. Okay. All right. So in your statement, you said
14 that -- did you say that Mr. Horton talked to your
15 brother about an hour?

16 A. Yes, sir.

17 Q. Okay. All right. So now, why did you all stay at
18 a place that -- now I'm -- I'm going to withdraw that.
19 Did you do a robbery with Peanut and some other people
20 and get some money and Xanax?

21 A. No, sir.

22 Q. Okay. Did you put Xanax in Peanut's drink and
23 steal his pistol?

24 A. No, sir.

25 Q. Did you steal a pistol from Peanut?

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1 A. Yes, sir. That started the beef.

2 Q. Okay. And what was his state of consciousness
3 when you took that pistol?

4 A. I don't know what his state of consciousness was.
5 I wasn't there. I just heard.

6 Q. Was he asleep?

7 A. Was he asleep?

8 Q. Well, I'm asking you. Was he asleep when you took
9 the pistol?

10 A. No, he wasn't asleep, he was under the influence
11 of Xanax.

12 Q. He was under the influence of Xanax?

13 A. He was under the influence of Xanax, so he was
14 sitting there like a zombie, like.

15 Q. So you didn't -- you didn't -- so you didn't -- so
16 you all take -- this is over at Seabrooks' place?

17 A. I don't take drugs, sir.

18 Q. Okay.

19 A. He was taking drugs, he was under the influence.

20 Q. Okay. This was over at Seabrooks' place?

21 A. No. This is at Mr. Cedric Riley's house, where
22 Peanut stayed at.

23 Q. Okay. All right. So he's walking around with a
24 gun and he's upset with you. Is that correct?

25 A. Are you asking me was he walking around with the

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1 gun? I wasn't --

2 Q. That evening on the 29th, was this Peanut
3 character, Eric Darien, walking around with a gun?

4 A. Yeah, he was walking around -- he was walking
5 around with a gun like all day. He kept telling my
6 sister he coming back for her. Making lies.

7 Q. Okay. That's all. That's all.

8 A. Why are we messing with him. We wasn't saying
9 nothing to him.

10 Q. Okay. So why would you all stay there?

11 A. That's a good question, Mr. Plexico.

12 Q. Okay. All right. Davonte Freeman was not
13 supposed to be over there. Is that correct? At those
14 apartments?

15 A. Well, we was -- we was going through -- we was
16 going through -- we was going through some stuff at the
17 time. We was kind of homeless, so we was trying to
18 find, you know.

19 Q. What's the answer to my question? Was Davonte
20 Freeman supposed to be at those apartments?

21 A. No, sir. No, sir, he wasn't supposed to be out
22 there.

23 Q. Okay. And he was forbidden to be out there
24 because of an incident that he had involving a gun,
25 correct?

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1 A. He shot hisself, yeah.

2 Q. All right. So was he high when he shot himself?

3 A. I don't know.

4 Q. Okay. So you don't know if your brother takes
5 drugs?

6 A. I was at work. I wasn't with him all day that
7 day. I was working. I don't know.

8 MR. PLEXICO: Court's indulgence.

9 THE COURT: Okay.

10 BY MR. PLEXICO:

11 Q. And you told the officers, Officer Wells, on the
12 scene that the shooters had left on foot. Is that
13 correct? That they were not in a car; that they were on
14 foot?

15 A. I don't remember. I don't remember.

16 Q. Is it fair to say your memory of that night is --
17 is --

18 A. No, it's not. It's not fair to say that. I
19 remember the night vividly. Just because I don't
20 remember if they was running or getting in a car after
21 that happened. After that, I was dragging my brother
22 around the corner. That's what I was concerned with,
23 and that's what I was dealing with at the time.

24 Q. So you weren't paying attention to anything aside
25 from your brother?

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1 A. Yeah, I see him on the ground and I be looking at
2 him, I see him.

3 Q. What's the answer to my question? Yes or no?
4 Were you paying attention to anything aside from your
5 brother, or just your brother?

6 A. No, sir. I was paying attention to everything,
7 but I was trying to make sure my brother got help.

8 Q. Okay. Now, you went to the police station and
9 wrote a statement, correct?

10 A. Yes, sir.

11 Q. With Lieutenant Litchfield was there?

12 A. Yes, sir.

13 Q. And he left you in the room to write the statement
14 by yourself, correct?

15 A. Yes, sir.

16 Q. You started writing on one page. Is that correct?

17 A. Yes, sir.

18 Q. And then, you stopped writing on that page?

19 A. Yes, sir.

20 Q. Okay. Then you started on another page?

21 A. Yes, sir.

22 Q. Then you finished on a third page?

23 A. Yes, sir.

24 Q. Okay.

25 MR. PLEXICO: May I look at the exhibits, your

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1 Honor?

2 Could I see the exhibits that are with --
3 Court's indulgence.

4 I don't have anything further.

5 THE COURT: Mr. Hollen?

6 SOLICITOR HOLLEN: Your Honor, I don't believe I
7 have anything further for Mr. Anderson.

8 THE COURT: You may step down, sir. Thank you.
9 Call your next witness.

10 SOLICITOR HOLLEN: Dr. Marie Tormos.

11 THE COURT: Okay.

12 MADAM CLERK: Raise your right hand and place your
13 left hand on the *Bible*. Do you swear to tell the truth,
14 the whole truth, and nothing but the truth, so help you
15 God?

16 DR. LEE MARIE TORMOS: Yes.

17 MADAM CLERK: Come on around.

18 DR. LEE MARIE TORMOS

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 Q. Good afternoon, Dr. Tormos.

21 A. Hi. Good afternoon.

22 Q. I'll ask you this first. Where do you work,
23 currently?

24 A. Let me start. My name is Lee Marie Tormos,

1 T/o/r/m/o/s. I am a doctor. I currently work in
2 Florida in the Palm Beach County Medical Examiner
3 Office.

4 Q. And where did you work previously?

5 A. Up until last summer, I worked at MUSC up in
6 Charleston.

7 Q. And what did you do at MUSC?

8 A. I was a forensic pathologist at MUSC.

9 Q. And can you explain a little bit to the jury about
10 what a forensic pathologist does.

11 A. Yes. A forensic pathologist is a doctor that
12 performs external examinations on the body and internal
13 examinations on the body to determine how and why a
14 person died.

15 Q. And can you tell us about your -- I'm doing this
16 backwards -- but a little bit about your education and
17 your training, that sort of thing, to be a forensic
18 pathologist.

19 A. Absolutely. In order to become a doctor, one must
20 do a bachelor's degree in science at the university,
21 followed by four years of medical school. Then you have
22 to do four years of specialty training in the field of
23 pathology, and then one year of sub-specialty training
24 in the field of forensic pathology.

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1 Q. And have you testified in state court before?

2 A. Yes, I have.

3 Q. Have you ever been qualified as an expert in state
4 court?

5 A. Yes.

6 Q. Do you know approximately how many times?

7 A. Over thirty.

8 Q. So over thirty times you've been qualified as an
9 expert.

10 SOLICITOR HOLLEN: Your Honor, at this time we
11 would offer Dr. Tormos as an expert in the field of
12 forensic pathology.

13 THE COURT: Any objection?

14 MR. PLEXICO: None, your Honor. She's imminently
15 qualified.

16 THE COURT: Ladies and gentlemen, in this case Dr.
17 Tormos is being qualified in the area of forensic
18 pathology. That allows her to give her opinion and the
19 reason for her opinions. Again, that's for you to use
20 as you see appropriate, and as compared to other
21 evidence in the case.

22 SOLICITOR HOLLEN: Thank you, your Honor.

23 BY SOLICITOR HOLLEN:

24 Q. Dr. Tormos, did you perform an autopsy, or assist

1 in performing an autopsy, in this case that we're here
2 for today?

3 A. Yes.

4 Q. Can you tell us a little bit about that, what date
5 it occurred and where.

6 A. Okay. The information that we got, we get from
7 the coroner. The coroner for Jasper County called MUSC
8 to notify us of a death that had occurred the day
9 before, on April 30th. He told us that a person had
10 been found, and ultimately transferred to the hospital,
11 and they had been pronounced around noon on April 30th.
12 And so, we scheduled the autopsy for first thing the
13 next morning, which was 9:00 o'clock, on May the 2nd.

14 On that day, I was on service, and I was
15 supervising the doctor doing the sub-specialty training,
16 Dr. Phillips, and she and I directly collaborated at
17 this autopsy, which we did that day.

18 Q. Do you have the victim's name that you performed
19 that autopsy on?

20 A. We have the name as Davonte Freeman.

21 Q. When you started the autopsy on Mr. Freeman, Dr.
22 Tormos, did it appear that he had had some prior medical
23 treatment? For instance, were there signs of intubation
24 or breathing or anything like that?

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1 A. Yes. Consistent with the history that was
2 provided to us that he was transported to the hospital,
3 when he got to our facility, he had a breathing tube
4 into his mouth, another tube that was going down into
5 his stomach. He had some catheters into the subclavian
6 artery, so in the upper chest; and I.V. catheters into
7 the -- right at the ventricular foci, right wrist and
8 left ventricular foci; one of those pulse oximeters on
9 the finger; and a skin puncture and a Foley catheter
10 into the -- into the bladder.

11 Q. Dr. Tormos, I'm going to hand you in just a second
12 what has been pre-marked for identification as State's
13 Exhibits 5 and 6. I'm going to ask you if you'd could
14 take a look at them, please.

15 SOLICITOR HOLLEN: Your Honor, may I approach the
16 witness?

17 THE COURT: You may.

18 BY SOLICITOR HOLLEN:

19 Q. I'm going to hand you those. Then we can go --
20 I'll let you look at them first.

21 A. Okay.

22 Q. Do you recognize them?

23 A. Yes. State Exhibit 5 is an Xray that we took as
24 part of the autopsy examination. And State Exhibit 6 is

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1 a photograph that we took showing the injury.

2 Q. And are those, State's 5 and 6, fair and accurate
3 depictions of both the MRI, and then the picture of the
4 injury?

5 A. Yes, the Xray and the photograph are accurate
6 representations of what we saw on the autopsy.

7 Q. Okay. Do they appear to be changed or altered in
8 any way?

9 A. No.

10 SOLICITOR HOLLEN: Your Honor, at this time I
11 would offer State's 5 and 6 into evidence in this case.

12 THE COURT: They're in evidence.

13 SOLICITOR HOLLEN: Thank you.

14 MR. PLEXICO: No objection.

15 ITEM IDENTIFIED AS XRAY TAKEN AS
16 PART OF AUTOPSY EXAMINATION
17 MARKED STATE'S EXHIBIT NUMBER 5
18 ADMITTED AS EVIDENCE.

19 ITEM IDENTIFIED AS PHOTOGRAPH
20 OF INJURY

21 MARKED STATE'S EXHIBIT NUMBER 6
22 ADMITTED AS EVIDENCE.

23 BY SOLICITOR HOLLEN:

24 Q. Dr. Tormos, can you describe a little bit about

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1 the injury that you observed with Davonte Freeman.

2 A. Yes. Upon external examination, we saw a
3 relatively thin, young, black male. He did a have a
4 medical introduction that I just described previously.
5 He didn't have any other significant findings. He did,
6 however, have an entrance gunshot wound to the back of
7 the head. This is just to the right of mid-line, and
8 there is no soot or stippling on the scalp, meaning
9 that, very likely, the weapon was not close to the skin
10 at the time that it was discharged.

11 When we examined the body internally, all the
12 organs from the neck on down were pretty unremarkable,
13 you know, healthy young man, but the brain was disrupted
14 by the bullet. We recovered the bullet within the
15 brain, and obviously, there's hemorrhage and destruction
16 associated to the bullet pathway.

17 Q. Okay. And Dr. Tormos, you've got State's 5 up
18 there, which you described as the MRI. Can you describe
19 for the jury what we're looking at there. Can you see
20 it?

21 A. Yes.

22 Q. Would you like to step down?

23 A. May I, please?

24 Q. Absolutely, yes, yes.

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1 SOLICITOR HOLLEN: Your Honor, may she step down?

2 THE COURT: She may.

3 BY SOLICITOR HOLLEN:

4 Q. Would this be helpful?

5 A. Yes.

6 Q. All right. Thank you.

7 A. Okay.

8 MR. PLEXICO: May I, your Honor?

9 THE COURT: Of course.

10 BY SOLICITOR HOLLEN:

11 A. Can everyone see?

12 Q. Yes, thank you.

13 A. This is a lateral Xray of the -- of the head. As
14 you can see here, the face would be up here. These are
15 the teeth. Here's the back of the scalp. That's the
16 neck. You can see here a fragment, a projectile that --
17 that broke off from the bullet, and the bullet is
18 recovered here. Now, on the lateral Xray of the head,
19 you are not able to see whether it's to the right or
20 left of mid-line. This is just to the right of mid-
21 line. So the bullet went straight, back to front,
22 horizontally across the head. There's no left or right
23 deviation, no up and down deviation. It just went
24 straight in. And this piece fell off, and when it hit

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1 the bone. And the rest of the projectile is recovered
2 here. We recovered all these pieces.

3 Q. So there are multiple pieces of the bullet,
4 basically. You recovered some from the scalp, and the
5 main projectile from inside?

6 A. Yes, the main projectile is this one here. It's a
7 non-jacketed projectile, so it's only made of lead.
8 Lead is a soft metal, so it's bound to break off into
9 little pieces when it hits a hard object such as a
10 skull. So these fragments belong to this projectile.

11 Q. Could you pull up State's Exhibit 6. Can you just
12 tell the jury what we're looking at.

13 A. So this is the back of the head. And as you can
14 see, that little hole right there, that is the entrance
15 gunshot wound on the scalp. It's really small. It has
16 an abrasion border, but we don't see any soot or
17 gunpowder residue to indicate that the -- that the
18 weapon was very close to the -- to the scalp at the time
19 that it was discharged. However, he does have thick,
20 curly hair, and the burning gunpowder particles may have
21 been in the hair, but we didn't see them grossly. So
22 more likely, the weapon was not really close to the
23 scalp at the time that it was discharged. And again, it
24 enters here, and it just goes straight forward, just to

1 the right of mid-line.

2 Q. So Dr. Tormos, you performed -- at some point, you
3 have to actually go in and retrieve the projectile. Is
4 that right?

5 A. Yes.

6 Q. And did you do that?

7 A. Yes, we did.

8 Q. Were you able to retrieve all of the pieces that
9 you talked about with the jury?

10 A. Yes.

11 Q. Now, you're not a firearms expert, are you?

12 A. I am not.

13 Q. All right. I'm going to hand you what's been
14 marked as State's 7 and 8, if you don't mind taking a
15 look at those. Do you recognize those?

16 A. Yes. These are pictures of the bullet, and bullet
17 and bullet fragments that we took after we retrieved
18 them.

19 Q. Are those fair and accurate depictions of the
20 bullet that you took out?

21 A. Yes, they are.

22 Q. Have they been changed or altered in any way?

23 A. No.

24 SOLICITOR HOLLEN: Your Honor, I'd offer State's 7

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1 and 8 into evidence at this time.

2 MR. PLEXICO: No objection.

3 THE COURT: Without objection.

4 ITEM IDENTIFIED AS PHOTOGRAPH OF

5 BULLET AND FRAGMENTS

6 MARKED STATE'S EXHIBIT NUMBER 7

7 ADMITTED AS EVIDENCE.

8 ITEM IDENTIFIED AS FRAGMENTS

9 OF BULLETS

10 MARKED STATE'S EXHIBIT NUMBER 8

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR HOLLEN:

13 Q. Dr. Tormos, this is simply -- this is State's
14 Exhibit Number 8. What are we looking at?

15 A. So this fragment, the large fragment, where you
16 can see the bullet base and it's a deformed mushroom
17 projectile, that is the main piece that was in the
18 frontal aspect of the brain. And the two little --
19 little pieces right here are the pieces that broke off
20 when the bullet first went through the skull, and we
21 recovered those under the scalp.

22 Q. And 9?

23 A. And then the --

24 Q. It says 10 on there, but I think it's marked as

1 State's 9.

2 A. So this is the envelope. That's my handwriting on
3 the label. It says bullet and fragments. And we put
4 the bullet and the fragments in the envelope and sealed
5 it.

6 Q. All right. Now, Dr. Tormos, as a forensic
7 pathologist, what is really, as far as criminal cases,
8 what is your main job that you usually testify to in
9 court? As far as the purpose in a homicide case, what
10 do you generally testify to? What are you trying to get
11 to?

12 A. Basically, the objective of -- of my work and the
13 work that we all do as pathologists is to determine the
14 cause and manner of death. So what brought upon the
15 death and what the circumstances are surrounding the
16 death?

17 Q. So what is the cause of death, exactly?

18 A. The cause of death in this case is a gunshot wound
19 to the head.

20 Q. And what about the manner of death in this case?

21 A. The manner of death in this case is a medical
22 definition of a death brought about by the action of an
23 action of another individual. So we ruled this a
24 homicide, based on the circumstances.

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1 Q. So you determined that Davonte Freeman was killed
2 by another person. Is that correct?

3 A. Based on the information we had, we determined
4 that, yes.

5 Q. You don't know who shot him; you don't have any
6 facts about the case?

7 A. I don't.

8 Q. I'm going to approach one more time and hand you
9 what's been marked as State's Exhibit Number 11. I ask
10 if you could take a look at that, if you don't mind. Do
11 you recognize that?

12 A. Yes. This is the envelope, the sealed envelope,
13 with my handwriting. That contains the bullet and the
14 bullet fragments, and the same one that's pictured.

15 Q. All right. So that's the bullet and the fragment
16 that you removed from Davonte Freeman?

17 A. Yes, sir.

18 SOLICITOR HOLLEN: Your Honor, I'd ask to admit
19 State's 11 at this time.

20 THE COURT: State's 11 into evidence.

21 ITEM IDENTIFIED AS ENVELOPE

22 CONTAINING BULLETS AND FRAGMENTS

23 MARKED STATE'S EXHIBIT NUMBER 11

24 ADMITTED AS EVIDENCE.

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DR. TORMOS - CROSS - PLEXICO

1 SOLICITOR HOLLEN: And I have no further questions
2 for Dr. Tormos. Thank you. Please answer anything Mr.
3 Plexico has.

4 DR. LEE MARIE TORMOS

5 CROSS-EXAMINATION, BY MR. PLEXICO:

6 Q. Okay. Thank you for coming today, ma'am. Now,
7 you understand, you were talking about soot and
8 stippling from gunshots. That's part of your studies?

9 A. Yes.

10 Q. Okay. What's -- what's a general distance to have
11 soot on a -- on a -- on a wound? What would that
12 indicate to you as a forensic pathologist?

13 A. Okay. When a bullet exits a weapon, there are
14 other things that are coming out of the muzzle besides
15 the bullet. Soot is -- is a very fine particulate, and
16 it doesn't fly very far. So when we see soot on the --
17 on the skin surface, we think that the bullet is within
18 a couple of inches from the -- from the surface of the
19 skin, based on the presence of soot. Stippling, which
20 are the burning gunpowder particles, may travel a little
21 bit faster -- further, because they have a little bit
22 more mass. And so, they can, depending on the type of
23 weapon and the ammunition, they can fly within inches,
24 or -- and sometimes a weapon is up to a foot, or even
25 two feet. But in this case, we didn't see any, so I

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DR. TORMOS - CROSS - PLEXICO

1 really cannot say whether the gun was three feet away,
2 thirty feet away, or three hundred feet away.

3 Q. So it could have been as close as three feet away?

4 A. It could have, yes.

5 Q. Now, do you all do a toxicology as a part of your
6 all's report?

7 A. Yes, we do standard toxicology on everybody.

8 Q. Do you have that report with you?

9 A. Yes, I do.

10 Q. I have a Page 1 of four, from AIT Laboratories?

11 A. Yes.

12 Q. Was this something that you all ordered?

13 A. I'm sorry?

14 Q. Was this a test that you all ordered.

15 A. We ordered, yes.

16 Q. All right. And does it say it's positive for
17 cannabinoids? You can pronounce that.

18 A. Cannabinoids.

19 Q. Cannabinoids. All right. There you go, ma'am.

20 A. There is marijuana in the system.

21 Q. Okay. And cocaine metabolites?

22 A. Yes, there's benxoylecgonine in the system.
23 Benxoylecgonine is the breakdown product of cocaine.
24 There's no parent cocaine, so he wasn't immediately
25 using it, but he used it some time before he died.

1 Q. Do you have any idea how closely to when he died?

2 A. No, I cannot say.

3 Q. Okay. What about stimulants? On Page 2 of four?

4 A. Yes, he has an anti-epileptic medication called
5 Levetiracetam. A physician had prescribed medication.
6 It's not abuse. It's for -- it's an anti-seizure
7 medication.

8 Q. Okay. What is the, on the stimulants, it says
9 positive of --

10 A. Cotinine. Cotinine is a breakdown of nicotine, so
11 he smoked a cigarette. But nicotine is not there, so he
12 smoked a cigarette, but not close to the time that he
13 died.

14 Q. Okay. So you said the bullet went -- hit the
15 skull and went straight in?

16 A. Straight and forward, yes.

17 Q. Okay. And just straight in where it was, and then
18 it just came to a stop? Whatever slowed it down and it
19 stopped?

20 A. Yes, sir.

21 Q. Okay. All right. Did he have tattoos on his
22 body?

23 A. Yes, sir.

24 Q. Laugh now, die now?

25 A. Yes, sir.

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BY THE COURT

1 Q. What's the effect of cocaine? Does that -- is
2 that -- that's a stimulant?

3 A. Yes, it is.

4 Q. It would make you run faster. Is that correct?

5 A. Yes.

6 Q. Could it cause psychosis or delusion if you're
7 abusing it?

8 A. It's hard to say the effect that cocaine will have
9 on someone, and he didn't have any parent cocaine. What
10 he has signs of is metabolite.

11 Q. Do drugs make you perceive reality differently
12 than you would without them?

13 SOLICITOR HOLLEN: Your Honor, I'm going to object
14 to that question. I don't know -- yes, she's an expert,
15 but everyone processes drugs differently. I don't know
16 how she can say.

17 THE COURT: Okay.

18 MR. PLEXICO: I mean, you know, he's given a
19 medical opinion. I don't think they're supposed --

20 THE COURT: Okay. I'm sorry. She's a forensic
21 pathologist. That's what she's here testifying to. I
22 think you're getting outside of the scope of what she
23 has been called for.

24 MR. PLEXICO: I don't have anything further, Judge.

25 BY THE COURT:

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BY THE COURT

1 THE COURT: Okay. Anything, Mr. Hollen?

2 SOLICITOR HOLLEN: Just briefly, your Honor.

3 Actually, you know what, nothing further.

4 THE COURT: All right. Any objection to Dr. Tormos
5 being excused from everyone?

6 MR. PLEXICO: No, your Honor.

7 SOLICITOR HOLLEN: Not at all, your Honor.

8 THE COURT: Safe travels back.

9 A. Thank you.

10 THE COURT: Gentlemen, do we need to take a break
11 now, or have a break?

12 SOLICITOR HOLLEN: Your Honor, I think the next
13 witness will probably be fairly lengthy.

14 THE COURT: Okay. Let's take a break. Ladies and
15 gentlemen, they're working on just doing some paperwork.
16 we're going to take a break. Do not discuss this case.
17 It wouldn't be appropriate to do so. We'll be right
18 back with you. Madam Foreperson, knock on the door and
19 let me know when you all have had an opportunity to
20 refresh yourselves and you're ready to come back in,
21 okay?

22 Also, I need to know how late we can work as well.
23 I can tell you that it's been a long Day. I don't
24 anticipate running much past five-ish or So but I need
25 to know. If someone has to be somewhere else earlier

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BY THE COURT

1 than that to pick up a child, you need to tell me, okay?
2 Because we will accommodate you.

3 JURORS LEAVE COURTROOM 2:29 P.M.

4 We're just going to be at ease for about five, ten
5 minutes or so. And then, your next witness is going to
6 be who, Mr. Hollen?

7 SOLICITOR HOLLEN: I believe it'll be Lieutenant
8 Litchfield, your Honor. I'm going to play the interview
9 through him, so that's at least thirty minutes.

10 THE COURT: Okay.

11 SOLICITOR HOLLEN: We have Karen Milbrodt here from
12 Verizon. We can proffer her testimony at any time.

13 THE COURT: Okay.

14 SOLICITOR HOLLEN: She can also be here tomorrow if
15 we need to do it.

16 THE COURT: Okay. Let's go ahead and let's let Dr.
17 Tormos get on her way. Let's take the next witness,
18 then we can take a break. Okay?

19 OFF THE RECORD 3:30 P.M.

20 BACK ON THE RECORD 4:00 P.M.

21 BY THE COURT:

22 THE COURT: Okay. It's my understanding that you
23 are going to call Lieutenant Litchfield, is that
24 correct, as your witness?

25 SOLICITOR HOLLEN: Yes, your Honor.

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BY THE COURT

1 THE COURT: Okay. Are there any issues that we
2 need -- do we need to take up these text messages, then,
3 or not?

4 SOLICITOR HOLLEN: Not the text messages, your
5 Honor. What you have in front of you is the transcript
6 of the video that we prepared in order to assist the
7 jury in -- because the audio is not great. So it's a
8 transcript that we've overlaid, and that's just the
9 verbiage, but we put it --

10 THE COURT: Between the video that I've already
11 seen, between Young and Litchfield?

12 SOLICITOR HOLLEN: Yes, your Honor. That's the one
13 that I'm going to play.

14 THE COURT: Okay.

15 SOLICITOR HOLLEN: After we prepared it, Mr.
16 Plexico had some objections to it. We cut some things,
17 and there are a couple of things --

18 THE COURT: That are left, that we need to talk
19 about.

20 SOLICITOR HOLLEN: Yes, your Honor.

21 THE COURT: Okay. All right. So what's left that
22 we need to talk about? I see you're talking about,
23 sorry, Number 254 through 257.

24 MR. PLEXICO: Do you want me to -- I think I can
25 make it shorter, your Honor.

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BY THE COURT

1 THE COURT: Yes, go ahead.

2 MR. PLEXICO: You have my copy in front of you?

3 THE COURT: Do you want it back. You can go ahead
4 and use it, so you'll see what I'm talking about. The
5 objections are all the same. That is, they're luring
6 her or making comments about what a non-testifying co-
7 defendant is saying, who is Peanut, and getting her to
8 make responses to that.

9 THE COURT: But did he actually say it? Did you,
10 at that point, talked to Peanut?

11 LIEUTENANT DANIEL LITCHFIELD: Yes, I had talked to
12 Peanut prior to --

13 THE COURT: You had talked to Peanut, so you are
14 being truthful about what Peanut had said; you weren't
15 lying to him. We all know he can lie all he wants to
16 get testimony, so, and that's fine. So my question
17 becomes, it really doesn't go as to whether it's not the
18 truth; it's what he told her. So explain to me how
19 you're using it.

20 SOLICITOR HOLLEN: Your Honor, Mr. Plexico, his
21 objection is valid and he's right. If Lieutenant
22 Litchfield was going in and saying, Peanut said that
23 this time you did this, and at this time you did this,
24 it absolutely would not be admissible. I wouldn't be
25 seeking to put it in.

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BY THE COURT

1 THE COURT: Because there's no opportunity to
2 cross-examine Peanut, because Peanut is not testifying
3 in this case.

4 SOLICITOR HOLLEN: Correct, your Honor.

5 THE COURT: Okay.

6 SOLICITOR HOLLEN: However, those statements
7 saying, well, Peanut's story is different, he's not
8 saying anything that Peanut said. He's just trying to
9 get her to talk.

10 THE COURT: And I agree. I think he can say it all
11 he wants is that your stories aren't the same. He just
12 can't say what Peanut said implicating her, because he
13 could lie. He could have made all this up if he wanted
14 to. He could have said Peanut said x, y, and z, and it
15 could have not been the truth.

16 MR. PLEXICO: But I can't determine that, because
17 I can't interview or call Peanut as the witness, and
18 it's the reverse of them saying -- of Lieutenant
19 Litchfield saying, you lied when you said you were
20 wearing a black jacket. Him saying, that's not what
21 Peanut says, is simply the reverse, and it's still
22 saying that she's lying. So I can't -- I still need to
23 cross-examine Peanut for the truth of the matter.

24 THE COURT: Was it not videotaped?

25 SOLICITOR HOLLEN: It was videotaped.

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BY THE COURT

1 THE COURT: It was videotaped. And has he not had
2 a copy of it?

3 SOLICITOR HOLLEN: He had a copy of it.

4 THE COURT: So you can tell whether or not he was
5 lying in the video.

6 MR. PLEXICO: He's just saying he didn't have
7 anything to do with it, in the video.

8 THE COURT: Well, then, how does that implicate Ms.
9 Young?

10 MR. PLEXICO: Because he's saying that he has --
11 he's inferring he has information from Peanut the jury
12 will hear that will implicate my client, and they should
13 not believe my client's story on the video you're going
14 to play, because of what Peanut says, and I can't cross-
15 examine Peanut, so.

16 THE COURT: Well, you can put in Peanut's video if
17 you wanted to. If he gets up here and says, Peanut said
18 x, y, and z -- and again, I guess where I'm having the
19 problem is, is that he can lie all he wants to Peanut.
20 He can tell Peanut five different ways to Sunday to get
21 her to confess, and that is fair game. But we're not
22 talking about the truth of the matter. I'm assuming
23 that if he did do that, he is going to get up and stand
24 and say he did that. If what you're telling me is the
25 video is Peanut just says I know nothing, and that

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BY THE COURT

1 sounds like that's what he said, correct for the most
2 part?

3 LIEUTENANT DANIEL LITCHFIELD: Yes.

4 THE COURT: I know nothing. He doesn't implicate
5 Ms. Young in any way, does he?

6 LIEUTENANT DANIEL LITCHFIELD: No.

7 THE COURT: Well, then, I don't know what you're
8 jumping up and down about.

9 MR. PLEXICO: He's saying Peanut's saying that what
10 she's saying is a lie, and I can't call him as a witness
11 and confront her -- his -- her accuser what her story
12 is.

13 THE COURT: You just asked him. Just say, did
14 Peanut say anything to you; did Peanut implicate Ms.
15 Young in any way; no; so what you told her is not
16 truthful; isn't that correct? And Litchfield's going to
17 have to stand on the stand and say, yeah, that's
18 incorrect. I read his statement. He, in no way,
19 implicated her. That's a police technique. That's what
20 we do. We testify all the time with that. I mean, I
21 think you can ask all that in cross-examination, no
22 question.

23 MR. PLEXICO: I just think it'll leave them murky
24 in the minds of the -- of the -- I don't think it's
25 significant to their case in chief. I think it's unduly

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BY THE COURT

1 prejudicial and it'll leave a murky question in the
2 minds of --

3 THE COURT: So you're wanting to cut out those
4 portions? Is that what you're looking for?

5 MR. PLEXICO: That's all I'm asking for.

6 THE COURT: And you're using them for what?

7 SOLICITOR HOLLEN: Your Honor, if I cut out the
8 portion where he's saying -- first of all, I think -- I
9 get what Mr. Plexico is saying, but if I cut those
10 portions out, then you've got Ms. Young responding, I
11 don't know that boy to nothing. And part of our case is
12 the consistent lie she tells, especially about knowing
13 Peanut. It's almost a res gestae argument. I hate to
14 say that, but it doesn't make sense without those in
15 there, and I don't believe they're objectionable in any
16 way, because it's either the technique or the fact that
17 he's saying his story is different, which is not
18 hearsay. It's not him quoting the co-defendant or
19 putting in different facts, pitting the witnesses. He's
20 trying to get her to tell the story, or a story. But I
21 believe it's a technique, and I think it's admissible.

22 THE COURT: I think it is admissible, and I think
23 you can cross-examine him. And you're going to have to
24 ask Litchfield and say, you know, he didn't admit to
25 anything, he didn't implicate this woman in any way,

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BY THE COURT

1 shape, or form, did he? I'm not sure that helps you,
2 even. I'm not sure it helps the State, but.

3 SOLICITOR HOLLEN: I'm not eliciting that
4 testimony.

5 THE COURT: Well, you're playing the video, aren't
6 you?

7 SOLICITOR HOLLEN: Yes, your Honor.

8 THE COURT: Okay.

9 SOLICITOR HOLLEN: But not Peanut's testimony or
10 anything he said.

11 THE COURT: Okay. Well, I don't know, Mr. Plexico,
12 you obviously can use that testimony if you want to. I
13 mean, it's not the elephant in the room. Everyone
14 known. And you said from the git-go he's going to come
15 out, but you know, Peanut is a co-defendant in this
16 case, so. Okay?

17 MR. PLEXICO: I understand your ruling, your Honor.

18 THE COURT: All right. Let's bring the jury in.

19 JURORS ENTER COURTROOM 4:08 P.M.

20 THE COURT: Welcome back, ladies and gentlemen.
21 Madam Foreperson, how are we all doing?

22 MADAM FOREPERSON: We agreed that 5:00 o'clock is
23 good.

24 THE COURT: We're going to get going. Exactly.
25 Let's see. What we're hopeful is to get at least the

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1 next witness up, and it may be a little more than that,
2 if possible. But if not, I want to make sure you all
3 are okay. And as I told you yesterday, when we started
4 this, I respect and understand how difficult it is to be
5 in your seat. I have plenty of friends who have sat on
6 juries, and they say that, you know, we're not used to
7 sitting here and not being able to say or do anything,
8 and I understand that. So I appreciate it, you all.
9 Let's go ahead and call our next witness, and let's see
10 how far we get.

11 SOLICITOR HOLLEN: Daniel Litchfield, your Honor.
12 Lieutenant Daniel Litchfield.

13 MADAM CLERK: Raise your right hand and place your
14 left hand on the *Bible*. Is the testimony you're about
15 to give the Court the truth, the whole truth, and
16 nothing but the truth, so help you God?

17 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

18 LIEUTENANT DANIEL LITCHFIELD

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 Q. Good afternoon, Lieutenant Litchfield. I'm
21 calling you Lieutenant. Who do you work for?

22 A. The Ridgeland Police Department.

23 Q. And what's your position, other than lieutenant,
24 for the Ridgeland Police Department?

25 A. I'm also an investigator.

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1 Q. Okay. Were you involved in the investigation into
2 the death of Davonte Freeman?

3 A. Yes, sir.

4 Q. And what was your position in that investigation?

5 A. I was called by the other lieutenant on the scene,
6 on patrol, to come out and investigate, and take over as
7 a lead investigator.

8 Q. So you were the lead investigator on this case.
9 Is that correct?

10 A. Yes, sir.

11 Q. All right. Lieutenant Litchfield, as a lead
12 investigator -- let me back up. How long have you been
13 with the Ridgeland?

14 A. Since 2005.

15 Q. And where were you before that? You have any
16 other experience?

17 A. Yes, sir. I was a Hampton City Officer from 1997
18 to 2005.

19 Q. So you've been a police officer since at least
20 1997?

21 A. Yes, sir.

22 Q. All right. All right. When you got the call
23 about a shooting, where were you on April 30th?

24 A. I was at my house in Brunson.

25 Q. And so, you were on call. Is that --

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LTD. LITCHFIELD - DIRECT - HOLLEN

1 A. Yes, sir.

2 Q. All right. What were you told when you got the
3 call?

4 A. I was told that Davonte Freeman was shot while
5 walking with this brother, Wrenshad Anderson.

6 Q. Okay.

7 A. On the street behind KFC area, Adams Street.

8 Q. And did you know exactly where that was?

9 A. Yes.

10 Q. Is that in Jasper County?

11 A. It's in Jasper County.

12 Q. Did you know Davonte Freeman?

13 A. I did.

14 Q. Do you know Wrenshad Anderson?

15 A. I do.

16 Q. You know Eric Darien?

17 A. I did not.

18 Q. Oh, okay. Do you know the defendant, Ms. Young?

19 A. I did not, at the time.

20 Q. Okay. All right. So where do you go after
21 getting the call in Brunson?

22 A. I go out to the scene, which was the road, Adams
23 Street, behind the strip mall/KFC area.

24 Q. All right. What do you find when you went there?

25 A. Actually, when I got there, law enforcement were

1 gone, EMS were gone, and all parties as far as victim
2 were gone. I did see on the ground remnants of a scene,
3 which was medical tape and some blood.

4 Q. Okay. You've been in the courtroom as the
5 investigator. I'm going to hand you what has been pre-
6 marked for identification as State's Exhibit 9, 10, and
7 then we're going to skip to 16. I need to mark these,
8 too.

9 All right. Lieutenant Litchfield, I'm going to
10 hand you State's 9, 10, 16, 17, and 18, and ask you to
11 take a look at those if you don't mind.

12 A. Yes, sir.

13 Q. Do you recognize those?

14 A. I do.

15 Q. What are they? Are those all fair and accurate
16 pictures?

17 A. Yes, sir. These are photos that I took of the
18 crime scene when I arrived.

19 Q. So those are fair and accurate?

20 A. Yes, sir.

21 Q. Have they been changed or altered in any way?

22 A. No, sir.

23 SOLICITOR HOLLEN: Your Honor, at this time I would
24 offer State's 9, 10, 16, 17, 18 into evidence.

25 MR. PLEXICO: I've already seen them. I have no

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1 objection.

2 THE COURT: Without objection.

3 ITEMS IDENTIFIED AS PHOTOGRAPHS

4 MARKED STATE'S EXHIBIT NUMBERS

5 9, 10, 16, 17, AND 18, RESPECTIVELY

6 ADMITTED AS EVIDENCE.

7 BY SOLICITOR HOLLEN:

8 Q. All right. Let's start with -- you've got them up
9 there. We're going to pull them up on the screen. This
10 is State's Exhibit Number 9. Can you describe for us
11 what we're seeing.

12 A. Yes, sir. That's a little cut trail that is
13 behind the little nail salon, little shopping area, that
14 goes towards KFC. It comes off of Adams Street.

15 Q. Okay. It's kind of hard to see.

16 A. It's hard to see on there.

17 Q. But that is a picture you took that night?

18 A. Yes.

19 Q. Let's go to State's 10. All right. That one is
20 very hard to see. Do you want to step down to --

21 SOLICITOR HOLLEN: May he step down, your Honor?

22 THE COURT: Certainly.

23 BY SOLICITOR HOLLEN:

24 Q. And can you point out to the jury kind of what
25 we're looking at here?

1 A. Yes. Ladies and gentlemen, what actually -- this
2 is, in the very first picture, you notice there was a
3 concrete block wall surrounding some dumpsters. At the
4 base of that dumpster was a brass jacket and lead on a
5 bullet that struck that concrete wall and fell down.

6 Q. So that's right there near where --

7 MR. PLEXICO: I would object, your Honor. He has
8 not been qualified as a firearm's expert. He would not
9 be able to say what damage there was to the wall, if
10 any. Or if the concrete got struck.

11 THE COURT: Okay. You can ask him, in all the
12 investigations that he has done, and what he has and
13 appears and what his background is.

14 SOLICITOR HOLLEN: Okay.

15 BY SOLICITOR HOLLEN:

16 Q. How long have you been an investigator?

17 A. Since 2006.

18 Q. How many crime scenes have you worked; do you
19 know?

20 A. I can estimate, three or four hundred.

21 Q. In that time, have you seen bullets that have
22 struck concrete walls?

23 A. Yes, sir.

24 Q. Okay. Are you familiar with what happens to them?

25 A. Yes, sir.

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1 Q. Are you familiar with what happens to different
2 calibers when they strike concrete walls?

3 A. Yes, sir. I've got some at the house that I've
4 done tests on.

5 Q. And you carry a gun every day, right?

6 A. Yes, sir.

7 Q. How often do you shoot a gun?

8 A. Probably every two weeks.

9 Q. Okay. Are you familiar with .9-millimeter
10 ammunition?

11 A. Yes, sir.

12 Q. What's your duty weapon?

13 A. I carry two different calibers. One's a .45 cal.,
14 which is a shorter version of the ACP, which is a full-
15 size .45. And I also carry a .380. Before that, we
16 carried .40 calibers, and I actually own a .9
17 millimeter.

18 Q. Okay.

19 A. And a .22 and a .12 gauge.

20 SOLICITOR HOLLEN: I don't think, you know --

21 THE COURT: I think he can go ahead and testify.
22 Obviously, Lieutenant Litchfield, you can only testify
23 to what you know, so.

24 LIEUTENANT DANIEL LITCHFIELD: Yes, your Honor.

25 THE COURT: So again, if you don't know, I need you

1 to say you don't know. Okay?

2 BY SOLICITOR HOLLEN:

3 Q. I don't know that I asked, but looking at that
4 that -- or actually, you picked that stuff up, right?

5 A. Yes, sir.

6 Q. So you've looked at it since then?

7 A. Yes, sir.

8 Q. In looking at it after you collected it, what
9 caliber do you believe it was?

10 A. I believe it to be a .9 millimeter.

11 Q. All right. Let's go on to the next picture. All
12 right. What are we looking at there? And this is
13 State's, for the record, 16.

14 A. This is the separate picture of just the -- yeah,
15 the jacket that covers the lead core.

16 Q. And you are not a firearm's expert, Lieutenant,
17 but what is the jacket? What are you referring to
18 there?

19 A. A lot of times, when a bullet's put into the
20 casing, it's got a -- a brass covering that holds the
21 lead. A lot of times, how hollow points are filled,
22 they'll do that.

23 Q. So when, in the previous pictures, we saw two
24 separate things, and in that one as well, what are the
25 two portions that we're looking at?

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1 A. In the picture prior to that was both of them, the
2 lead and the jacket. And then, what I did was, I moved
3 it closer to take a picture of just the jacket.

4 Q. So it's the lack of -- the lead is the center, and
5 the jacket's the outside?

6 A. Yes, sir.

7 Q. Okay. Like an M&M kind of?

8 A. Very much so.

9 Q. All right. Go to the next picture.

10 A. And this is the lead.

11 Q. And that's what you collected that night?

12 A. Yes.

13 Q. What is in State's --

14 A. Exhibit 18?

15 Q. 18. What are we looking at?

16 A. Once again, the very first picture showed you a
17 wide view of the dumpster and behind the building, that
18 little cut path. This is some blood where I -- I would
19 assume that he fell.

20 Q. All right. So there's some blood right there.

21 Can you zoom in on that? There we go. Is that the
22 blood you're talking about?

23 A. Yes, sir.

24 Q. Go back to the stand, please.

25 A. Yes, sir.

1 Q. All right. So Lieutenant Litchfield, as far as
2 evidence that night, did you recover anything besides
3 that jacket and lead core?

4 A. Later on during the Day, I recovered some .9
5 millimeter shells.

6 Q. Okay. So you were on the scene that night. Did
7 you look for the shells in the area where they said --
8 where Lieutenant Ginn showed you Wrenshad Anderson
9 identified the shooters being?

10 A. I did not.

11 Q. Okay. So you took -- why didn't you do that?

12 A. Because when I arrived on scene, Lieutenant Ginn
13 and Officer Wells told me that they had already
14 canvassed the area for evidence and none were found.

15 Q. Okay. So you took their word for it instead of
16 going and looking?

17 A. Yes.

18 Q. All right. What else did you do that night on the
19 scene, anything?

20 A. No, I just took some notes, took some photos,
21 picked that stuff up.

22 Q. So you go back to the scene at some point the next
23 Day?

24 A. Yes, during the daytime.

25 Q. Do you recall about what time you went?

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1 A. I believe it was around 11:00, 11:30, somewhere
2 around in there.

3 Q. Okay.

4 A. It may have been earlier. It was a long night.

5 Q. Did you -- how long were you on the scene when you
6 got there that night?

7 A. I got there 2:00 -- 1:30, 2:30-ish in the morning.
8 I left probably 12:00, 3:00, to 3:00 in the afternoon,
9 and it was on a Saturday, so. And then, I took Sunday
10 off and came back in Monday morning.

11 Q. Okay. So you go back to the scene the next Day.

12 A. Um-hmm.

13 Q. When you go back to the scene, what is Davonte
14 Freeman's status? Do you know?

15 A. During that -- that initial incident, he was alive
16 when he left the scene. I didn't find out until much
17 later that he had passed away.

18 Q. Okay. So you're, at this point, investigating
19 what you believe is an attempted murder?

20 A. Yes, sir.

21 Q. So when you go back to the scene the next day,
22 what do you do?

23 A. I canvassed the area for anything I may have
24 missed. That's what I do. And I also try and knock on
25 neighbors' doors and see if they saw or heard anything.

1 Q. All right. You said you located .9 millimeter
2 shell casings?

3 A. Correct.

4 SOLICITOR HOLLEN: Okay. One second. Court's
5 indulgence, your Honor.

6 BY SOLICITOR HOLLEN:

7 Q. I'm going to hand you, Lieutenant Litchfield,
8 what's been marked as State's 19, 20, 21, 22, and 23 and
9 24, and ask you to take a look at those if you don't
10 mind.

11 A. Yes, sir.

12 Q. Thank you.

13 A. Yes, sir.

14 Q. Do you recognize them?

15 A. I do.

16 Q. What are they?

17 A. They are pictures of the shell casings that I
18 found later that day.

19 Q. All right. And you were able to -- in your
20 experience, are you able to determine the caliber of a
21 shell casing by looking at it?

22 A. Yes, sir.

23 Q. Does that require any special expertise?

24 A. No, sir. Typically, just read the back of the
25 casing.

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1 Q. Okay. So it says on the case what it is.

2 A. Yes, sir.

3 Q. And what shell casings did you find when you went
4 out there the next Day? What caliber were they?

5 A. .9 millimeter.

6 Q. And I'm going to ask you to step down here, if you
7 don't mind, to show the jury what we're looking at.

8 A. Yes, sir.

9 Q. Let's start with State's Exhibit 19.

10 A. It's very hard to see. These little things here
11 are shell casings.

12 THE COURT: Lieutenant, can you speak up just a
13 little bit?

14 A. I'm sorry.

15 BY SOLICITOR HOLLEN:

16 A. It's very hard to see on the screen, but these are
17 shell casings before I put down the -- the markers.

18 Q. So there are shell casings in that photo?

19 A. Yes, sir.

20 Q. And all right. Let's go to the next one. Be
21 State's 20.

22 A. And obviously, you start looking closer, you can
23 see them.

24 Q. When you were there the night before, did
25 Lieutenant Ginn come back to the scene?

1 A. He did.

2 Q. Did he tell you where Wrenshad Anderson had
3 pointed out the shooter's location?

4 A. He did, a roundabout area.

5 Q. And the area where you found those casings, was it
6 on the other side of the road? Was it -- how close was
7 it?

8 A. It was a few feet away, but it was on the other
9 side of the road.

10 Q. Okay. I don't -- I don't think this requires any
11 expertise, but in very general terms, Lieutenant, what
12 direction does a -- do most firearms eject cases?

13 A. Right-handed would go up and to the right.

14 Q. So up -- up and to the right? Straight to the
15 right, or back and to the right? What direction? Hard
16 to tell?

17 A. It's hard to tell.

18 Q. All right. Okay. Let's go to the next picture.
19 What are we looking at here?

20 A. After I'd marked where all the shell casings were,
21 it's a lot easier to pick out with the little white
22 marks or whatever that I put on the road and in the yard
23 where the shell casings were at.

24 Q. So those are the shell casings, Lieutenant? You
25 said you did not look in that area the night before,

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1 correct?

2 A. No.

3 Q. Are those shell casings in the area where
4 Lieutenant Ginn indicated to you they had worked?

5 A. Yes.

6 Q. Are they on the same side of the road?

7 A. No.

8 Q. So they're on a different side of the road?

9 A. Yes.

10 Q. Okay. All right. Let's go to the next picture.

11 A. Like I said, I'm redundant. I took a bunch of
12 pictures of it, but these were just closer pictures of
13 the -- these are pictures of the shell casings on the
14 side of the road and leading into the yard where the --
15 that one car was parked.

16 Q. All right. What's next? What exhibit do you have
17 there, State's 23?

18 A. Once again, this picture is similar to the one
19 before it. Markers beside the shell casings.

20 Q. All right, Lieutenant. How many .9 millimeter
21 shell casings did you find?

22 A. I don't recall. Roughly, I think it was nine.

23 Q. Okay. What's the next exhibit you have?

24 A. 6. It's a wider view from the roadway to the
25 Monte Carlo, where the shell casing.

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1 Q. Okay. Now, all right. That's -- I don't need
2 anything else. Go take the stand, if you don't mind.

3 A. Yes, sir.

4 Q. On the map that's been previously introduced as
5 State's Exhibit Number 4, can you identify where you
6 found those shell casings?

7 A. Yes, sir.

8 MR. PLEXICO: May I come around there?

9 SOLICITOR HOLLEN: Yes, I'm sorry, Mr. Plexico.

10 BY SOLICITOR HOLLEN:

11 A. Obviously, this is a wider view of the area. This
12 is Adams Street. This is where the incident took place,
13 right in this area, and the shell casing was right
14 there.

15 Q. Okay. So is that at the entrance to this trail
16 we've been hearing about, or near the entrance to this
17 trail?

18 A. Fairly close.

19 Q. All right. I just wanted to make that clear.
20 Thank you. All right, Lieutenant, you did not find any
21 .22 caliber shell casings when you went back to the
22 scene the next day. Is that correct?

23 A. I did not.

24 Q. At what point did you find the .22 caliber shell
25 casings?

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1 A. I took Sunday off. I came back out Monday to look
2 around, and a little bit further up I found the shell
3 casings.

4 Q. All right. When you say *a little further up*, what
5 do you mean by that?

6 A. Um-hmm. Probably eight feet from where the .9
7 millimeter shell casings were, on the left side of the
8 road, which is where Lieutenant Ginn and them did look,
9 there was two shell casings. And then, a few feet
10 further on the right side, which is the same side the .9
11 millimeters were, there were two more shell casings, and
12 they were off the roadway.

13 Q. All right. Do you remember how many of each
14 caliber shell casing you found? Can you refer to your
15 report?

16 A. Yes. I believe it was four .22 shells. And I
17 want to say six. I don't have it in here. Just a
18 second, hang on. Ten .9 millimeter shell casings on the
19 road portion, and four .22 shell casings.

20 Q. Okay. Now, Lieutenant, I'm going to next hand you
21 what has been marked for identification as State's 25,
22 26, and 27. I'm going to ask if you recognize these?

23 A. Yes, sir.

24 Q. And what are they?

25 A. This is the pictures that I took once I located

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1 the .22 shells, and also a picture of the cut.

2 Q. Okay. Are those pictures fair and accurate
3 depictions of the scene as you saw it?

4 A. Yes.

5 Q. Have they been changed or altered in any way?

6 A. No, sir.

7 SOLICITOR HOLLEN: Your Honor, I'd offer State's
8 25, 26, and 27 into evidence at this time.

9 MR. PLEXICO: I have no objection, your Honor.

10 ITEMS IDENTIFIED AS PHOTOGRAPHS

11 MARKED STATE'S EXHIBIT NUMBERS 25,

12 26, AND 27, RESPECTIVELY

13 ADMITTED AS EVIDENCE.

14 BY SOLICITOR HOLLEN:

15 Q. Step on down here. All right. What are we
16 looking at in State's 25?

17 A. This is an evidence bag that I sat out there where
18 I was going to collect the .22 shell casings. I don't
19 know if I took pictures close up or not of those, but
20 there's, I want to say, one here and one right there.
21 It's very hard to see in this.

22 Q. Okay. 26?

23 A. This is the cut, and the house where the .9
24 millimeters were found were right here.

25 Q. Is there anything in that picture as far as the

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1 marker?

2 A. I believe there's one right there.

3 Q. That's a .22?

4 A. Yes.

5 Q. All right. 27? What are we looking at in State's
6 27?

7 A. This is the cut. That's the house where the Monte
8 Carlo and .9 millimeters were at.

9 Q. And are there any casings in that photo?

10 A. I can't tell if there are.

11 Q. What about the house on the left? Anybody live
12 there?

13 A. No, this is abandoned. It's been abandoned for
14 several years.

15 Q. So that house was abandoned at the time of this
16 shooting. Was there someone living in the house to the
17 right?

18 A. Yes, a female. Last name's Luther.

19 Q. Did she see or hear anything?

20 A. She did not.

21 Q. Okay. All right. I think that's everything. All
22 right. So you located the bullet core and jacket the
23 first night; went back and found the cases the next day.
24 And what was the next thing, after you found the cases,
25 what was the next thing you did in your investigation?

1 A. I did -- I did talk to, you know, did my canvas of
2 some people living on the street. One was Ms. Luther,
3 and then further up was Mr. Malphrus.

4 Q. All right. Did you end up going to the Siesta
5 Motel to interview some people?

6 A. I did.

7 Q. And do you recall who you spoke with when you got
8 out there?

9 A. I could be more accurate reading it from here, but
10 I talked to several people out there, and the first one
11 I met was Shelby Simmons. She lives at the front of the
12 complex area. And she said if I go back there in the
13 back, a lot of people, friends and relatives, stuff like
14 that, of Davonte may be back there. So I walked back
15 there, and I did talk to Cedric Riley, Derrick Riley,
16 Mimi Wrenshad, Angela Bennett, and Unique -- I can't
17 remember what Unique's last name is.

18 Q. At the time that you went to the Siesta, did you
19 have any suspects in this case? Had you developed
20 suspects?

21 A. Yes, I did. I did. Based on Officer Ginn --
22 Lieutenant Ginn and Officer Wells, I did have an idea
23 that maybe Eric Darien, who is Peanut; Aneisha; and I
24 was looking at Dre, which is Keandre Frazier, as being
25 involved in it.

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1 Q. Did you get some information about Keandre
2 Frazier's whereabouts at the time of the shooting?

3 A. Yes. Tynisha Jones and somebody else said that he
4 was actually playing cards, and they knew where he was
5 at during the time.

6 Q. Okay. So for lack of a better term, he had an
7 alibi?

8 A. Yes.

9 Q. When you were out canvassing and speaking to
10 people at the Siesta, were you provided with any phone
11 numbers?

12 A. I did, actually. I got the phone numbers for
13 Peanut and Aneisha -- excuse me, Eric Darien and Aneisha
14 from Cedric Riley.

15 Q. Okay. What point did you interview Wrenshad
16 Anderson?

17 A. We had another incident at that Siesta a couple
18 days later, and he came back to the police department
19 and gave me an interview. I want to say it was May 3rd.
20 Yes, May 3rd.

21 Q. Okay. Did you attempt to contact Aneisha Young at
22 any point?

23 A. Yes.

24 Q. How did you attempt to contact her?

25 A. I talked to Tameka Bailey and asked her to get a

1 message to her that the -- to call me and talk to me.

2 Q. And who is Tameka Bailey?

3 A. She's a deputy for the Jasper County Sheriff's
4 Office.

5 Q. Did you attempt to call the phone number you were
6 given for Ms. Young?

7 A. I believe so.

8 Q. And did you have any luck with that?

9 A. I did not.

10 Q. At some point, did Ms. Young come in and give you
11 an interview?

12 A. She did.

13 Q. Did Mr. Darien come in and give you an interview?

14 A. He did.

15 Q. At the time you interviewed them, did you do
16 anything before you interviewed them? For instance, had
17 you already gotten warrants in this case?

18 A. Oh, yes.

19 Q. So when they came in to give you an interview, is
20 it safe to say that they were under arrest?

21 A. Yes.

22 Q. They were not free to leave?

23 A. They were not.

24 Q. Did you provide them with their *Miranda* warnings?

25 A. I did.

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1 Q. Did you advise them that they had a right to speak
2 with a lawyer?

3 A. I did.

4 Q. And did they wish to speak with you?

5 A. Yes.

6 Q. Both Ms. Young and Mr. Darien gave you interviews?

7 A. Yes.

8 Q. What day did Aneisha come in to speak with you?

9 A. On May 5th.

10 Q. Had you been -- you had been -- had you been
11 trying to get her in to speak with you before that?

12 A. Yes.

13 Q. And did you have any luck?

14 A. I did not.

15 Q. But she did finally come in of her own free will?

16 A. She did.

17 Q. All right. When you interviewed Ms. Young --
18 actually, I'm going to withdraw that. Lieutenant
19 Litchfield, I'm going to hand you what's been marked for
20 identification as State's Exhibit 29. I'm going to ask
21 if you recognize it.

22 A. Yes, sir, I do.

23 Q. And what is it?

24 A. The copy of the interview with Aneisha Young.

25 Q. That's a copy of Aneisha Young's interview?

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1 A. Yes.

2 Q. And did you make any marks on it?

3 A. I wrote the date and my initials on it.

4 Q. Did you review it at my request?

5 A. I did.

6 Q. And is it -- other than a transcript that was
7 added and a couple of other things, is it fair and
8 accurate?

9 A. Yes.

10 Q. Okay.

11 SOLICITOR HOLLEN: Your Honor, at this time, I
12 would offer State's 29 into evidence.

13 MR. PLEXICO: With my prior objection, your Honor.

14 THE COURT: Subject to your prior objection, it's
15 in evidence.

16 ITEM IDENTIFIED AS DVD OF 5-2-16

17 INTERVIEW OF ANEISHA YOUNG

18 MARKED STATE'S EXHIBIT NUMBER 29

19 ADMITTED AS EVIDENCE.

20 SOLICITOR HOLLEN: Your Honor, may I approach?

21 THE COURT: You may.

22 BY SOLICITOR HOLLEN:

23 Q. Again, this is your interview with Aneisha Young
24 on May 5, 2016.

25 A. Yes, sir.

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1 Q. All right.

2 DVD OF 5-5-16 INTERVIEW OF ANEISHA

3 YOUNG, STATE'S EXHIBIT NUMBER 29, PLAYING.

4 END PLAYING STATE'S EXHIBIT NUMBER 29.

5 BY SOLICITOR HOLLEN:

6 Q. All right. Lieutenant Litchfield, is that the
7 interview she gave you?

8 A. Yes.

9 Q. Is there anything else that we didn't see at the
10 end there?

11 A. No, sir. Did you -- when you met with her, before
12 you put her on -- before you put her on camera, did you
13 try to intimidate her into giving you a statement?

14 A. No, sir.

15 Q. Did she appear to be under the influence of
16 alcohol or drugs when you talked to her?

17 A. No, sir.

18 Q. Did she appear to know what she was doing?

19 A. Yes, sir.

20 Q. Did anybody threaten her or coerce her in your
21 presence?

22 A. No, sir.

23 Q. Okay. She gave you a lot of information, didn't
24 she?

25 A. She did.

1 Q. So did you follow up on that information?

2 A. I did.

3 Q. All right. What did you do in regards to that
4 phone number that you asked about in the video?

5 A. I called the number and got a voice mail.

6 Q. Well, hold on. I'm talking about the phone number
7 that she said her phone broke. Her phone number.

8 A. Oh. Actually, I send that information to Dylan
9 Hightower, who works for the Solicitor's Office, to try
10 and get some information about the phone number.

11 Q. Did you do anything in trying to get some records
12 or anything?

13 A. I did get a search warrant.

14 Q. Okay. You sent that off?

15 A. I did.

16 Q. Did you try and retrieve any records from a phone
17 belonging to Eric Darien?

18 A. I did, search warrant, same.

19 Q. And what was that phone number?

20 A. I don't have it.

21 Q. Is it in your report?

22 A. Let's see. [REDACTED] 3731.

23 Q. That's the phone number belonging to the
24 defendant, Aneisha Young?

25 A. I believe so, yes.

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1 Q. Okay. What about Eric Darien?

2 A. Let's see. [REDACTED] 3234.

3 Q. Okay. So you sent search warrants on those phone
4 numbers?

5 A. I did.

6 Q. She tells you in that interview about an alibi?

7 A. She did.

8 Q. Who was it that she gave you?

9 A. Deshonda Washington.

10 Q. Did you ever speak with Deshonda Washington?

11 A. I called the number. The first time, I got a
12 voice mail. Didn't leave a message. The second time, a
13 female answered it, and I told the female who I was and
14 why I was calling, and asked her to come into the police
15 department and give me some information. She said okay,
16 and hung up.

17 Q. All right. And so, Deshonda Washington came in
18 and gave you an interview?

19 A. No. I've never met Deshonda Washington. She did
20 not come in.

21 Q. So to this day, has Deshonda Washington ever come
22 in to tell you --

23 A. No, sir.

24 Q. -- she was with Aneisha Young? Anybody else see
25 anybody named Tashonda, Shonda, anything like that that

1 night?

2 A. No.

3 Q. People did give you the name Lisa. Is that right?

4 A. Yes.

5 Q. How about the relationship between Aneisha Young
6 and Eric Darien? Did you learn about that?

7 A. Yes, I did. Apparently, according to Eric Darien,
8 Peanut, they were very close, very tight.

9 Q. Okay.

10 A. He actually called her his sister.

11 Q. All right. Before I go any further, I'm going to
12 hand you what's been marked for identification as
13 State's Exhibit 12 and 13. I just need to know if you
14 recognize those. I don't need to put them into evidence
15 right now.

16 A. I do recognize them.

17 Q. And are those -- what are they?

18 A. Six .22 shell casings that I collected from Adams
19 Street, and ten .9 millimeter shell casings found in
20 front of [REDACTED] Adams Street.

21 Q. What did you do after you collected those?

22 A. I turned them over to Sergeant McIntosh to be sent
23 to the lab.

24 Q. And were they sent for testing?

25 A. They were.

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1 Q. All right. Let me get those back from you. And
2 I'm going to hand you what's marked for identification
3 as State's Exhibit 14 and 15. Do you recognize those?

4 A. Yes, sir.

5 Q. What are they?

6 A. State's Exhibit 14 is the lead and jacket from the
7 scene.

8 Q. Those were the first pictures that we saw?

9 A. Correct. And State's Exhibit 15 is the shell
10 casing from the ten that was sent to SLED.

11 Q. In that interview, Ms. Young tells you about there
12 was a police report from Davonte taking her money. Did
13 you ever have a chance to look into that?

14 A. I did not.

15 Q. Okay. So you weren't able to verify that, but it
16 could be true, you don't know?

17 A. It could be.

18 Q. Okay. What about -- she indicated she talked to
19 someone named Tameka Bailey. Who is that?

20 A. She's a deputy.

21 Q. Were you able to verify that she spoke with Ms.
22 Bailey?

23 A. Yes.

24 Q. Okay. So she did speak with Ms. Bailey? That was
25 true.

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1 A. She did.

2 Q. All right. At some point, Lieutenant Litchfield,
3 were you contacted by someone indicating that there was
4 an individual in the jail that wanted to speak with you?

5 A. Yes, sir, I did.

6 Q. And who was that individual in the jail that
7 wanted to speak with you?

8 A. A female by the name of Marie Powell, one of
9 inmates of the jail.

10 Q. Did she come speak with you?

11 A. She did, several times.

12 Q. Okay.

13 SOLICITOR HOLLEN: Court's indulgence, your Honor.

14 BY SOLICITOR HOLLEN:

15 Q. Lieutenant Litchfield, you said you sent -- you
16 know what? Never mind. I'm not going to ask that right
17 now. I withdraw that question. Lieutenant, you know
18 what? I don't have any further questions for you.
19 Answer anything that Mr. Plexico has. Okay?

20 THE COURT: Mr. Plexico?

21 MR. PLEXICO: It's going to be -- it's going to be
22 awhile, Judge.

23 THE COURT: Do you want to come and talk to me
24 about scheduling?

25 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

3-14-18 STATE V YOUNG

BY THE COURT

1 HEARING OF JURORS. PRESENT: THE COURT,
2 MR. HOLLEN, MR. PLEXICO.
3 END BENCH CONFERENCE.

4 BY THE COURT:

5 THE COURT: How you all doing? Tired? All right.
6 This is what we're going to do. This is a good breaking
7 point. My understanding of who Defense Counsel is, is
8 he's going to be probably a good 45 minutes or so on
9 cross-examination. So based on the hour, let's go ahead
10 and break for the evening.

11 I'm sorry, I forgot to ask the attorneys one other
12 question. Come here for a second, just as far as
13 scheduling is concerned.

14 OFF-THE-RECORD BENCH CONFERENCE, OUT OF
15 HEARING OF JURORS. PRESENT: THE COURT,
16 MR. HOLLEN, MR. PLEXICO.
17 END BENCH CONFERENCE.

18 BY THE COURT:

19 THE COURT: All right. Ladies and gentlemen, we
20 were just talking scheduling. There's a couple of
21 matters that we need to take up. I'm going to get them
22 done before you even get here tomorrow. What I am
23 asking you, Madam Foreperson and members of the jury, if
24 you will be here at 9:45 tomorrow morning, we should be
25 wrapped up with what we need to and be ready for you.

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BY THE COURT

1 Is that acceptable? You all okay with that? Okay.

2 Ladies and gentlemen, I have to tell you again, do
3 not discuss this case. It wouldn't be appropriate to do
4 so. Do not do any independent research, do not do any
5 drive-by's. Ladies and gentlemen, I remind you again,
6 you are going to have everything you need to decide this
7 case right here in this courtroom. Also, again, if
8 there happens to be anything in the newspaper, the news,
9 the radio, or the Internet on this case, you are not to
10 read it or look at it. Okay? Get a good night's sleep.
11 I anticipate, excuse me, tomorrow is going to be a long
12 Day. I can tell you that I think there's a good
13 possibility we will be finish this case tomorrow, so I
14 am just letting you all know that.

15 What I will need to know, though, from my
16 foreperson, if someone has to be somewhere at a specific
17 time tomorrow night, I need to know. I obviously cannot
18 dictate how long you deliberate. As long as you go, you
19 go. I have often had juries that will want to stay late
20 that night to be able to finish, or they'll say may we
21 break our deliberations and come back in the morning and
22 continue to deliberate. Either way, that is completely
23 up to you. We're here, the Court's here. We're going
24 to keep working. As you all know, I have another case
25 to try right after this one. So we are here, and we are

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BY THE COURT

1 fine. That will be up to you.

2 So 9:45 tomorrow morning. And Madam Foreperson,
3 if you would, talk to all the jurors before you leave
4 tonight, and just see if anyone has an absolutely
5 unavoidable conflict tomorrow evening they have to be
6 somewhere. Okay? And if you would just relay that to
7 the bailiff, I would appreciate it before you leave
8 tonight. Okay?

9 Goodnight, you all. You've been wonderful. Thank
10 you.

11 JURORS LEAVE COURTROOM 5:22 P.M.

12 THE COURT: Detective, you can get down. All
13 right. I know you're not going to talk about your
14 testimony overnight. You're still on the stand. I know
15 you know that, but we're just going to remind you for
16 the record.

17 A. Yes, ma'am.

18 THE COURT: For the attorneys, 9:00 o'clock
19 tomorrow morning. Anyone that needs to be proffered or
20 witnesses put up, they need to be here at 9:00 o'clock,
21 for everybody else. 9:45 is when the jury is coming
22 back. We'll continue at that point. Okay? Anyone need
23 anything else put on the record? You all have worked
24 hard today. I appreciate it. Okay? Everyone okay?
25 All right. Goodnight, you all.

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BY THE COURT

1 MR. PLEXICO: Thank you so much, Judge.

2 THE COURT: Absolutely. Thank you.

3 END DAY TWO, TUESDAY, MARCH 13,
4 2018, 5:23 P.M.

5 BEGIN DAY THREE, WEDNESDAY,
6 MARCH 14, 2018, 9:51 A.M.

7 OFF-THE-RECORD, IN-CHAMBERS CONFERENCE.

8 BY THE COURT:

9 THE COURT: Mr. Hollen, give me your proposed
10 witness list for today. Who do we have left?

11 SOLICITOR HOLLEN: Your Honor, I intend to call --
12 we have to finish, obviously, with the cross-examination
13 of Lieutenant Litchfield. I would call Karen Milbrodt
14 from Verizon; Eric Grabski from SLED; two quick
15 witnesses and Special Agent Jamie Greene from SLED's
16 firearms; and DNA testimony from Andrew Garinger of
17 Beaufort County Sheriff's Office. We intend to call
18 Marie Powell and Debbie Spann. And possibly Harry Orr
19 from the Detention Center, Captain Harry Orr.

20 THE COURT: Okay. Well, let's take up the first
21 issues that we discussed back in chambers. We first
22 spoke about Debbie Spann, who, my understanding is the
23 State's been trying to locate, and my understanding was
24 she was housed in the Detention Center with Ms. Young.
25 And it's my understanding that the substance of her

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BY THE COURT

1 testimony is that she admitted that she did do this
2 killing. Is that correct?

3 SOLICITOR HOLLEN: That's correct, your Honor.

4 THE COURT: All right. And you were unable to
5 locate her until today, is that correct? Or she came in
6 on her own will today? Is that correct?

7 SOLICITOR HOLLEN: Yes, your Honor. She was served
8 a subpoena this morning when we found her.

9 THE COURT: Okay. All right. Well, I thought
10 about this a little more since we talked back in
11 chambers. I am slightly concerned about the late hour
12 in finding her. You put her on the witness list. You
13 obviously knew she had information from Ms. Young,
14 because you knew she was housed with her, so. Pardon?

15 SOLICITOR HOLLEN: Go ahead, your Honor. I'm
16 sorry.

17 THE COURT: I think under, you know Rule 5, it's a
18 statement by a defendant against her interests, so it's
19 Ms. Young's own statement admitting to having killed the
20 victim in this case. It wasn't written or recorded, so
21 it wasn't something that the State had access to, so it
22 wouldn't have been turned over necessarily in discovery,
23 because there was nothing to turn over. At this point,
24 if she testifies, she will take the stand; Mr. Plexico
25 will have the opportunity to cross-examine her; and

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BY THE COURT

1 obviously, you know, be able to question her for bias or
2 prejudice. It's my understanding that somehow she is
3 related to the victim in this case. Is that correct?

4 SOLICITOR HOLLEN: I think he was a cousin, your
5 Honor.

6 THE COURT: Somehow related. I don't know of any
7 rule, Mr. Plexico, that prohibits her from testifying.

8 MR. PLEXICO: Well, your Honor, I believe it's a
9 due process question. I would have to interview
10 everybody who was over at the jail with them during that
11 period of time to -- and find out what exactly happened
12 with my client. I am caught complete -- this is the
13 third -- we started -- we pulled the jury on Monday,
14 this is Wednesday morning. We're about to finish the
15 case. I'm completely surprised. We can't stop. I
16 don't anticipate --

17 THE COURT: Well, you saw her name on the witness
18 list. I called it out to the jury.

19 MR. PLEXICO: But it was meaningless to me, because
20 I have no discovery or no indication or nothing at all
21 about what this witness was going to say. So if they're
22 going to call a witness, they're supposed to give me
23 witness statements.

24 THE COURT: There is no witness statements, though.
25 My understanding is at the point is the only thing they

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BY THE COURT

1 knew was potentially that there was a statement that Ms.
2 Young, your client, made against interests. I mean,
3 basically, this woman's a jailhouse snitch is what she
4 is, and that's what Debbie Spann is. And so, show me
5 somewhere in the rule where a jailhouse snitch can't
6 come up and testify.

7 MR. PLEXICO: I asked for a synopsis of any
8 statement they're going to use against my client, and
9 they could have provided me with a synopsis, which is in
10 Rule 5, and they failed -- and by Rule 5, they failed to
11 do that.

12 THE COURT: Okay. Tell me what you did, Mr.
13 Hollen.

14 SOLICITOR HOLLEN: Your Honor, Rule 5 specifically
15 excludes statements by prosecution witnesses until after
16 they have testified. It says, and I quote:

17 *Information not subject to disclosure --*
18 -- and if you scroll down --

19 *Statements made by prosecution*
20 *witnesses or prospective prosecution witnesses*
21 *provided that after --*

22 Sorry, I lost my place.

23 -- *provided that after the prosecution witness*
24 *has testified on direct-examinations, the*
25 *Court shall, on motion of the defendant,*

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BY THE COURT

1 *order the prosecution to produce any*
2 *statement of the witness in possession*
3 *of the prosecution which relates to the*
4 *subject matter as to which the witness*
5 *has testified.*

6 That is a specific exclusion of this exact thing.
7 Furthermore, I don't have any statements from her. I
8 never did. I can't give Mr. Plexico conjecture and
9 rumors to go by. I had no idea what she was going to
10 say. If we'd have met with her back there and she'd
11 have said, yeah, she told me she didn't do it, I would
12 have had to turn that over as exculpatory, and I would
13 have gladly done so.

14 As I said, I don't like this, this is not ideal.
15 But I don't have any choice but to attempt to call her.
16 She corroborates the testimony of another jailhouse
17 snitch. And I do believe that if there is a remedy
18 here, the remedy is not to exclude her testimony, but to
19 give Mr. Plexico a little bit of time to do what he
20 needs to do. I just don't think exclusion is proper.
21 There was just nothing for me to turn over until I spoke
22 with her today, and did it as soon as I knew.

23 Again, I -- this is not ideal. I'm not pleased
24 with it, but I don't think I have any choice but to
25 attempt to call her.

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BY THE COURT

1 MR. PLEXICO: I think he's confused about what Rule
2 5 requires. A(1) specifically states, *statement of the*
3 *defendant*. Okay? And it says that:

4 *The existence of which is known or by*
5 *due -- or by the exercise of due diligence*
6 *may become known to the attorney for the*
7 *prosecution, the substance of any oral*
8 *statement which the prosecution intends to*
9 *offer in evidence at the trial made by the*
10 *defendant, whether before or after arrest,*
11 *in response to any person known to be a*
12 *prosecution agent.*

13 Well, that's not exactly on point, Judge, but you
14 know, this is just a due process. I'm completely caught
15 by surprise. I can't do an effective cross-examination.
16 That violates her right to confront witnesses. She has
17 a right. That's meaningless unless I can do --

18 THE COURT: This woman is not a prosecution agent.
19 She is a jailhouse snitch.

20 MR. PLEXICO: I agree, Judge, but it's also --

21 THE COURT: I mean, that's where your problem lies
22 under Rule 5(a)(1)(a). I mean, that's where your
23 problem lies.

24 MR. PLEXICO: Well, if I had -- then it becomes
25 *Brady* if I don't have the -- a *Brady* violation if I

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BY THE COURT

1 don't have time to investigate it, and show that the
2 State's piling on these untruthful witnesses because I
3 couldn't go and investigate.

4 THE COURT: Well, I mean --

5 MR. PLEXICO: You just -- you just don't announce
6 you've got somebody that says my client confessed on the
7 third day of trial. I mean, that's just -- that's just
8 a blatant --

9 THE COURT: Well, the question I don't understand
10 is, when you saw Debbie Spann's name on the witness list
11 and you know who she is, why didn't you inquire? Why
12 didn't you say who is this? You know, attorneys do
13 that. I have no idea who this person is, where they
14 came from, and what they're going to testify to.

15 MR. PLEXICO: Well, your Honor, they -- they load
16 their -- I only got it last week.

17 THE COURT: Okay. Well, that's before the trial.

18 MR. PLEXICO: Well, I mean. Well.

19 THE COURT: I can tell you, I don't see where -- I
20 mean, I think it comes in. I think it goes to what it
21 is, which is, again, a jailhouse snitch. You know? I
22 don't know what her motivation is. You know, I already
23 understand she's coming saying she just doesn't want to
24 go to jail.

25 MR. PLEXICO: It's trial by ambush, Judge. That's

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1 what it comes down to.

2 THE COURT: Okay. Okay. Well, let's, right now,
3 because she won't be called in 'til later, let's not
4 deal with it right now, and let's see if we can have an
5 opportunity, possibly, for you to talk to her, Mr.
6 Plexico, to see if that might cure it.

7 MR. PLEXICO: Absolutely.

8 THE COURT: And we'll find out ahead of time what
9 she's going to say, and that might help you. Let's go
10 to the next issue this morning because the jury is back
11 there and ready to go. What is the next issue you have?

12 SOLICITOR HOLLEN: Your Honor, I think we need to
13 proffer the testimony of Special Agent Eric Grabski from
14 SLED who has plotted the --

15 THE COURT: Okay. Come on up.

16 MADAM CLERK: Is the testimony you're about to give
17 the Court the truth, the whole truth, and nothing but
18 the truth, so help you God?

19 AGENT ERIC GRABSKI: Yes.

20 MADAM CLERK: Go right around to the witness chair.

21 AGENT ERIC GRABSKI, PROFFER

22 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

23 Q. Good morning, Agent Grabski. I'm referring to you
24 as agent. Who do you work for?

25 A. I work for SLED.

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1 Q. Okay. And what do you do for SLED?

2 A. I'm a special agent, assigned to the state
3 surveillance and intelligence unit.

4 Q. Okay. And what does that mean?

5 A. That means that we're are based in the South
6 Carolina Information and Intelligence Center, otherwise
7 known as the Fusion Center. And our main goal in SSI is
8 to go after violent fugitives.

9 Q. All right. Before you worked in the Fusion Center
10 for SLED, did you have any law enforcement experience?

11 A. I did. I worked for two years at the University
12 of South Carolina Police Department.

13 Q. And how long have you been in the SSI with SLED?

14 A. It'll be two years next month.

15 Q. Okay. You said you mostly go after violent
16 fugitives. Is that right?

17 A. That's correct.

18 Q. Okay. How do you do that? What methods do you
19 use to find violent fugitives?

20 A. My team specializes in the analysis of historical
21 cellular phone data.

22 Q. Okay. So that's -- this is -- historical cellular
23 phone data, would you say, is one of your main duties?

24 A. That's right.

25 Q. All right. Now, when you're tracking violent

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1 felons, do you use, generally, historic cell phone data,
2 or do you use something else?

3 A. We use all the data we can get, which includes
4 historical cell phone data.

5 Q. All right.

6 A. Usually, we will begin our investigation once we
7 receive the records from the carrier, we'll go on ahead
8 and map out as far back as we can. Usually, it's up to
9 thirty days previous so that we can establish, you know,
10 movements, patterns, that kind of thing.

11 Q. All right. And using that information, you then
12 try to determine where a violent fugitive is?

13 A. That's correct. You know, we'll compare, you
14 know, type of information, DMV addresses, and
15 corroborate C.I.'s and things like that.

16 Q. So the information that you use to map out cell
17 phone data for violent fugitives, is it different than
18 what you use to map out the cell phone data in this
19 case, or is it the same?

20 A. No, it's the same.

21 Q. It's the same data? Could you estimate
22 approximately how many times you have used historical
23 cell phone data to map out locations?

24 A. Somewhere around the range of 200.

25 Q. Okay. So about 200 times. In your -- sorry.

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1 A. Cases, number of cases. That's cases. Sometimes
2 there's multiple phones, you know, that we use, numbers
3 that we look into on cases.

4 Q. All right. Have you, in your position with SLED,
5 received any specialized training in cell phone location
6 data?

7 A. I have.

8 Q. Can you describe a little bit about that for us.

9 A. Sure. So I received training from the FBI
10 Cellular -- Cellular Analysis Survey Team. I took a
11 sixteen-hour course. They have developed a program that
12 makes it quite simple to map out historical cell phone
13 data, particularly cell site data.

14 Q. Um-hmm.

15 A. And so, that's what I use to actually create the
16 maps, and to look into the historical cell phone records
17 as far as the geographical locations of the towers and
18 the possible locations of the -- of the device. I've
19 also received training, wireless communications, the
20 training put on by a company called ETS. That was a
21 two-week-long training. It was just a basics on how
22 cell phone towers work. How, you know, the different
23 theories and technologies behind it. I've also received
24 Pen Registered Track and Trace training put on by
25 PenLink, I believe.

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1 MR. PLEXICO: I'm sorry. I didn't hear. What's
2 the last training? I didn't hear that.

3 A. Pen Registered Track and Trace. As far as -- it's
4 put on by PenLink. That's the -- that's the company
5 that runs it, and that's mostly for live collection.

6 Q. And you use live collection in tracking fugitives
7 as well?

8 A. That's correct.

9 Q. Okay. Go ahead. I'm sorry.

10 A. And that's about, oh, gee, I would estimate about
11 32 hours' training there.

12 Q. Okay. So you have specific knowledge about how
13 cellular data networks and things like that work?

14 A. That's correct.

15 Q. Can you, and this is a broad question, but can you
16 sort of explain in broad terms exactly how a cell phone
17 works, how it picks a tower and the sectors, that sort
18 of thing?

19 A. Sure. So cell phone -- cell phones operate off of
20 cell phone towers. I think we're all aware of that. A
21 cell phone tower is divided into -- usually it's divided
22 into three different sectors. When you place a call.
23 there is a radio frequency that your phone is attached
24 to, basically, and it will go out. It will send a
25 signal to the nearest tower, and usually, the nearest

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1 tower and sector is going to pick it up. And that's how
2 you'll be able to use your phone.

3 Q. Right. And you say *usually*. Are there some
4 factors that may change that?

5 A. There's a lot of factors that change that, yes.

6 Q. All right. Can you go into some of those and what
7 they are.

8 A. The main one is just signal -- basically the
9 degrading of signals.

10 Q. Um-hmm.

11 A. So when you are in a basement, let's say, the
12 signal on your phone, I think, as we all know, is not as
13 strong. And that's because the walls and being
14 underneath, you know, somewhat underneath the ground,
15 it's going to degrade the signal to tower that you can
16 -- that your phone can reach out and see. So clearly,
17 the best case scenario is you're out in the middle of an
18 open field, and there is a tall cell phone tower, you
19 know, just a couple hundred yards away. You're going to
20 get a great signal there because, obviously, the line of
21 site is there. So trees, woods, homes, cars, that kind
22 of thing, a wall, cannot factor into degrading the
23 signal.

24 Q. Um-hmm. How about sectors of -- can you explain
25 what a sector of a cell phone tower is.

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1 A. So a sector is -- basically, think of a pie. And
2 if you think of a circular pie that's cut into three
3 pieces, each of those pieces is a sector. So you have
4 Sector 1, Sector 2, and Sector 3, and each one is
5 pointing in a different direction.

6 Q. All right. So when a cell phone utilizes a tower,
7 does it also utilize a specific sector of that tower?

8 A. That's correct.

9 Q. Okay. Now, how do you -- first of all, where do
10 you get the information that you map? When you say
11 historical software data, where does your information
12 come from?

13 A. All that information comes from the carrier.

14 Q. Okay. So that would be Verizon, AT&T?

15 A. Sprint, T-Mobile.

16 Q. Whatever. Okay. And where do you get the
17 location about the towers that you put on the maps?

18 A. So each carrier publishes -- they update their
19 tower list. Cell site list is another name for it. And
20 we have a -- we have access to -- the Department of
21 Justice has something called the National Domestic
22 Communications Assistance Center. We call it MDCAC.
23 And on there, they publish all of -- they have records
24 dating back years of cell site listings for each
25 individual carrier. It's usually about three -- every

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1 three to six months that they update their cell -- cell
2 tower listings. And mostly, they're -- they're all very
3 -- especially if they're recent, they're all mostly
4 pretty -- pretty similar, but occasionally, they'll have
5 a new tower, you know. And we can actually go directly
6 through the carrier as well to obtain those cell site
7 records, and that's some general cell site listing. For
8 the actual cell phone records of the target phone,
9 that's going to come directly from the carrier.

10 Q. Okay. And let's talk specifically about the type
11 of information that you use to analyze records in this
12 case. Can you explain basically what the information
13 that you plotted can show and what its limitations are.

14 A. I'll try to answer that. So --

15 Q. Are you trying to put the phone in a two-foot
16 radius?

17 A. No.

18 Q. Or even a --

19 A. No. No, this -- the map that I created is purely
20 a tower and sector --

21 Q. Okay.

22 A. -- in relation to what the phone used. So the
23 only time that you're going to see a tower and sector on
24 this map is when the phone actually used that tower and
25 sector, not just driving by it, you know. These maps

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1 that we create are based on phone calls, incoming and
2 outgoing phone calls, which means that the phone
3 actually has to have a transaction with the tower. And
4 usually it's going to be the closest tower.

5 Q. So is this different than what you commonly hear
6 referred to as like real-time tracking or something like
7 that? Can you explain the difference.

8 A. Right. So are you talking about RTT data?

9 Q. RTT. Yeah, whatever. I don't even know what it's
10 called.

11 A. That's fine. There's a couple of, you know,
12 acronyms that they use for that.

13 Q. Okay.

14 A. So it's a real-time tool --

15 Q. Okay.

16 A. -- a lot of times what we, I guess, in the
17 business call it. But basically, what RTD is going to
18 do, is it's going to show you the tower and the sector,
19 but then it's going to attempt to also go further and
20 give you an estimated latitude and longitude of the
21 device.

22 Q. Okay.

23 A. In my experience, I've found that the sector and
24 the tower are correct. However, the estimated -- they
25 call it estimated for a reason, because it's -- not even

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1 the carrier is able to say, hey, this phone is
2 definitely as this you know, intersection or wherever.

3 Q. Um-hmm.

4 A. So basically, the technology behind that is, the
5 tower times how long it takes, when the phone connects,
6 it'll time how long the signal takes to go out and then
7 come back. And based on that timing, it'll give an
8 estimated distance from the tower, or -- and any clue to
9 latitude and longitude. But we -- I did not map those
10 -- those records on this. I found that it's -- it's not
11 reliable, especially with -- when you're dealing with
12 mapping cases, it only serves to just give us more data
13 to look at, usually.

14 Q. All right. So just because a phone is utilizing a
15 tower doesn't necessarily mean that that is the closest
16 tower to the phone. Is that fair to say?

17 A. That's correct. That is correct.

18 Q. What are -- let me think about how to ask this.
19 What are -- so when a phone -- when you pick up a phone
20 to make a call, how does the carrier determine which
21 tower it goes to? Is there --

22 A. There's a lot of factors involved with that.

23 Q. Okay.

24 A. It's all geographical.

25 Q. Okay.

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1 A. It's going to be, essentially, the path of least
2 resistance.

3 Q. All right.

4 A. So when you make a phone call, like, let's say you
5 bought a cell phone in Charleston. You're going to be
6 assigned the Charleston switch, as they say. So a
7 switch is basically the ZIP code, or your home ZIP code,
8 right there. There's a Columbia switch, there's an
9 Asheville switch, you know, Charlotte switch. So when
10 you move into a different switch and you actually have a
11 transaction at a tower, it's going to pop up on those
12 records and say, hey, I'm in a different ZIP code, this
13 is where I'm at. And then, it's going to, as you make
14 calls in that, within that switch, it's going to choose
15 towers that have the best signal near you for what
16 you're attempting to do, text or call.

17 Q. Okay. So can you -- can you next explain what
18 sort of science is behind how you created this map.
19 What are you utilizing as far as a cell phone and a
20 signal and that kind of thing? Does that make any
21 sense?

22 A. Um.

23 Q. No?

24 A. Incoming -- incoming --

25 THE COURT: Let me ask you this. Let's back up

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1 for a second. Number one, I need to see whatever it is
2 you're referring to. What is he ultimately going to
3 testify to, though? I mean, what is his purpose,
4 because I certainly understand the science behind it,
5 and I know, but what is he here for and what is the
6 purpose of him?

7 SOLICITOR HOLLEN: Your Honor, the purpose of this
8 testimony is that the cell phone attributed to the
9 defendant --

10 THE COURT: Right.

11 SOLICITOR HOLLEN: In her statement, she says that
12 she arrives in Ridgeland at 9:00 o'clock and leaves at
13 10:30 or 11:00.

14 THE COURT: Okay.

15 SOLICITOR HOLLEN: Before -- we know, according to
16 these records, that she was utilizing a Hilton Head
17 tower up until about 10:00 o'clock on that night.

18 THE COURT: Okay.

19 SOLICITOR HOLLEN: Then we're able to track the
20 towers that that cell phone is using, all the way to
21 Ridgeland --

22 THE COURT: Okay.

23 SOLICITOR HOLLEN: -- where she stays until the
24 last time she utilizes, or that phone utilizes, the
25 Ridgeland tower is 12:54 a.m. About eight, seven, eight

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1 minutes after this murder. We're then able to track
2 that cell phone all the way back to the first switch
3 that it utilized on Hilton Head.

4 THE COURT: Okay.

5 SOLICITOR HOLLEN: That's what I'm trying to get
6 at. We're not trying to put her even at the scene of
7 the crime.

8 THE COURT: Okay.

9 SOLICITOR HOLLEN: I'm just trying to put her in
10 Ridgeland to show that she was there at the time of the
11 murder, because she says she wasn't.

12 THE COURT: Okay. Okay.

13 SOLICITOR HOLLEN: I'm happy to pass this up to
14 your Honor. This is what he created.

15 THE COURT: Okay.

16 SOLICITOR HOLLEN: And this is very generalized
17 testimony, as far as I'm concerned.

18 THE COURT: Okay. All right. Do you need to ask
19 him some questions, Mr. Plexico?

20 MR. PLEXICO: Sure, your Honor.

21 AGENT ERIC GRABSKI, PROFFER

22 CROSS-EXAMINATION, BY MR. PLEXICO:

23 Q. Just because the -- let's get to the quick of it.
24 Because her phone is, let's say, pinging off the
25 Ridgeland tower, that's because of where the switch sent

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1 it, correct? The switch sent -- detected the phone and
2 sent it to the Ridgeland tower. Is that what they're
3 saying?

4 A. No, that is not what I'm saying.

5 Q. Okay. All right. You were --

6 A. What I'm saying is --

7 Q. You did say the switch determined which tower that
8 phone should use?

9 A. No, that is not correct. So the switch is the ZIP
10 code. The ZIP code contains many, many towers, and the
11 phone, the signal on the phone, is going to choose the
12 tower that looks most appealing for the strongest
13 signal. And usually, that is due to proximity of the
14 phone to the tower.

15 Q. All right. So there are other factors that can
16 affect that, correct?

17 A. Certainly.

18 Q. It's usually proximity. Okay. So there's no
19 guarantee or assurance that, in fact, because it was
20 used when the Ridgeland tower, that she, in fact, was in
21 Ridgeland? There could have been other factors that
22 chose that tower?

23 A. I can tell you that that cell phone used that
24 tower in Ridgeland at those times, because it was
25 initiated -- those calls are initiated by the cell phone

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1 in question or by another cell phone, which routes it to
2 that tower that that cell phone is closest to, to
3 receive a phone call.

4 Q. Okay. But you can't say where that phone is?

5 A. I can say that that phone was on Tower 208 in
6 Ridgeland. I believe 208, Sector 3.

7 Q. All right. But you can't -- but you can't say
8 that with a hundred percent certainty.

9 A. I can say that with a hundred percent certainty
10 that that phone used that tower at that time.

11 Q. Okay. All right. So you are trained in the
12 technology, correct?

13 A. Yes.

14 Q. You were trained in how to use the technology to
15 come up with your data.

16 A. That's right.

17 Q. Okay. All right. You've had 32 hours of
18 training?

19 A. Definitely more than that. That 32 hours just
20 pertained to pending PenLink training that I mentioned
21 earlier.

22 Q. That was third-party training, 32 hours. You've
23 had other training at work?

24 A. That's correct. I would -- I would estimate about
25 120 hours of training, based on the different companies.

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1 I didn't -- earlier, I didn't go into each -- how long
2 each training was, I suppose.

3 Q. Were you part of developing the theory of how to
4 determine where a phone could be with the tools you were
5 given in training? Were you part of that development
6 process?

7 A. When you say *development*, what do you mean?

8 Q. Were you part of the -- were you part of
9 developing the theory that this can actually be done,
10 and that it is -- can be done reliable?

11 A. Are you asking me if I developed the --

12 Q. I mean, right.

13 A. -- the radio frequency behind the usage of the
14 cell phone tower and everything?

15 Q. Right.

16 A. No. No, I'm not an engineer.

17 Q. All right. So you can't attest that this is a
18 valid process; you can just attest to how you use that
19 process, correct?

20 A. Based on what is given to me from the carrier,
21 that is what I'm analyzing.

22 Q. Correct.

23 A. So as far as the carrier goes, the engineer is the
24 carrier. So when they build a cell phone tower and put
25 the transmitters on, that's out of my realm of

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1 expertise.

2 Q. So if there's something wrong with the whole
3 theory behind this, you would not be trained to detect
4 that, correct?

5 A. When you say *theory*, what do you mean?

6 Q. Well, the whole process that you did not develop,
7 you're using somebody else's process. You didn't go
8 test that process and have a -- within the scientific
9 community --

10 A. That's right.

11 Q. -- and determine that it's accurate, correct? You
12 didn't do that.

13 A. That's right.

14 Q. Okay. All right. So if there is a mistake in
15 that process, you wouldn't know that, correct? If the
16 process itself is flawed, you would not know that,
17 correct?

18 A. That's right. I would see probably something
19 different on the -- on the call records. I wouldn't be
20 able to see, you know, a certain tower being used if
21 that tower was down, that kind of thing.

22 Q. You wouldn't know if your data was accurate if the
23 process itself was flawed. So you're assuming the
24 process is --

25 A. That's right.

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1 Q. -- works.

2 A. Is operating normally. That's right.

3 Q. Okay. All right. And it actually does what it
4 says, because you don't know, you didn't create it, and
5 you can't vouch for it's reliability, correct? Just for
6 the reliability of your work is what you vouch for. Is
7 that correct?

8 A. That's right.

9 Q. All right. So are there any factors where someone
10 who might not, who is in Ridgeland, might not use the
11 Ridgeland phone, according to your training and
12 expertise?

13 A. I'm sorry, I don't think I understand the
14 question.

15 Q. Say, if someone's in Hilton Head --

16 A. Um-hmm.

17 Q. -- are there some factors that could turn up that
18 would have that person using the Ridgeland -- appear to
19 be using the Ridgeland tower?

20 A. It's highly improbable, in my training.

21 Q. But it is probable?

22 A. It is not probable.

23 Q. Highly improbable, or is it not probable?

24 A. It's not probable.

25 Q. Okay. All right. You can say what you do you

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1 believe works, but you don't know the process behind it,
2 and you cannot vouch for that, correct?

3 A. The process behind?

4 Q. The cell phone location theory that you're doing
5 and saying that it should be in this area.

6 A. Theory is different than seeing a phone register
7 to a tower.

8 Q. Correct.

9 A. The theory is the science behind it.

10 Q. That's what I mean, the science.

11 A. Radio frequency. Gotcha, yes. No, I'm not a
12 scientist.

13 Q. So you can say that the phone used the tower, but
14 not that the phone was in Ridgeland, correct?

15 A. If the phone used the tower, that tower, it's
16 going to be in proximity to that tower.

17 Q. And what's the proximity you're talking about in
18 this case with that tower?

19 A. Within the line of sight of that tower. Within
20 the -- a tower is emitting energy, right?

21 Q. Correct.

22 A. So the phone would have to be within that energy
23 field in order to gain access to that tower.

24 Q. From the base of the tower out, in miles, how far
25 is that?

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1 A. We you estimate, usually. We just give it about
2 three miles, but I -- I don't know how far that tower
3 goes out.

4 THE COURT: And he's not going to testify to that
5 here today. That's what I understand. You have not
6 done, as far as vector and what the nearest tower was
7 and where this location is, you haven't done any of that
8 in this case. Is that correct?

9 A. That's right.

10 THE COURT: Okay.

11 A. As far as the signal strength, that's correct.

12 THE COURT: Exactly. Okay. Okay, I can tell you
13 this, Mr. Plexico, the science is good in this. I've
14 admitted it in many cases. There's always a question
15 of, if you've got one signal versus if you've got a
16 triangulation, the strength. Typically, the argument is
17 whether or not how close you can place that phone to the
18 incident location, but that's not what he's trying to do
19 here. What my understanding is, is that he is trying to
20 use this to show her movement from Hilton Head to
21 Ridgeland, and then back to Hilton Head, which the
22 science of what he's talking about is good, and he can
23 say that.

24 Now, again, it's the science of -- it's the cell
25 phone that's moving, obviously not her. So if someone

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1 else had the cell phone, then, and was using her cell
2 phone, that would mean she wasn't there. But again,
3 that is just part of the argument. But the science, I
4 think, is fine. I think to the extent he's testifying,
5 he's certainly is not going too far. I find you
6 qualified, certainly, to testify to it, so I don't have
7 a concern about that. What else, you all?

8 SOLICITOR HOLLEN: Your Honor, I think that's all.

9 MR. PLEXICO: We need a formal ruling on the text
10 messages.

11 THE COURT: Well, I need to talk about that,
12 because I haven't heard anyone from the text messages
13 here are from, who they're from, and who they are.

14 MR. PLEXICO: Your Honor, I'm going to give you --
15 your Honor, I am going to move my motion to exclude all
16 cell phone data as a violation of Rule 702, and to make
17 it a part of the Court's record.

18 THE COURT: Sure. Mr. Hollen, he's not testifying
19 as to specific text messages, correct? He's just saying
20 that there were text messages from this phone, or phone
21 calls, whichever it may be, correct? From Hilton Head
22 to here.

23 SOLICITOR HOLLEN: He's not going to testify at all
24 to the text messages. That will be Karen Milbrodt.

25 THE COURT: Okay. I just want to know if we're

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1 going to have the time to do a proffer, or if she can
2 tell me whose phone number is what, and --

3 SOLICITOR HOLLEN: No, she can't do that. All she
4 knows is that she can give the numbers back, the number
5 sent, the number received, the time, the date, and the
6 content. That's all she testify to.

7 THE COURT: Okay.

8 SOLICITOR HOLLEN: Not -- she clearly can't say
9 that this was her phone or the number that she's texting
10 was Eric Darien's phone or --

11 THE COURT: I thought you had a phone number that
12 the defendant admitted to in her interview that matches
13 the phone number that Verizon or whomever the carrier is
14 from?

15 SOLICITOR HOLLEN: Exactly. Ms. Milbrodt wasn't
16 here for that testimony. She doesn't know.

17 THE COURT: Okay.

18 SOLICITOR HOLLEN: So she'll just testify to the
19 number and then, yeah, that's it.

20 THE COURT: Okay. Okay. That's what I needed to
21 understand. Okay. So I don't think we need a ruling
22 yet as to what Mr. Plexico is asking me for. I think
23 you can have him testify as to we understand that this
24 is her phone number because this is what was told in the
25 interview, and he can give his testimony, correct?

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1 SOLICITOR HOLLEN: Yes, your Honor. But it would
2 be --

3 THE COURT: After Litchfield?

4 SOLICITOR HOLLEN: After Litchfield and Karen
5 Milbrodt. Then we would get to --

6 THE COURT: That's fine. Okay. All right. So are
7 we good?

8 SOLICITOR HOLLEN: I believe so, your Honor.

9 THE COURT: So would like to bring the jury out
10 here and get Litchfield at least finished, and maybe go
11 ahead and get at least that part of it done.

12 SOLICITOR HOLLEN: Sure.

13 THE COURT: Mr. Plexico yesterday said he'd be 45
14 minutes to an hour with him, and then we'll probably
15 take a break. And then, and we can get Ms. Milbrodt up,
16 and then we will get to you. Okay?

17 SOLICITOR HOLLEN: Thank you, your Honor.

18 THE COURT: Thank you, sir. Okay. Step on down,
19 sir. Okay. Are we ready to go? Litchfield, do you
20 want to come back up and take a seat?

21 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

22 THE COURT: I'm going to have Ms. Bostick swear you
23 in, just because it's a new Day. Okay?

24 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

25 THE COURT: Let's bring the jury in.

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1 JURORS ENTER COURTROOM 10:27 A.M.

2 THE COURT: Good morning.

3 RESPONSES FROM JURORS.

4 THE COURT: All right, ladies and gentlemen. Thank
5 you for being patient with us this morning. We've just
6 been working on a few matters. And I will tell you that
7 I had a time this morning with a sick child. So I was
8 working a bit late as well, so I apologize.

9 At this time we're going to go ahead and continue
10 with Lieutenant Litchfield's testimony. And because
11 it's a new day I'm going to have Ms. Bostick just place
12 him under oath again, just out of an abundance of
13 caution. Okay?

14 MADAM CLERK: Stand up.

15 THE COURT: So if you would, you can stand right
16 there, sir.

17 MADAM CLERK: Is the testimony you're about to give
18 to the Court the truth, the whole truth, and nothing but
19 the truth, so help you God?

20 LIEUTENANT DANIEL LITCHFIELD: Yes, ma'am.

21 MADAM CLERK: Thank you.

22 THE COURT: Thank you, Lieutenant. I appreciate
23 it.

24 LIEUTENANT DANIEL LITCHFIELD: Yes, your Honor.

25 THE COURT: Okay. Mr. Plexico.

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1 MR. PLEXICO: Thank you, your Honor.

2 LIEUTENANT DANIEL LITCHFIELD

3 CROSS-EXAMINATION, BY MR. PLEXICO:

4 Q. You're the lead investigator in regards to this
5 matter, correct?

6 A. Yes, sir.

7 Q. All right. So you got a call and you arrived.
8 About what time did you arrive?

9 A. I would say a little after 2:00.

10 Q. Okay. All right. Did you interview multiple
11 people in regards to this?

12 A. I did.

13 Q. Okay. As a matter of fact, you started the next
14 morning. I think you stayed up there and kept working
15 on that, right?

16 A. Yes, sir.

17 Q. All right. Did you meet with Officer Wells or
18 Ginn?

19 A. I did.

20 Q. All right. As part of that, did you ask them to
21 show you where Peanut and Dre were at when they were
22 shooting at Wrenshad Anderson, based on his prior
23 statement?

24 A. I asked them where this took place, and they
25 showed me in the general area, yes, sir.

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1 Q. Okay. All right. And you have an April 30th
2 report. Do you have that?

3 A. I've got most of it, yes, sir.

4 Q. All right. So they both -- they both told you --
5 they had -- and Wrenshad Anderson showed them where
6 Peanut and Dre shot from?

7 A. They did.

8 Q. Is that what Dre told you?

9 A. Yes, sir.

10 Q. Okay. And the theory, then, of the Department is
11 that Peanut and Dre shot at Wrenshad Anderson and
12 Davonte Freeman, correct?

13 A. The theory at the time was that they were shot at,
14 and they believed that Peanut and Dre were involved.

15 Q. Well, this says, *where Peanut and Dre shot from.*

16 A. Correct.

17 Q. So they think their involvement was they were
18 shooting at Wrenshad Anderson and Davonte Freeman?

19 A. Yes, sir.

20 Q. Okay. And you had no other -- that was your
21 theory at the time, too, correct?

22 A. Yes, sir.

23 Q. All right. And on down a few paragraphs, it says
24 you found four .22 caliber shells, two on the north side
25 of Adams Street, two on the south side.

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1 A. Correct, sir.

2 Q. When you went back to look. And you also said
3 that you had ten .9 millimeters?

4 A. Correct.

5 Q. Okay.

6 A. At different dates.

7 Q. All right. And you spoke with William Malphrus,
8 who we've heard from, correct?

9 A. Yes, sir.

10 Q. And you went to the Siesta?

11 A. Yes, sir.

12 Q. Okay. While at the Siesta, you were trying to
13 gather information, right?

14 A. Yes, sir.

15 Q. All right. On that -- that was video recorded and
16 audio recorded?

17 A. Yes, sir.

18 Q. Okay. On it, you're heard to say that you need
19 somebody to say he pulled the trigger, somebody to say
20 he did it. Is that accurate?

21 A. Yes, sir.

22 Q. And later, toward the end, did you say, I've got
23 to have somebody say he did it or I saw him do it?

24 A. Yes, sir. I can explain that, if you'd like.

25 Q. Okay. All right. But you told all -- there were

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1 a lot of people out there hanging out there at the
2 Siesta that you all were talking to.

3 A. Yes, sir, after our interaction. Like I say, I
4 can explain it, if you'd like me to.

5 Q. Okay. All right. Now, so people knew you wanted
6 statements, correct?

7 A. Yes, sir.

8 Q. All right. Do you know Alisa Raines?

9 A. Alisa Raines. I -- I don't remember, no, sir.

10 Q. Okay. Do you know a Marie or a Cristine Kramer?

11 A. I don't believe so.

12 Q. Okay. Do you know a Lisa Lloyd?

13 A. I'm not familiar, no, sir.

14 Q. Erica Raines?

15 A. No, sir.

16 Q. Okay. Do you know Marie Powell?

17 A. Yes, sir.

18 Q. Could those be aliases that -- would you --

19 MR. PLEXICO: May I approach the witness?

20 THE COURT: You may.

21 BY MR. PLEXICO:

22 Q. Could you examine those first two pages.

23 A. Yes, sir.

24 Q. Okay. Could they both be aliases that Marie
25 Powell uses?

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1 A. Very possible, yes, sir.

2 Q. Okay. All right. And what is this booklet that
3 I'm holding here?

4 A. It looks like a criminal history sheet.

5 Q. Okay. Would this be the criminal history sheet of
6 Marie Powell?

7 A. It appears to be, yes, sir.

8 Q. Okay. All right. And it's quite lengthy?

9 A. Yes, sir.

10 Q. And there's a huge number of fraudulent acts and
11 theft, correct?

12 A. Yes, sir.

13 Q. Did you review -- did you interview Marie Powell
14 in regards to this case?

15 A. I did, sir.

16 Q. And did you review this before you interviewed
17 her?

18 A. No, sir.

19 Q. Okay. But you were aware of her criminal record?

20 A. No, sir.

21 Q. You had a series of three interviews with her,
22 correct?

23 A. Yes, sir.

24 Q. And one of those was on 7/20?

25 A. I believe so, yes, sir.

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1 Q. Okay. All right. And you had another -- two more
2 -- another, at least, in August. When was the last one?

3 A. I don't have that as far as the dates in my
4 paperwork, but I do know I interviewed her several
5 times.

6 Q. All right. Did you interview -- did you interview
7 the mother of Matthew Hatchell and Matthew Hatchell's
8 brother?

9 A. I did not.

10 Q. Okay. Do you have notes on your summary in here
11 about your interviews?

12 A. I do have some notes.

13 Q. You do have. You did not interview them?

14 A. No, sir. Sergeant McIntosh did.

15 Q. Okay. All right. Did you read Sergeant
16 McIntosh's report?

17 A. Some of it.

18 Q. Okay. Did you follow up on reading Sergeant
19 McIntosh's report?

20 A. I don't believe I did. I believe I left Sergeant
21 McIntosh to do that.

22 Q. Okay. All right. Did Matthew Hatchell and his
23 brother Joshua Lafler report two males about twenty
24 minutes before the shooting, at the path, the cut, the
25 scene of the shooting, and that they were harassed by

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1 them?

2 A. I cannot remember if it was two males or a male
3 and a female.

4 Q. Well, wasn't one of them Peanut?

5 A. Possibly.

6 Q. Okay.

7 MR. PLEXICO: May I approach the witness?

8 THE COURT: You may.

9 BY MR. PLEXICO:

10 Q. Is that -- is that what Matthew said in his
11 interview?

12 A. This is Sergeant McIntosh's report.

13 Q. Does he make accurate reports?

14 A. To my knowledge, yes, sir.

15 Q. Okay.

16 SOLICITOR HOLLEN: Your Honor, objection. He's
17 asking about another -- I know he's lead case officer,
18 but can we approach?

19 THE COURT: You may.

20 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

21 HEARING OF JURORS. PRESENT: THE COURT,

22 MR. HOLLEN, MR. PLEXICO.

23 END BENCH CONFERENCE.

24 BY MR. PLEXICO:

25 Q. Okay. So you've had a chance to review that?

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1 A. Yes.

2 Q. Okay. And in that statement, it was learned that
3 Peanut was behind with a male. And by that, twenty
4 minutes prior to the shooting --

5 A. Yes, sir.

6 Q. -- Peanut was on that path with a male. Is that
7 correct?

8 A. According to Matthew Hatchell's statement to
9 Sergeant McIntosh, yes, sir.

10 Q. Okay. Thank you. Can I return that? Now, he was
11 even showed a lineup of Aneisha Young and said, no,
12 that's not her, correct?

13 A. Yes, sir.

14 Q. Okay. So she wasn't back there with Peanut twenty
15 minutes before the shooting, correct?

16 A. I don't know if she was or not.

17 Q. Okay. According to Matthew, that's not who he
18 saw?

19 A. Correct.

20 Q. And he was with his brother Joshua Lafler, who
21 said the same thing. Is that correct?

22 A. Possible. Like I said, I didn't take any
23 impression from --

24 Q. But did you read the -- you're the lead case
25 officer.

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1 A. Yes, sir.

2 Q. You've read the report?

3 A. Yes, sir, I read the report.

4 Q. And okay. And that he said that was -- he did not
5 see Aneisha Young back there, correct?

6 A. Do you have -- do you have that so I could look
7 over it, sir?

8 Q. Yes.

9 A. Thank you.

10 Q. That would be in the middle.

11 A. Yes, sir. It states here there was only one
12 person.

13 Q. Okay. All right. But not my client, correct?

14 A. No, sir.

15 Q. It was a male, correct? What he saw. All right.
16 And this is twenty minutes before, correct?

17 A. Yes, sir.

18 Q. All right. And you didn't follow up on it,
19 correct?

20 A. Sergeant McIntosh did.

21 Q. All right. Now, you interviewed a lot of people,
22 correct?

23 A. Yes, sir.

24 Q. All right. On May 2nd, did you interview Shona
25 Jinks, and she had a black male with her? She's a black

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1 female. On 5/2? Do you recall that interview?

2 A. I believe so.

3 Q. Okay. You talked with them about the case,
4 correct?

5 A. If I'm not mistaken, that would be the guardians
6 of Davonte Freeman.

7 Q. Okay. All right. Now, you told them that he was
8 actually killed with a .22 caliber, correct?

9 A. I may have.

10 Q. All right. You don't deny that?

11 A. No, I do not.

12 Q. Okay. All right. So you talked to Demitria
13 Rochelle Williams, I believe.

14 A. Yes, sir.

15 Q. Also on 5/2, correct?

16 A. Yes, sir.

17 Q. And you said that Wrenshad Anderson was saying
18 that Peanut and Dre did it, and that was on 5/2,
19 correct?

20 A. Yes, sir.

21 Q. All right. You interviewed my client on 5/10,
22 right?

23 A. I believe it was on 5/5.

24 Q. When did you serve her the warrant?

25 A. 5/5.

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1 MR. PLEXICO: May I approach the witness?

2 THE COURT: You may.

3 BY MR. PLEXICO:

4 Q. This warrant ending in 72 for the murder of --
5 concerning the murder of Davonte Freeman by Aneisha
6 Young? Defendant's Aneisha Young.

7 A. Yes, sir.

8 Q. And it was served -- at the bottom left, it says
9 it was served on my client on 5/10. Is that correct?

10 A. I'm not sure what this is.

11 Q. On the bottom left. It's the service of the
12 warrant.

13 A. Yes, sir, but I didn't serve this warrant.

14 Q. Okay.

15 A. Is what I'm saying. The warrant I served on the
16 interview is 5/5.

17 Q. All right. Now, your warrant on 5/5 --

18 MR. PLEXICO: May I approach the witness again?

19 THE COURT: You may.

20 BY MR. PLEXICO:

21 Q. Does this say that defendant was positively
22 identified as one of the shooters by eyewitness to the
23 incident?

24 A. Yes, sir.

25 Q. Okay. Who was that eyewitness?

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1 A. Wrenshad Anderson.

2 Q. But that's not true, is it?

3 A. You'd have to ask Wrenshad.

4 Q. Well, you heard his testimony.

5 A. Yes, sir.

6 Q. That's not true, is it?

7 A. Like I said, it was two years ago. You'd have to
8 ask Mr. Wrenshad.

9 Q. You all got a lot of criticism over this, and the
10 Department was under a lot of pressure, wasn't it, in
11 regards to this matter?

12 A. We are always under pressure to solve crimes, sir.

13 MR. PLEXICO: May I approach the witness?

14 THE COURT: You may.

15 BY MR. PLEXICO:

16 A. Okay.

17 Q. That refers to a shooting 45 days before and two
18 years before at Davonte at the same location?

19 A. General area, yes, sir.

20 Q. Okay. Now, there was a public outcry. They were
21 talking about --

22 SOLICITOR HOLLEN: Objection, your Honor. Can we
23 approach?

24 THE COURT: You may.

25 OFF-THE-RECORD BENCH CONFERENCE, OUT OF

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1 HEARING OF JURORS. PRESENT: THE COURT,
2 MR. HOLLEN, MR. PLEXICO.

3 END BENCH CONFERENCE.

4 BY MR. PLEXICO:

5 Q. Your department was under pressure in regards to
6 this matter, correct?

7 A. I can only answer for the personal pressure I put
8 on myself to solve crimes. I -- I don't -- our chief
9 always tells us to do our job and don't handle the
10 political side of it.

11 Q. Was your chief under pressure about this matter?

12 A. I don't believe so.

13 THE COURT: It's pure speculation. I mean, that is
14 not an appropriate question. You need to move on.

15 BY MR. PLEXICO:

16 Q. Okay. Did the Solicitor's Office put you under
17 pressure?

18 SOLICITOR HOLLEN: Objection, your Honor.

19 A. No, sir.

20 SOLICITOR HOLLEN: I don't know how we can --

21 THE COURT: Again, that would be speculation as
22 well.

23 MR. PLEXICO: Well, they have a -- may I -- may I
24 approach, your Honor? I can show you what I have.

25 THE COURT: Mr. Plexico, you just need to move on.

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1 You just need to move on.

2 BY MR. PLEXICO:

3 Q. All right. So okay. Now, did you know Marie
4 Powell had a giving false information conviction?

5 A. I do not. At the time of my interview, no, sir.

6 Q. Okay.

7 A. I was getting any information I could, and then
8 sorting it out.

9 Q. Dre is Keandre Frazier, correct?

10 A. Yes, sir.

11 Q. And that's Deputy's Bailey's son, correct?

12 A. Yes, sir.

13 Q. And you interviewed Cedric Riley in regards to
14 whether or not Dre was involved. Is that correct?

15 A. I may have. I don't remember.

16 Q. All right. And weren't you told that Dre, at the
17 time of the shooting, was with Cedric Riley and his
18 girlfriend?

19 A. I believe so, yes.

20 Q. Okay. And you didn't pursue that anymore?

21 A. No, sir.

22 Q. Okay. And did you look at Cedric Riley's record
23 and realize that he had a distribution of cocaine?

24 A. I did not.

25 Q. Okay. All right.

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1 A. My understanding was Keandre was with one of
2 Davonte's relatives.

3 Q. Okay. And that's his girlfriend?

4 A. Yes.

5 Q. Okay. And do they have a child together?

6 A. I do not know.

7 Q. All right.

8 MR. PLEXICO: May I approach again, your Honor?

9 THE COURT: You may.

10 BY MR. PLEXICO:

11 Q. All right.

12 A. Yes, sir.

13 Q. That has the height of my client. Is that 4-11?
14 My client's a short girl.

15 A. Yes, sir.

16 Q. Okay. All right. Then, that's correct?

17 A. Yes, sir.

18 Q. All right. 4-11? Yes, sir? Is that --

19 A. Yes.

20 Q. Okay. All right. And you told other people that
21 Davonte Freeman was killed with a .22 caliber, correct?

22 A. I possibly did.

23 Q. All right. Now, when you interviewed my client --
24 let me ask you this. When you interviewed Peanut, Eric
25 Darien --

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1 A. Um-hmm.

2 Q. -- did he say my client had anything to do with
3 the murder?

4 A. I don't remember him saying anything like that.

5 Q. Okay. And the fact is, he didn't, correct?

6 A. Okay.

7 Q. All right. So you actually lied to my client,
8 didn't you? Didn't you lie to my client during her
9 interview?

10 A. I did not.

11 Q. Okay. Well, weren't you trying to pit her against
12 Peanut by saying that's not what he said?

13 A. Yes, sir. Definitely.

14 Q. Okay. All right.

15 A. It's an interview interrogation tactic.

16 Q. That's an interrogation tactic, but it's not a
17 lie. It's simply untrue. But it's an interrogation
18 tactic.

19 A. No, my actual statement was, *that's not what he's*
20 *saying.*

21 Q. Okay.

22 A. I can explain, if you would like me to.

23 Q. I'm sure you can. That's fine.

24 A. Yes, sir.

25 Q. All right. And Dre and his -- excuse me. Dre

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1 only had his girlfriend and Cedric took cover for him,
2 to provide an alibi?

3 A. I believe so. And like I said, I'm not sure if
4 that's Cedric's girlfriend or not. I just knew it was a
5 relative of Davonte's.

6 Q. Okay. Now, you talked to -- did you talk to Marie
7 Powell at one time and, you know, take her out of Judge
8 Scoggins' court?

9 A. Yes, sir.

10 Q. Okay. And did you go back and tell Judge -- asked
11 Judge Scoggins to give her whatever help he could on
12 whatever time she was looking at, at the end of that
13 interview on --

14 A. I don't remember if I did or not.

15 Q. Sounds like something you would do for her.

16 A. I have done it for people in the past, yes, sir.

17 Q. Okay. Did you do that for her?

18 A. I don't recall if I did or not.

19 Q. Okay. Do you recall getting her out of the
20 courtroom to interview her?

21 A. Yes, sir.

22 Q. Okay. And you can't remember if you tried to help
23 her on her charges after you talked to her and got
24 another statement from her?

25 A. Not on her charges, no, sir.

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1 Q. Okay. Do you remember her during the first
2 interview, where she was saying that she had -- she had
3 outstanding charges with Judge Nancy?

4 A. I don't remember what judge, but I remember it was
5 --

6 SOLICITOR HOLLEN: Objection, your Honor. This is
7 the stuff that Marie Powell is telling him. He can ask
8 her.

9 MR. PLEXICO: He's the lead investigator, and he
10 made decisions based on --

11 THE COURT: If he's learned it in his investigation
12 or knows it, then he can testify to it.

13 BY MR. PLEXICO:

14 A. I knew that she had -- she told me she had some
15 charges with the county, magistrate charges?

16 Q. Okay. She was expecting help from you, correct?

17 A. I don't know what she was expecting.

18 Q. Okay. All right. And but you can't recall if you
19 actually did anything for her. Is that your testimony?

20 A. On her charges with the magistrate's office, I
21 know I did not.

22 Q. Okay. You didn't tell Judge Scoggins to give her
23 what help he could give her?

24 A. I don't remember doing that, because a lot of
25 times with bench warrant stuff, we don't have any say-so

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1 on how many days they get or don't get. In other words,
2 if I talk to somebody before they're charged, I can help
3 them, but afterwards, I have no way of helping them.

4 Q. Okay. Well, she stays in trouble, correct?

5 A. She's been in trouble before.

6 Q. All right. It's a long history of trouble?

7 A. I don't use that against her.

8 Q. Okay. All right.

9 A. People make mistakes, sir.

10 Q. She's made a booklet of mistakes.

11 A. I'm not familiar with how much, but.

12 Q. All right. Now, --

13 A. It's kind of like the old saying, you can't get a
14 preacher, but I'll do it for you.

15 MR. PLEXICO: Court's indulgence, your Honor.

16 BY MR. PLEXICO:

17 Q. Now, Marie Powell stayed with Anthony Austin. Is
18 that correct?

19 A. I believe so. I believe that was her boyfriend.

20 Q. Anthony Austin dated Davonte and Wrenshad's
21 mother, and then she passed away. And then, he hooked
22 up with Marie Powell, correct?

23 A. I don't know the history on that.

24 Q. Well, they were staying over at Marie's house,
25 Davonte Freeman and Anthony and Wrenshad Anderson?

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1 A. Okay.

2 Q. Okay? All right. So there's a -- Anthony Austin
3 is practically a step-father to those two boys, Wrenshad
4 Anderson and Davonte Freeman?

5 A. Yes, sir.

6 Q. Okay. All right. Now, and you talked to a lot of
7 the family members in regards to this?

8 A. Several, yes, sir.

9 Q. In early May?

10 A. Yes, sir.

11 Q. Okay. Well, you talked to everybody who was over
12 at -- wasn't there a wake going on, so to speak, at the
13 Siesta when you were over there?

14 A. I wouldn't call it a wake.

15 Q. Well, there were a bunch of people over there,
16 including Wrenshad Anderson.

17 A. The majority of them lived there, yes, sir.

18 Q. And they were cooking out and drinking some beer,
19 and they were --

20 A. When I went over there and interviewed them, no,
21 sir.

22 Q. Okay. Well, didn't they say that Wrenshad didn't
23 want to talk about what happened to you that day?

24 A. Yes. He was obviously emotionally distraught.

25 Q. Okay. And there were a lot of family members of

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1 his over there?

2 A. Several, yes, sir.

3 Q. Okay. All right. And people that knew him were
4 over there?

5 A. Yes, sir.

6 Q. All right. And you sign a -- you all sign a --
7 when you sign a warrant, that is an affidavit subject to
8 the penalties of perjury. When you sign a warrant on a
9 defendant --

10 A. Um-hmm.

11 Q. -- that is an affidavit before the Court?

12 A. Yes, sir.

13 Q. And that is subject to the penalties of perjury,
14 correct?

15 A. Yes, sir.

16 Q. All right. Now, were you all criticized for
17 improper evidence collection in regards to this matter?

18 A. I was not criticized by the public. Obviously,
19 our department, we could have done it differently and
20 better.

21 Q. Okay. It was not a professionally done. Is that
22 the criticism?

23 A. Like I said, I don't have any criticism from the
24 public or anything of that nature, but we wish it would
25 have been done better.

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1 Q. Okay. And you all have SLED, you all can call
2 SLED in at any time, you can ask the Sheriff's
3 Department for help. Is that true?

4 A. Yes, sir.

5 Q. You can ask Hardeeville for help. Is that true?

6 A. Yes, sir.

7 Q. Or do the Ridgeland Police Department, do you all
8 have bad relations with the Beaufort County Sheriff's
9 Department or the Beaufort or Port Royal Police
10 Departments?

11 A. No, sir.

12 Q. Would they be willing to come over and help you if
13 you all were short-staffed?

14 A. I would hope so.

15 Q. Could you all help maintain the integrity of that
16 crime scene if you had called those other people over
17 there to assist you?

18 A. Yes, sir.

19 Q. Okay. You all knew you were short-handed that
20 night, you were already short a staff member. Is that
21 correct?

22 A. Yes, sir.

23 Q. All right. Did you all do any of those things?

24 A. We did not. Would you like me to explain?

25 THE COURT: You can explain if you'd like. Go

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1 ahead.

2 BY MR. PLEXICO:

3 A. Typically -- and I'm not downplaying any crime
4 scene whatsoever -- but typically, at the time, it was
5 assault and battery, high and aggravated.
6 Unfortunately, Mr. Freeman passed away several hours
7 later. Initially, when I got on the scene, the officers
8 that were there, to include Lieutenant Ginn, he stated
9 that he had looked for evidence, and I trusted the fact
10 that he did. Before he could get crime scene tape or
11 anything of that nature up, apparently had another call.
12 They were stretched thin. It's not an excuse, and
13 obviously, we wish it was done better and differently.
14 But we normally would not call SLED or any other agency
15 for a assault and battery or anything of that nature.

16 Q. Did you all get any DNA from over -- did you
17 attempt to get any DNA?

18 A. I think the shell casings were sent off for maybe
19 DNA.

20 Q. Did you all preserve any footprints?

21 A. No, sir.

22 Q. And that's generally has a -- kind of a -- could
23 you call that a high-crime area?

24 A. No, sir, I wouldn't call that a high-crime area.
25 It's definitely a high foot-traffic area.

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1 Q. Okay. But you all didn't rope it off and protect
2 what was there, the fresh footprints?

3 A. No, sir.

4 Q. Okay. Is another reason, because the perpetrators
5 of the crime had already been identified as Peanut and
6 Dre, that you all didn't do that?

7 A. No, sir. I don't think that came into play.

8 Q. Did you all guard the crime scene that night?

9 A. No, sir.

10 Q. Did you put a guard there? Okay. Didn't, during
11 one of her meetings with you, Marie Powell claimed to
12 talk to my client, correct?

13 A. Yes, sir.

14 Q. And she told you that my client, Peanut, and Donte
15 Frost were together during the shooting. Is that what
16 Marie Powell said?

17 A. I don't remember Davonte Frost.

18 Q. No, Donte Frost.

19 A. Donte Frost? I don't remember that.

20 Q. Davonte Frost. Did she say there were three
21 people there at any time?

22 A. I don't remember.

23 Q. Okay.

24 A. I believe she testifying, if you want to ask her,
25 sir.

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1 Q. All right. Didn't you think it was odd that my
2 client would pick out somebody so close, practically a
3 blood relative, to talk to about any possible
4 involvement she had in a murder case? Why would she
5 talk to Marie Powell, who is practically the adopted mom
6 now of Wrenshad Anderson and Davonte? Did that make any
7 sense to you?

8 A. I can't vouch for the mentality of people.

9 Q. Okay.

10 A. We see a lot of weird stuff in this line of work,
11 sir.

12 Q. And Marie Powell hangs out over at the Siesta?

13 A. I've never seen her out there.

14 Q. Okay. Well, she lives over just two -- she lives
15 just two blocks away.

16 A. I understand. Like I say, I've never seen her at
17 the Siesta or heard about her being there.

18 Q. All right. But she knows everybody over there.
19 Do you agree?

20 A. Probably so. Yes, sir.

21 Q. Okay. All right.

22 MR. PLEXICO: Court's indulgence, please?

23 THE COURT: Yes.

24 BY MR. PLEXICO:

25 Q. When Wrenshad -- that night, Wrenshad was making a

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1 ton of phone calls to people.

2 A. Okay.

3 Q. And you were aware of that, right?

4 A. No, sir.

5 Q. The night of this -- the night this happened?

6 A. No, sir. I never saw Wrenshad that night or spoke
7 to him.

8 Q. Okay. Did you read Officer Wells' and Lieutenant
9 Ginn's basic report that started the incident in your
10 duty as a lead investigating officer?

11 A. Yes, sir.

12 Q. Okay. Did that indicate to you that he was
13 talking incessantly on the phone as the officers were
14 there?

15 A. Yes, sir, he was on the phone.

16 Q. Okay. All right. And one of those people he
17 called was Aneisha Young. Are you aware of that?

18 A. Yes, sir.

19 Q. Okay. And he's very mad at Aneisha Young, isn't
20 he?

21 A. I would assume so.

22 Q. He's threatening Aneisha Young.

23 A. Okay.

24 Q. correct?

25 A. I don't know that.

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1 Q. Do you imagine he said anything nice to her?

2 A. I would suspect not.

3 Q. Okay. All right. Now, do you all typically allow
4 a witness when you -- do officers take charge of a crime
5 scene, especially a serious crime scene, a felony, when
6 they arrive?

7 A. Yes, we do. And we also do that with, obviously,
8 regards to the victim's brother being killed at the time
9 -- excuse me -- shot at the time.

10 Q. All right. So you all should have come there and
11 preserved evidence, correct?

12 A. Yes, sir.

13 Q. That's part of controlling the crime scene?

14 A. If they'd have seen some, I'm sure they would.

15 Q. Okay.

16 A. They missed it, which is unfortunate.

17 Q. But also talking to the witnesses and getting a
18 statement from them while their memories are fresh is
19 also important. Is it not?

20 A. Actually, it's been found that under a high-stress
21 situation, it's better to wait several hours to get a
22 more accurate memory of what actually went on.

23 Q. You mean, good police work involves, in a murder
24 case where somebody is lying dead and another man is
25 alleged to have been shot at, there is only one

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1 eyewitness, that you wait hours to talk to that
2 eyewitness?

3 A. No, sir. We typically try to do several
4 interviews.

5 Q. Okay.

6 A. In other words, it's shown that you actually
7 remember more several hours later, once you've calmed
8 down.

9 Q. Okay. But you talk to them to start with, right?

10 A. Yes, sir.

11 Q. All right. And the best statement is one that is
12 not polluted by the influence of others?

13 A. Yes, sir.

14 Q. Is that correct? So part of taking charge would
15 be police come over here and said, let's not use the
16 cell phone, let's not be texting, can we talk to you,
17 right?

18 A. It's my understanding that an officer did that,
19 tried that.

20 Q. But he just didn't take control?

21 A. Well, like I said, it is very hard to make
22 somebody who's not a suspect do something, and you got
23 to understand the high-stress situation of seeing his
24 brother get shot. I'm sure he was -- the officer -- I
25 can only suspect that the officer was trying his best to

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1 be as accommodating as he can under the situation.

2 THE COURT: Okay. Ladies and gentlemen, we're
3 going to take a real quick break at this time. Do not
4 discuss this case. It wouldn't be appropriate to do so.
5 I'm going to send you back to your jury room. Grab a
6 cup of coffee, ladies and gentlemen, I'll be right back
7 with you. Thank you.

8 JURORS LEAVE COURTROOM 11:05 A.M.

9 THE COURT: All right. I just needed to take a
10 five-minute break. I've got to tell you, your
11 questioning is so speculative. You can ask this
12 investigator as a lead investigator what was done in the
13 investigation. He can say what was and what wasn't
14 done, but you're starting to try to get him to speculate
15 why something is done. That's not reliable information.
16 I mean, he can say in his experience he can assume x, y,
17 and z. But again, we're getting so far south of what
18 really is going on. So yes, you can explain what you're
19 saying, but again, if you don't know, you need to say, I
20 don't know, I can't speak for him. And he already
21 testified. So again, that person can be asked.

22 A. Yes, ma'am.

23 THE COURT: So again, for you to do this at this
24 point, and again, to speculate when you don't know, is
25 getting us way into left field.

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1 A. Yes, your Honor.

2 THE COURT: That's it. We're going to take five
3 minutes. You're welcome to step down, sir. And we'll
4 be right back with you all. All right?

5 OFF THE RECORD 11:07 A.M.

6 BACK ON THE RECORD 11:19 A.M.

7 THE COURT: All right. You ready to go? Let's
8 bring the jury in. Thank you.

9 JURORS ENTER COURTROOM 11:19 A.M.

10 THE COURT: All right. Welcome back, ladies and
11 gentlemen. Mr. Plexico, please continue with Mr.
12 Litchfield.

13 CONTINUE CROSS-EXAMINATION

14 BY MR. PLEXICO:

15 Q. Okay. Did Marie Powell ever tell you differently
16 from what she said earlier, that it was her, Peanut, and
17 Dre, is what my client told her was involved in the
18 shooting?

19 A. I'm sorry, could you repeat the question.

20 Q. Did Marie Powell --

21 A. Um-hmm.

22 Q. -- tell you that my client ever said that it was
23 -- in a different interview --

24 A. Okay.

25 Q. -- that it was herself, Dre, and Peanut who were

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1 involved in the shooting?

2 A. I don't recall.

3 Q. Do you recall on 7/20 --

4 A. Okay.

5 Q. -- the 7/20 interview with Marie Powell that you
6 told Marie Powell that the .22 caliber killed Davonte
7 Freeman?

8 A. Yes, sir.

9 Q. Okay. All right. So you talked to her about some
10 of your other interviews, correct, and what you had
11 learned at that point and what you needed? Is that
12 correct?

13 A. I don't remember exactly putting it that way, but
14 I did tell her he was killed with a .22, because I
15 believe she thought it was a .9 millimeter.

16 Q. Okay. Matter of fact, in a later interview, she
17 came back and said that Aneisha Young said that she shot
18 him with a .22, correct?

19 A. I don't remember.

20 Q. Did she -- did Marie Powell ever tell you that my
21 client said, in a second or third interview, did Marie
22 Powell ever tell you that my client said that she shot
23 her with a .22 caliber?

24 A. I actually don't remember what caliber she said,
25 but I remember saying that your client did shoot him.

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1 Q. Well, you remember telling her that Peanut had the
2 .9 millimeter, because that's what he was seen with
3 earlier, correct?

4 A. I probably did, yes, sir.

5 Q. All right. So that leaves you telling Marie
6 Powell, on July 20th, that Davonte Freeman was shot with
7 a .22, correct?

8 A. I did tell her that, yes.

9 Q. She came back and told you in a later interview
10 she said she shot her with a .22 caliber. Is that
11 correct?

12 A. She may have. I don't remember.

13 Q. Do you deny that?

14 A. I do not.

15 Q. Okay. So you were feeding her information about
16 the case, correct? Marie Powell?

17 A. I wouldn't use the term feeding, but yes, sir.

18 Q. You were giving her information about the case?

19 A. I was correcting her on the assumption it was a .9
20 millimeter that killed him.

21 Q. But that would give her information that she came
22 back and regurgitated to you in a different form,
23 correct?

24 A. Yes, sir.

25 Q. All right. And did she come back and also tell

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LITCHFIELD - RE-DIRECT - HOLLEN

1 you that it's just like what you said? You remember her
2 saying that?

3 A. She did, yes, sir.

4 Q. Okay. So you told her and she repeated it, except
5 she put Aneisha Young as the guilty party, with what you
6 said, correct?

7 A. I would not use the term *repeated*. I believe she
8 gave me information that matched up with what we believe
9 happened.

10 Q. Okay.

11 MR. PLEXICO: I don't have anything further.

12 THE COURT: Yes, sir.

13 LIEUTENANT DANIEL LITCHFIELD

14 RE-DIRECT EXAMINATION BY SOLICITOR HOLLEN:

15 Q. All right. Lieutenant Litchfield, I'm going to
16 try and be brief here. How did you get in touch with
17 Marie Powell?

18 A. She actually asked one of our officers to get them
19 information she needed to talk to me.

20 Q. So you didn't go looking for her?

21 A. No, sir.

22 Q. And you did speak with her, that's right?

23 A. Yes, sir.

24 Q. And you met with her three different times?

25 A. Yes, sir.

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LITCHFIELD - RE-DIRECT - HOLLEN

1 Q. Okay. So there were three interviews. When she
2 came to you, without giving her any information, what
3 was the first thing she told you? Do you recall? Do
4 you have your notes in front of you?

5 A. Yes, I do.

6 Q. Of that interview. Will you refer to those,
7 please.

8 A. Yes, sir.

9 Q. All right. When she came in, what did she tell
10 you?

11 A. She told me that -- she told me that Aneisha Young
12 was incarcerated with her; their bunks are beside each
13 other. Ms. Powell stated after some time together, Ms.
14 Young finally told her that Davonte had robbed her and
15 Peanut, and they had decided to kill Davonte and Kwame.

16 Q. And what did she tell you about a gun? Was that
17 the only information that she had about a gun in that
18 interview?

19 A. In that interview?

20 Q. Yeah.

21 A. She stated that Aneisha found out that her
22 boyfriend, was Anthony Austin. She stated that -- well,
23 I don't want to get into all that. I don't see anything
24 about a gun in that first interview.

25 Q. Okay. She didn't tell you about a .9 millimeter

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LITCHFIELD - RE-DIRECT - HOLLEN

1 in that interview?

2 A. As according to my notes, no, but I do have a
3 video of it.

4 Q. All right. You know, we're going to ask her. I
5 handed you this yesterday to identify. Can you look at
6 it again and make sure it's still fair and accurate.

7 A. Yes, sir, it is.

8 Q. What is that?

9 A. This is casing and lead found at the crime scene,
10 .9 millimeter, believed to be.

11 Q. And that's State's Exhibit 14?

12 A. Yes, sir.

13 SOLICITOR HOLLEN: Your Honor, I'd ask to enter
14 State's Exhibit 14 at this time.

15 MR. PLEXICO: No objection.

16 THE COURT: Without objection, they're in evidence.

17 SOLICITOR HOLLEN: Okay.

18 ITEM IDENTIFIED AS CASING AND LEAD

19 FOUND AT THE CRIME SCENE

20 MARKED STATE'S EXHIBIT NUMBER 14

21 ADMITTED AS EVIDENCE.

22 BY SOLICITOR HOLLEN:

23 Q. There was some talk about interrogation. You
24 started to explain something about interrogation
25 technique. Can you go ahead and tell the jury about

1 that.

2 A. Yes. Ladies and gentlemen, whenever we interview
3 somebody, it's less aggressive, if you will. I hate
4 using that term, but when you interrogate somebody, you
5 get to the point in an interview where you believe
6 they're not being truthful for you, so you get a little
7 more aggressive, and you tell them stuff like, you're
8 lying to me, I know you know more stuff. You can
9 actually -- according to the Supreme Court, you can lie
10 to a suspect to see if they'll open up and tell you more
11 information. It's a ploy that we use in law enforcement
12 to break that barrier of somebody who just doesn't want
13 to talk to you.

14 Q. Okay. Did you ever find a .22 caliber gun that
15 you believe was used in this case?

16 A. No.

17 Q. Did you ever find a .9 millimeter that you believe
18 may have been used in this case?

19 A. Yes, we did.

20 Q. As a result of getting a .9 millimeter gun, was
21 anything sent to SLED to be tested?

22 A. Yes. We took a shell casing from the scene and
23 sent it to SLED to be compared to the weapon that we
24 believe possibly was involved in this.

25 Q. Did you send all the shell casings?

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LITCHFIELD - RE-DIRECT - HOLLEN

1 A. No, we just sent one.

2 Q. What caliber did you send?

3 A. .9 millimeter, to compare it to the .9 millimeter
4 gun.

5 Q. Why didn't you sent the .22 caliber shells?

6 A. We didn't have a gun to compare it to.

7 Q. Okay. So is there any reason to send it?

8 A. We didn't think so.

9 Q. Okay. There's some talk about Cedric Riley and
10 Nisha Jones. Do Cedric Riley and Nisha Jones date?

11 A. I have no idea.

12 Q. How is Nisha Jones related to Davonte Freeman?

13 A. My understanding was it was his sister.

14 Q. Okay. And is that who Keandre Frazier was
15 supposedly with at the time of this?

16 A. Yes.

17 Q. All right. And the other person there was Angela
18 Bennett. Is that right?

19 A. Angela Bennett, yes.

20 Q. And who is that?

21 A. A friend or cousin of Davonte. I'm not real sure.

22 Q. How is he -- how is he connected to Nisha Jones?
23 Do you know?

24 A. I have no idea.

25 Q. All right. Real quick. In that interview, do you

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LITCHFIELD - RE-DIRECT - HOLLEN

1 have any idea how many times Ms. Young she said she
2 doesn't know that boy or doesn't know Peanut?

3 A. I have no idea how many. It was several, though.

4 Q. Okay. In that interview, do you recall her saying
5 what time she left Ridgeland?

6 A. 10:30 or 11:00.

7 Q. Okay.

8 SOLICITOR HOLLEN: Court's indulgence, your Honor.

9 BY SOLICITOR HOLLEN:

10 Q. Matthew Hatchell, Joshua Lafler were mentioned,
11 and they were interviewed in this case. Is that right?

12 A. Yes, sir.

13 Q. According to the notes that you look at, what did
14 Matthew Hatchell say he saw?

15 A. I have to review it again.

16 Q. Okay.

17 A. I don't even know if I have it on there. I don't
18 have it with me. That was the one that Plexico gave me.

19 Q. I believe the testimony was that Matthew Hatchell
20 saw two males. Is that right?

21 A. One of the two did. I believe it was Hatchell.

22 Q. And Joshua Lafler saw one person?

23 A. Yes.

24 Q. And they were together?

25 A. Yes.

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LITCHFIELD - RE-CROSS - PLEXICO

1 Q. Okay. That's a little bit conflicting, isn't it?

2 A. Yes, sir.

3 Q. Okay.

4 SOLICITOR HOLLEN: Lieutenant Litchfield, I don't
5 have anything further for you. Thank you.

6 A. Yes, sir.

7 THE COURT: Anything, Mr. Plexico?

8 MR. PLEXICO: Yes. Just briefly.

9 LIEUTENANT MATTHEW LITCHFIELD

10 RE-CROSS-EXAMINATION, BY MR. PLEXICO:

11 Q. On 7/20, Marie Powell told you that my client
12 allegedly told her, she, Peanut, and Dre were there when
13 Davonte Freeman was shot. Is that correct? Is that
14 what she originally -- that's what she told you my
15 client's said originally? Now, okay?

16 A. Okay.

17 Q. All right. And then, it was --

18 SOLICITOR HOLLEN: Objection, your Honor, he's
19 testifying. If he wants to -- Mr. Plexico needs to be
20 put under oath to testify. Does he have a question?

21 MR. PLEXICO: He said yes. He answered.

22 THE COURT: It's fine, go ahead. This is cross-
23 examination, go ahead.

24 BY MR. PLEXICO:

25 Q. And she also said that Davonte Frost, she, and

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MILBRODT - DIRECT - HOLLEN

1 Peanut is what Aneisha Young told her at another
2 interview.

3 A. Okay.

4 Q. You don't deny that?

5 A. I don't deny it, but I don't remember.

6 MR. PLEXICO: I don't have anything further.

7 THE COURT: Okay. You may step down. Thank you.
8 Can you call your next witness?

9 SOLICITOR HOLLEN: Karen Milbrodt.

10 MADAM CLERK: Please raise your right hand and
11 place your left hand on the *Bible*. Is the testimony
12 you're about to give the Court the truth, the whole
13 truth, and nothing but the truth, so help you God?

14 KAREN MILBRODT: So help me God.

15 MADAM CLERK: Come right around, have a seat in the
16 chair. You can adjust that chair and the mic.

17 KAREN MILBRODT: Yes, ma'am.

18 KAREN MILBRODT

19 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

20 A. Good morning.

21 Q. Good morning, Ms. Milbrodt. Who do you work for?

22 A. Verizon Wireless.

23 Q. What's your position with Verizon Wireless?

24 A. My title is I'm a senior analyst in executive
25 relations. And one of the responsibilities as a senior

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MILBRODT - DIRECT - HOLLEN

1 analyst is I'm a records custodian for the business.

2 Q. And so, as a records custodian, do you have
3 knowledge of how Verizon prepares and keeps its records?

4 A. I do.

5 Q. And so, what kind of duties does your job include?
6 What do you do on a daily basis?

7 A. Well, I kind of have like a two-part job. When
8 I'm in the office, I, you know, assign cases that
9 consumers have filed with government agencies, like FCC,
10 Attorney General, PUC, PFC, various consumer advocate
11 agencies. I investigate the complaint, try to resolve
12 it, and then send back the agency a written response of
13 our position. I do our small claims. I handle abusive
14 term -- customers, and so that's office work.

15 When I'm doing my records custodial portion, I
16 travel around the Southeast. I testify to records that
17 we keep, authenticate them, and answer questions that
18 either party may have about them.

19 Q. So as part of Verizon's record, do you keep --
20 does Verizon keep call logs for cell phones?

21 A. Absolutely.

22 Q. And what would those include? Just in general,
23 what kind of information could you gather from those?

24 A. Sure. It would be the date and time of the call,
25 the telephone number that made the call, the telephone

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1 number of the recipient. The switch, which is the
2 market that the device was in when the call was made;
3 the cell tower that was in use when the call began; the
4 cell tower that was in use when the call ended; and the
5 antennae; how long the call lasted in seconds.

6 Q. So you can get the tower location of the cell
7 phone tower that the phone was utilizing from those
8 records?

9 A. Yes, sir.

10 Q. Did you receive a request to pull some records for
11 the case we're here on today?

12 A. Verizon Wireless received a subpoena.

13 Q. All right. If I may, I'm going to hand you what's
14 been marked for identification as State's Exhibit Number
15 28, and ask you if you recognize it.

16 SOLICITOR HOLLEN: May I approach the witness, your
17 Honor?

18 THE COURT: You may.

19 BY SOLICITOR HOLLEN:

20 Q. There you are.

21 A. I do recognize it.

22 Q. And what are you holding in your hand?

23 A. This is called a call detail report, or our
24 internal, it's called a CDR. So it's a record of
25 incoming and outgoing call logs for a specific phone

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MILBRODT - DIRECT - HOLLEN

1 number.

2 Q. Okay. And what is the phone number that those
3 records relate to?

4 A. Area Code [REDACTED] 3731.

5 Q. [REDACTED] 3731. Is that right?

6 A. Yes, sir.

7 Q. Okay. Now, have those records, have you reviewed
8 them?

9 A. Several times.

10 Q. Okay. And have they been changed or altered in
11 any way since you sent them?

12 A. To my knowledge, no.

13 Q. All right. So are those a full and accurate -- I
14 can't say full, but are those an accurate copy of some
15 call detail records from this phone number?

16 A. Yes, sir. Those are a printed record of the
17 records that we sent you.

18 Q. And those records are kept in the ordinary course
19 of Verizon's business?

20 A. They are.

21 SOLICITOR HOLLEN: Your Honor, at this time I would
22 offer State's 28 into evidence.

23 THE COURT: Subject to your prior objection. And I
24 need to see this, because I haven't seen this list.

25 Any objection, Mr. Plexico?

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MILBRODT - DIRECT - HOLLEN

1 MR. PLEXICO: I --

2 THE COURT: Have you seen this one?

3 MR. PLEXICO: I haven't seen it.

4 THE COURT: Let him take a look at it.

5 MR. PLEXICO: He showed it to me briefly.

6 THE COURT: Okay.

7 MR. PLEXICO: I've examined this, your Honor.

8 THE COURT: Thank you. All right.

9 ITEM IDENTIFIED AS CALL DETAIL REPORT

10 MARKED STATE'S EXHIBIT NUMBER 28

11 ADMITTED AS EVIDENCE.

12 BY SOLICITOR HOLLEN:

13 Q. Ms. Milbrodt, from these records is it possible
14 for someone to take them and create a map or an exhibit
15 showing the tower location that this phone was utilizing
16 at specific times?

17 A. Using that record, and then the other record that
18 we sent that has the cell tower address location log,
19 with those two combined, you can absolutely create a map
20 of where our cell towers are located.

21 Q. And that other document that you're referring to,
22 is that something that's available to law enforcement or
23 certain agencies? Or is it something that you send with
24 every record that you --

25 A. Both, both.

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1 Q. Both.

2 A. When we receive a subpoena that asks for cell
3 tower record information, we send along the cell tower
4 address key. I've testified in courts where law
5 enforcement has retained a copy themselves from previous
6 cases.

7 Q. Got it.

8 A. So both. Some obviously already have it. Some --
9 and we always send a record with the records that we
10 send.

11 Q. Were you also asked to pull some subscriber
12 information, or attempt to pull subscriber information,
13 for this phone number that we're referring to?

14 A. We were.

15 Q. And is there any subscriber information available
16 for [REDACTED] 3731?

17 A. Not for this mobile number during this time frame.

18 Q. All right. Why is that?

19 A. That is because this subscriber is -- purchased
20 their phone from what's called a reseller.

21 Q. Um-hmm.

22 A. So a reseller is Cricket Wireless, Virgin Mobile,
23 Smart Wireless. These are companies that sell service,
24 but they do not have a network. So in order for their
25 customers to be able to make and receive phone calls or

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MILBRODT - DIRECT - HOLLEN

1 text messages or data sessions, those resellers will
2 lease time on our tower. And we are the party that's
3 allowing their calls to complete, but the billing party
4 is Smart Wireless, Virgin Mobile, one of the third-party
5 resellers.

6 Q. Right.

7 A. So they are the billable party. They would have
8 the relationship of who they're sending their bills to.

9 Q. Right.

10 A. We would not be party to that.

11 Q. So do you have any information about how a
12 TracFone, Cricket, or anything like that, what kind of
13 information they require for cell phone subscribers, if
14 any?

15 A. I have no knowledge of their business practices,
16 sir.

17 Q. Now, utilizing what's been introduced into
18 evidence as State's Exhibit Number 28, when we spoke
19 previously, I asked you to look up some information. Do
20 you recall that?

21 A. I do.

22 Q. And do you recall that I asked -- do you recall
23 what I asked you, actually?

24 A. We've had several conversations.

25 Q. Let me hand you this.

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MILBRODT - DIRECT - HOLLEN

1 A. Yes.

2 Q. Now, you previously looked at that, and were you
3 able to determine how many phone calls were made, either
4 from or received from a phone number [REDACTED] 3234,
5 between 8:00 p.m. on April 29, 2016 and 3:00 a.m. on
6 April 30, 2016?

7 A. Yes, I recall that conversation.

8 Q. How many phone calls were made back and forth in
9 that seven-hour period?

10 A. There were 24 calls to and from between the
11 subscriber and the number you mentioned.

12 Q. Okay. And those two numbers, just for the record,
13 are ending in this phone -- the target number is [REDACTED]
14 3731, and the other number ends in 3234. Is that
15 correct?

16 A. That is correct.

17 Q. All right. Did you also or do you, when you're
18 sending cell phone records, does Verizon keep a record
19 of text messages that are sent or received from a phone?

20 A. We do.

21 Q. And is that something that Verizon keeps in its
22 ordinary course of business?

23 A. Yes, sir.

24 Q. What is the purpose of that? What does Verizon do
25 with text messages?

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MILBRODT - DIRECT - HOLLEN

1 A. Well, we keep a log of the incoming and outgoing
2 so we have accurate billing. We test our network to
3 make sure text messages are being facilitated in a
4 timely fashion. The content itself, we don't do a lot
5 with it. But we do, from time to time, personally, in
6 my office, like I say, because I manage customers that
7 are abusive or harassing, we can compile their text
8 messages they may have sent employees, abusive or
9 harassing messages, and we use those records to get
10 restraining orders and terminate their service. Things
11 like that, so.

12 Q. So were you asked to pull text messages in this
13 case?

14 A. We were.

15 Q. And were you able to get text messages in this
16 case?

17 A. We were.

18 Q. And did you provide the text messages to law
19 enforcement in this case?

20 A. We did.

21 Q. All right. I'm going to hand you what's been
22 marked for identification as State's Exhibit Number 30.
23 I'm going to ask you to take a look at that, if you
24 don't mind.

25 A. Yes, sir, I'm familiar with it.

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MILBRODT - DIRECT - HOLLEN

1 Q. What are you looking at there?

2 A. This is a text message content log, so this is a
3 log of text messages from our target number to other
4 various numbers; and it includes date, time, and the
5 actual content of what was said in the message.

6 Q. All right. And are those text messages accurate
7 as they were provided to law enforcement?

8 A. They are.

9 Q. Have they been changed or altered in any way?

10 A. Not possible.

11 Q. And again, those text messages are kept in the
12 ordinary course of Verizon's business?

13 A. Yes, sir.

14 SOLICITOR HOLLEN: Your Honor, at this time, I
15 would offer State's Exhibit 30 into evidence.

16 MR. PLEXICO: I do have objections, your Honor. It
17 was not created by the business. They're all in my
18 motion. They're not created by the business, for the
19 purpose for the business; they're created by an unknown
20 third party. We don't know who did it.

21 THE COURT: Who created them?

22 SOLICITOR HOLLEN: The actual text messages
23 themselves are created by the user.

24 THE COURT: No, with the printout that you're
25 putting in, how did that --

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BY THE COURT

1 SOLICITOR HOLLEN: Oh, those are all straight from
2 Verizon.

3 THE COURT: Okay. I'm going to let them into
4 evidence.

5 ITEM IDENTIFIED AS TEXT MESSAGES
6 MARKED STATE'S EXHIBIT NUMBER 30
7 ADMITTED AS EVIDENCE.

8 BY SOLICITOR HOLLEN:

9 Q. Ms. Milbrodt, have you reviewed --

10 MR. PLEXICO: Your Honor, I also have further about
11 relevance and undue prejudice in regards to he's putting
12 in the text messages now.

13 THE COURT: Is that what we're doing at this point?

14 SOLICITOR HOLLEN: I was going to put them in, your
15 Honor. I was going to publish them through Ms.
16 Milbrodt. She's the one -- she's the records custodian
17 and the one with knowledge.

18 THE COURT: Okay. Ladies and gentlemen of the
19 jury, there is a matter I need to take up with the
20 attorneys. I'm going to send you back to your jury
21 room. Again, do not discuss this case. It would not be
22 appropriate to do so. We'll be back with you. Okay?
23 Thank you.

24 JURORS LEAVE COURTROOM 11:43 A.M.

25 THE COURT: Okay. So we need to touch base about

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BY THE COURT

1 these text messages. To begin with, I can tell you that
2 it's my understanding that we have established, through
3 her interview, when I say *her*, the defendant, Ms.
4 Young's interview that was videotaped and played,
5 obviously, for the jury, that her phone number was the
6 ██████3731 number. So I can tell you that anything that
7 she texts --

8 MR. PLEXICO: Can I --

9 THE COURT: Listen to me. Anything that allegedly
10 comes from her that she texts comes in. Again, you can
11 argue someone else did it, someone else took her phone,
12 but again, that is from her phone that she's admitted.
13 It's an admission against interest on some of these, and
14 they're her words. So it's an admission by a defendant.

15 The question then becomes the other text messages
16 that are coming and going back and forth.

17 MR. PLEXICO: Could I have my copy back, please.

18 LAW CLERK SWINFORD: I sat it on your desk.

19 SOLICITOR HOLLEN: And your Honor, I can narrow --

20 THE COURT: Hold on a second.

21 SOLICITOR HOLLEN: Sorry.

22 THE COURT: Okay. Okay. So Mr. Hollen, let me
23 hear from you.

24 SOLICITOR HOLLEN: I'm sorry?

25 THE COURT: Let me hear from you.

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BY THE COURT

1 SOLICITOR HOLLEN: First of all, your Honor, in
2 relation to the text messages, I'm taking out everything
3 after her response when someone asks her email address,
4 she responds *aneishay@* [REDACTED].

5 THE COURT: Okay.

6 SOLICITOR HOLLEN: That is on May 2nd, 9:53 p.m.
7 That's the last text message I plan to enter.

8 THE COURT: But it's going to include all of this
9 to there?

10 SOLICITOR HOLLEN: Yes. Now, in relation to the
11 very first text message you see is sent from the number
12 that was identified as belonging to Eric Darien, [REDACTED]
13 3234, at 9:55 p.m., those text messages are not offered
14 for the truth of the matter asserted; they are not
15 hearsay. They are simply to refute -- first of all, she
16 specifically says in her interview when asked the phone
17 number, *I was not texting that boy*. Well, here's the
18 text. She also sends some later. Those are not for the
19 truth of the matter asserted. They're simply to
20 establish that she knows Eric Darien, and that she lied
21 to the police when she told them she didn't know him.

22 THE COURT: Okay.

23 SOLICITOR HOLLEN: The next text she sent -- well,
24 it said text from her, fine, so.

25 THE COURT: Keep going. I'm sorry.

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BY THE COURT

1 SOLICITOR HOLLEN: Yes, ma'am. Someone sends her a
2 text message from [REDACTED] 2615.

3 THE COURT: Hold on a second. Give me a second so
4 I can find it.

5 SOLICITOR HOLLEN: Yes, ma'am.

6 THE COURT: 2615. Okay. I see -- that's the one
7 that says, *I see you hitting niggas what that fire*. Is
8 that fire?

9 SOLICITOR HOLLEN: Yes, ma'am.

10 THE COURT: *Welcome to the family fool*. And that's
11 send from 2615 to Ms. Young's alleged phone or number.

12 SOLICITOR HOLLEN: Yes, your Honor. I'm more
13 interested in her response to that text. There is no
14 denial. There is no qualification. It's simply,
15 *already....delete this text NOW*.

16 THE COURT: And then, the next text says, she says
17 back to the number 2615, *who told u?*

18 SOLICITOR HOLLEN: *Who told u*. Exactly, your
19 Honor. Then we have text messages between -- it's the
20 next one on there.

21 THE COURT: It's 4393. Whose number is that?

22 SOLICITOR HOLLEN: I do not know, your Honor.

23 THE COURT: And it says, *the next bus leaves at*
24 *5:50 a.m. on 5/1; get it now*.

25 SOLICITOR HOLLEN: Yes, your Honor.

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BY THE COURT

1 THE COURT: And that's to Ms. Young, her phone.

2 SOLICITOR HOLLEN: You know -- you know, I can take
3 that out. I don't necessarily need it, but there are
4 some texts in here where she responds to people.
5 They're asking where she is. She says, *I'm on my way to*
6 *North Carolina*. Then she says -- well, that's -- I'm
7 getting ahead of myself.

8 MR. PLEXICO: I want to be clear, he's taking out
9 the 4393 numbers that sent a message?

10 SOLICITOR HOLLEN: Yeah, I'll take that out.

11 THE COURT: That's the bus one, and that's just the
12 one, right?

13 SOLICITOR HOLLEN: There are two in a row, and then
14 the next one says, *don't* --

15 THE COURT: So you're taking those out? Is that
16 what you're telling me?

17 SOLICITOR HOLLEN: Yes, your Honor, I'll take those
18 out.

19 THE COURT: Okay. So those are coming out.

20 SOLICITOR HOLLEN: And because those two are coming
21 out, I'll take it on the next one from her saying she
22 couldn't get no ride.

23 THE COURT: Couldn't get no ride, okay.

24 SOLICITOR HOLLEN: Because it doesn't make any
25 sense.

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BY THE COURT

1 THE COURT: And then, the next one is from Ms.
2 Young's phone, 3234.

3 SOLICITOR HOLLEN: That's Eric Darien.

4 THE COURT: And it says, *Mimi just hmu?*

5 SOLICITOR HOLLEN: Hit me up.

6 THE COURT: Okay. *Talking bout u told her I did*
7 *that s/h/i/t....smh* means shaking my head.

8 SOLICITOR HOLLEN: Yes, your Honor.

9 THE COURT: Okay.

10 SOLICITOR HOLLEN: So she's texting Eric Darien,
11 who I don't know he got it, but did tell Mimi that she
12 did it. Then there are people texting her. Then start
13 the, you know, *where are you*. And she says I'm *not*
14 *around kuzzo*.

15 THE COURT: What is that kuzzo?

16 SOLICITOR HOLLEN: It just means -- it just means
17 she's not -- in my opinion, I'm offering that that she's
18 not in town.

19 THE COURT: Okay.

20 SOLICITOR HOLLEN: And then, the next text is *Wyd*.
21 What are you doing, I guess. And she responds, *on my*
22 *way to nc*. And now, we're getting into play.

23 THE COURT: Okay.

24 SOLICITOR HOLLEN: Somebody says, *why*. She's says,
25 *chillout fo uh minute*. And then the next text she says,

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BY THE COURT

1 *mane I aint gonna lie bruh I been hiding out they tryna*
2 *pin me to uh "M" delete this.*

3 THE COURT: Okay.

4 SOLICITOR HOLLEN: You know what, I'll take out the
5 next one, too, from [REDACTED] 8361. Because I don't know that
6 it's relevant. *That's the man. Just lose my number.*

7 THE COURT: Okay.

8 MR. PLEXICO: That is from 8361?

9 THE COURT: Yes.

10 SOLICITOR HOLLEN: Yes, sir. So I'll take that
11 out. And then, I think the next one's relevant, *what's*
12 *your email.* And she responds, [aneishay@](#) [REDACTED].

13 THE COURT: And that's where you're ending?

14 SOLICITOR HOLLEN: Yes, your Honor, that's it.

15 THE COURT: Okay. Okay. And again, tell me, Mr.
16 Hollen, you are using these for what purpose, to say
17 that she is not where she said she was? Is that
18 correct?

19 SOLICITOR HOLLEN: Well, they're to establish,
20 first of all, that she not only knows Eric Darien,
21 they're communicating.

22 THE COURT: Yes.

23 SOLICITOR HOLLEN: I think you can infer from a
24 text that's sent sixteen minutes -- oh, wait a minute.
25 That was in there, yeah. Said, *shawty's trippin.what's*

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BY THE COURT

1 the move? I'm certainly going to argue that that's the
2 -- that puts the plan in motion here. So they're
3 offered to prove, first, that she knows Eric Darien; and
4 second, they're a business record; these are not
5 testimonial statements. That's where the courts have
6 all decided this. I gave you yesterday *U.S. versus*
7 *Alvarado; U.S. v. Jordan; U.S. v. Azor*. All of those,
8 while they don't address text messages specifically, the
9 Court has determined that statements made to a friend in
10 a, for lack of a better term, an informal environment,
11 are not testimonial statements, and therefore, they
12 don't violate the confrontation clause. Therefore, we
13 go to hearsay. We need an exception. The business
14 record, I think, is what they fall under. And so, I
15 would offer those as -- under the business record
16 exception to the hearsay rule.

17 And then, your Honor, I -- I --

18 THE COURT: I can tell you, the only question I
19 have on that one is that, I mean, I can tell you courts
20 have found that the contents of text messages are not a
21 business record. And it just goes on to say that the
22 important reason why is because they're not created in
23 the ordinary course of business or regular course of
24 business.

25 SOLICITOR HOLLEN: Which case is that, your Honor?

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BY THE COURT

1 THE COURT: I guess my concern -- I think the
2 concern is they don't have the normal amount of
3 reliability, and one of the reasons is because it's
4 because it is, in fact, a mobile phone that can be taken
5 and used by someone else.

6 SOLICITOR HOLLEN: Exactly, your Honor.

7 THE COURT: And that's part of the problem.

8 SOLICITOR HOLLEN: And therein -- that's why that
9 text message, *what's your email address,*
10 [aneishay@](#) [REDACTED], that proves that she has ownership
11 of the phone. And --

12 THE COURT: Yes. Again, though, we've already said
13 that, though. But that doesn't get us past the ones to.
14 That's still where the problem lies. We've already said
15 we agree. I agree, anything she has said in a text
16 message.

17 SOLICITOR HOLLEN: Um-hmm.

18 THE COURT: And I would agree that helps
19 authenticate when she gives her email address, that is a
20 pretty good indication that that email came -- or that
21 text message came from her. I don't think there's any
22 question what she is saying out or to anyone comes in.
23 I don't have a problem with that.

24 SOLICITOR HOLLEN: Gotcha.

25 THE COURT: I don't have a problem with that.

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BY THE COURT

1 SOLICITOR HOLLEN: It's the text messages to her?

2 THE COURT: It's the text messages to her that we
3 don't know where they're coming from, other than you've
4 established the one that's coming from Darien. I think,
5 again, you have to get past the it's not for the truth
6 of the matter asserted of what that text message is
7 saying; it's what her response is to it.

8 SOLICITOR HOLLEN: That's correct. I think her
9 response, *already....delete this NOW*, could be construed
10 as an admission.

11 THE COURT: Who is going to test -- just who do you
12 know -- who is going to testify that's going to be able
13 to say that *already* means something in response to, *I*
14 *see you hitting niggers what that fire welcome to the*
15 *family fool*. And then, it says, *already*. Who's going
16 to testify that that is --

17 SOLICITOR HOLLEN: Your Honor, I failed to ask my
18 witness yesterday. I was a little bit hairy, and I take
19 full responsibility about that. It was going to be
20 Wrenshad Anderson. I don't know that there would be any
21 prejudice if I recalled him for the sole purpose of
22 asking him that question. I mean, he's the victim.
23 He's been in here the whole time. So I would, with your
24 Honor's permission, attempt to do that. Again, just ask
25 him the one question.

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BY THE COURT

1 THE COURT: Let me ask you. Do you also not have
2 any other witness that you're putting up here that would
3 know that that is a --

4 SOLICITOR HOLLEN: I asked my two lay witnesses
5 this morning.

6 THE COURT: And they do not know?

7 SOLICITOR HOLLEN: No.

8 THE COURT: Okay.

9 SOLICITOR HOLLEN: I can tell you that there --
10 there are a few people that I've asked that know what
11 that means, but not a lot.

12 THE COURT: Okay.

13 SOLICITOR HOLLEN: And Mr. Anderson's the only one
14 that I was able to find on the witness list.

15 THE COURT: Okay.

16 SOLICITOR HOLLEN: And I don't know that he even
17 knew the content of the text message until just now.
18 All I asked him is, *already*.

19 THE COURT: Okay. Well, again, I think you can
20 use, certainly, the ones from Eric Darien to her, and
21 back and forth, to establish that they knew each other.

22 SOLICITOR HOLLEN: Okay.

23 THE COURT: And that they had lots of
24 communication. I think you can definitely use that to
25 show that. I am more concerned about the one where it's

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BY THE COURT

1 from Number 2615, where it says, again, *I see you*
2 *hitting niggers what's that*, you know, *fire, welcome to*
3 *the family fool*. And you've not been able to locate who
4 that is from at all?

5 SOLICITOR HOLLEN: No, your Honor. We ran
6 subscriber information for just about all these phone
7 numbers, and most of them have none.

8 THE COURT: All right. Mr. Plexico, let me hear
9 from you.

10 MR. PLEXICO: All right, your Honor. I think they
11 indicate an absolute, a lack -- there's an absolute lack
12 of trustworthiness under 8036, your Honor. I just don't
13 understand. And furthermore, I don't see how they are
14 -- what someone's opinion, as far as there's 2615 about
15 *I see you hitting N's what with that fire welcome to the*
16 *family fool*. I mean, that is -- there's no purpose in
17 that, and I would have to be able to cross-examine it;
18 and this is obviously some kind of hearsay on hearsay or
19 whatever. I mean, there's just no basis, no basis to
20 find there's any trustworthiness that's related to this
21 statement, your Honor. And my client's response, as
22 she's already remembers, her testimony is, she's already
23 been called by Wrenshad Anderson and harassed and
24 accused, apparently, and she's going already, delete
25 this, I don't want to -- I don't want to hear it. And

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BY THE COURT

1 that was one of the other statements was, you know, I'm
2 just tired of people, you know, like, you know, shaking
3 my head, meaning I'm disgusted. That's what -- that's
4 what her responses are. And I just -- I just -- nobody
5 knows whose phone Eric Darien was using that night,
6 because apparently, he used a lot of phones. And
7 there's nobody -- my client said during her statement,
8 which they introduced, that she had lost her phone, and
9 she said she had broken it several days after this, in
10 frustration over being accused. So they haven't
11 established that phone was in my client's possession on
12 that night of the 29th through the 30th.

13 THE COURT: I think she said it in her interview
14 she had it.

15 MR. PLEXICO: She said she had lost her phone in
16 her interview, and she broke it later. She said that
17 was my phone number, I lost it, I broke it several days
18 after this in frustration. They left that part out. So
19 there's no indication of trustworthiness that these
20 messages are coming from her. Furthermore, the one
21 about North Carolina, there's no evidence that she went
22 to North Carolina. Talking about something is not doing
23 it, and they want to be able to argue flight as an
24 indication of guilt, when all it is, is trying to get
25 away from a bunch of, you know, she's just talking out

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BY THE COURT

1 of her mouth, trying to get away from a bunch of crazy
2 people that are accusing her of killing someone. I
3 mean, they're calling her in the middle of the night,
4 all delirious, witness's own statement of his state of
5 mind. I can only imagine what was said.

6 THE COURT: Okay. I can tell you that, based on
7 everything I've heard, and in looking at the totality of
8 it, and reading it into context, I think it comes in,
9 particularly the part where we have from this number
10 2615 to her number, to Ms. Young's number, *I see you*
11 *hitting the N's what that fire welcome to the family.*
12 That person then says *Witness* back to her. She, back to
13 that person, again says, *already....delete this text*
14 *NOW.* But most importantly, back from her right after
15 that was, *who told u.*

16 So I think the jury can hear that. I think they
17 can infer whatever they want from that. She could have
18 absolutely said they're lying on me. And it isn't that
19 it's not admissible because it's evidence of flight;
20 it's her statement. Whatever she said as her
21 statement's coming in. I mean, that's an admission by a
22 defendant. Anything she says is coming in. So I think
23 for the whole thing in context for what the jury wants
24 to surmise from it, they can.

25 I do want to say this, though. This witness

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BY THE COURT

1 obviously is going to literally be reading the text
2 messages. She is not here to interpret in any way,
3 shape, or form. So Mr. Plexico, I anticipate what
4 you're going to say is you have absolutely no idea what
5 any of that means, do you?

6 MR. PLEXICO: No, your Honor.

7 THE COURT: You have no context? You have --

8 MR. PLEXICO: I am not a text user. And also, if
9 he brings up Wrenshad Anderson, that would be Anderson's
10 opinion testimony on what these little abbreviations
11 mean, and there's nothing that makes Wrenshad Anderson
12 an expert translator, and we're back to having a 702
13 problem in what these things mean and based on what kind
14 of expertise.

15 THE COURT: Okay. Well, I certainly can ask him,
16 but I do think there's been plenty of time. So we have
17 had -- I hate to use the word *young people*, but they are
18 young people compared to the rest of us in this room,
19 and that there are certain slang terms used, meaning
20 certain things out in the community. And again, your
21 question is it could also mean something else. You
22 know, isn't there five words for hitting someone or
23 whatever, and yes, but it can be one.

24 MR. PLEXICO: Your Honor --

25 THE COURT: It's for the jury to use how they see

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BY THE COURT

1 appropriate.

2 MR. PLEXICO: I've already done -- I've already my
3 -- we've already done my cross and re-cross, your Honor.
4 I don't think it's appropriate for them to be allowed
5 back on a new matter --

6 THE COURT: Okay.

7 MR. PLEXICO: -- that could not have been -- he
8 could not have asked that on re-cross. Therefore, after
9 my cross, he could have not asked that on re-direct,
10 because that would have been against the court rules.
11 His re-direct is limited to my cross, so there's no way
12 he can come back and re-direct.

13 THE COURT: Okay. Well, let's do this. Let's have
14 her read the text messages. Let me do a little bit of
15 research before he ever calls Mr. Anderson back up
16 again, we'll do a little. Okay?

17 All right. So let's bring the jury back in.

18 Let's bring the jury back in. Let's finish with
19 this witness and get her out of here. Okay?

20 JURORS ENTER COURTROOM 12:06 P.M.

21 THE COURT: Welcome back, ladies and gentlemen. We
22 are still working hard, I assure you.

23 All right. At this time, Mr. Hollen, go ahead and
24 continue with this witness if you would, sir.

25 SOLICITOR HOLLEN: Thank you, your Honor. And I

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BY THE COURT

1 cannot remember if those were entered into evidence. If
2 not, I would offer them at this time.

3 THE COURT: Okay. And they were subject to your
4 objection. I am allowing them into evidence.

5 MR. PLEXICO: Yes, your Honor.

6 SOLICITOR HOLLEN: Thank you, your Honor.

7 THE COURT: Thank you.

8

9 BY SOLICITOR HOLLEN:

10 Q. All right. Ms. Milbrodt --

11 A. Yes, sir.

12 Q. -- you've got those text messages. What is the
13 first text message that you're looking at, the date and
14 the time?

15 A. It is 4/29/2016, and it was delivered at 21:55.2
16 or 21:55:02 and point two seconds.

17 Q. Which is -- is that military?

18 A. Pardon?

19 Q. Military time; is it not?

20 A. Yes, that's military time, so that's 9:55.

21 Q. And is that Eastern time?

22 A. Eastern time.

23 Q. All right. And what's the number that it was sent
24 from?

25 A. The sending party is [REDACTED] 3234.

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BY THE COURT

1 Q. And that's the number you've previously testified
2 to as belonging to Eric Darien.

3 MR. PLEXICO: I object, your Honor. She didn't
4 testify to that.

5 THE COURT: Okay. She didn't testify to that. I
6 understand if you want to somehow put numbers up so the
7 jury understands where it's going back and forth.

8 SOLICITOR HOLLEN: Okay. I'll do that in closing,
9 your Honor.

10 THE COURT: Okay.

11 BY SOLICITOR HOLLEN:

12 Q. And what was the number it was sent to?

13 A. The subscriber [REDACTED] 3731.

14 Q. And that is the target number that you were asked
15 about, right?

16 A. That was the records that we produced for.

17 Q. Okay. What does the content say?

18 A. In brackets or what was sent in the text, so this
19 would be, *yo call me asap*.

20 Q. All right. And is there another text from that
21 number to -- from 3 -- the last four, 3234 to 3731, a
22 few minutes later? It'll be the next one in your --

23 A. I have that going to another number other than the
24 target number. The [REDACTED] -- I'm sorry. The last four
25 are 2373. Forgive me. When this copy was made, it's --

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BY THE COURT

1 they've cut off the back portion of this.

2 Q. Oh, okay.

3 A. So it is coming from the 3731, but my copy is
4 missing a small piece of it.

5 MR. PLEXICO: Sir?

6 BY SOLICITOR HOLLEN:

7 Q. Oh, okay.

8 A. You can see like *delivered* with a D is on here.
9 But if you turn -- the D is missing. So there's a small
10 portion that's missing.

11 Q. Got it.

12 A. And it's 3731. It's just the one is missing off
13 of this particular copy.

14 Q. Okay. So it's [REDACTED] 373, and then they're
15 missing the last number?

16 A. Correct.

17 Q. Okay.

18 A. But we can infer because these records are related
19 to the number ending in 3731, that this last digit
20 that's missing is the 1.

21 Q. All right. And what time was that sent?

22 A. That is 9:58 and 17.

23 Q. And what was the context of it?

24 A. *Come on sis.*

25 Q. Okay. Next -- thank you. Next, is there a text

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BY THE COURT

1 message at 12:31 a.m., on April 30th?

2 A. Yes.

3 Q. And is that -- what number is it from and to?

4 A. May I shorten it and just add the last four
5 numbers, or do you want the whole number?

6 Q. Please, let's just go by the last four.

7 A. Okay. So this text was sent from 3731, and was
8 sent to the number 3234. Again, it was at 12:31, and
9 the message was, *shawty trippin.what's day move?*

10 Q. Okay. And next, you have text messages sent at
11 2:02 a.m., on April 30th?

12 A. Yes, sir.

13 Q. And what was the number to and from and the
14 content?

15 A. The sending number is 3731, the recipient is 3234.
16 And the message itself is, *you good bro?*

17 Q. Okay. And does that 3234 number respond a short
18 time later?

19 A. Yes, sir.

20 Q. And what time is that?

21 A. That is 2:06.

22 Q. And what is the response?

23 A. Yea.

24 Q. Okay. Next, you have a text at 12:32 p.m., on
25 April 30th. Is that correct?

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BY THE COURT

1 A. Yes, sir. Yes, sir.

2 Q. What is the number from and to?

3 A. Sure. The sending party's number is [REDACTED] 2615.
4 And the recipient's number is the number ending in 3731.

5 Q. Okay. What's the content?

6 A. *I see you hitting niggas what -- what the fire*
7 *welcome to the family fool.*

8 Q. All right. And then, there's a followup to that
9 just a few seconds later, it looks like. What does it
10 say?

11 A. I have the sending number as [REDACTED] 2615 sent to
12 the target number, 3731. And the content is *WITNESS.*

13 Q. Okay. And then, is there a response to that text
14 message just a short time later?

15 A. Yes, sir.

16 Q. And what is the content of that?

17 A. *Already....delete this text capital NOW.*

18 Q. And then, is there another text sent from 3731 to
19 that 912 area code number a short time later?

20 A. Yes, sir.

21 Q. And what time was that sent?

22 A. That is 14:24, so 2:24.

23 Q. And what is the content of that message?

24 A. It is, *who told u?*

25 Q. All right. Next is a text at looks like May 1st,

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BY THE COURT

1 at 7:57 a.m. And do you have that?

2 A. I do have a text at 7:57 and 57 seconds.

3 Q. Okay. And what's the to and from number and the
4 content?

5 A. The sending party is 3731. The recipient is the
6 telephone number ending 3234.

7 Q. Okay. And what's the content?

8 A. Content says *Mimi just hmu talking bout u told her*
9 *I did that shit....smh.*

10 Q. Okay. Next, on May 1st at 20:20 hours and 27
11 seconds.

12 A. Yes, sir.

13 Q. Do you have that?

14 A. I do.

15 Q. What's the from and to number?

16 A. The sending party is 3731, and the recipient is
17 [REDACTED] 9186.

18 Q. And what's the content?

19 A. *Not around kuzzo.*

20 Q. Next, is there a text on May 1st at 9:26 p.m.?

21 A. Yes, sir.

22 Q. And what's the sending number and receiving number
23 there?

24 A. The sending number is [REDACTED] 7615. The recipient
25 is a number ending 3731.

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BY THE COURT

1 Q. Okay. And what's the content?

2 A. *Wyd.*

3 Q. Is there a response to that text a few minutes
4 later, at 9:30 p.m. on May 1st?

5 A. Yes, sir.

6 Q. And what is the content of that message?

7 A. *On my way to nc.*

8 Q. And do they respond back, the receiving number
9 from the *on my way to nc* text to the 3731 number?

10 A. Yes.

11 Q. And what's the content there?

12 A. *Why?.*

13 Q. Okay. And does the 3731 telephone respond a
14 minute later?

15 A. Yes.

16 Q. And what's the content of that text message?

17 A. *Chillout for uh minute.*

18 Q. Is there a text in there on May 1st at 5:51 p.m.?

19 A. Yes.

20 Q. And what is the sending number and the receiving
21 number there?

22 A. The sending number is the number ending 3731

23 Q. Okay.

24 A. The recipient's number is [REDACTED] 1340.

25 Q. What's the content?

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BY THE COURT

1 A. *Mane I aint gone lie bruh I been hiding out they*
2 *tryna pin me to this "M" delete this.*

3 Q. Okay. Is there a text message on May 2nd at 9:53
4 p.m.?

5 A. Yes, sir.

6 Q. And what is the sending and receiving number and
7 the content?

8 A. The sending number is [REDACTED] 5549. The receiving
9 party is the 3731 number.

10 Q. And what is the content?

11 A. *What's your email?*

12 Q. And is there a response to that text message
13 seconds later?

14 A. Yes, sir.

15 Q. And what is the content of that message?

16 A. I may mispronounce this, but [aneishay@](#)[REDACTED].

17 Q. So [a/n/e/i/s/h/a/y@](#)[REDACTED]?

18 A. Yes, sir.

19 Q. Ms. Milbrodt, you were able to testify to the
20 content of those text messages. You have no idea who
21 had that phone as they were sent, do you?

22 A. I do not.

23 Q. You don't have any subscriber information from
24 this phone number, do you?

25 A. We do not.

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MILBRODT - CROSS - PLEXICO

1 Q. And you're not able to say where the phone was or
2 who sent those or who even received them or anything
3 else, are you?

4 A. No.

5 Q. And you don't know what -- do you know what a lot
6 of this means?

7 A. It's English and I do, and I'm familiar with
8 acronyms that people use.

9 Q. Okay.

10 A. So yes and no.

11 Q. Okay. But you haven't been asked to interpret
12 what they mean, have you?

13 A. No.

14 SOLICITOR HOLLEN: Court's indulgence, your Honor.
15 Ms. Milbrodt, please answer any questions Mr. Plexico
16 has. Okay?

17 A. Sorry? Oh.

18 THE COURT: Answer any questions defense counsel
19 has.

20 SOLICITOR HOLLEN: I'm done.

21 A. Yes, sir.

22 THE COURT: Thank you.

23 KAREN MILBRODT

24 CROSS-EXAMINATION, BY MR. PLEXICO:

25 Q. Again, not to be repetitive, but you don't have a

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MILBRODT - CROSS - PLEXICO

1 clue who sent these messages, right?

2 A. No, we just have the telephone numbers.

3 Q. You don't know anything about the content, aside
4 from what it just says?

5 A. Correct.

6 Q. You don't know anything about what the content --
7 where -- what situation this came from, correct?

8 A. I do not. I have no knowledge.

9 Q. Because it could have multiple meanings. Is that
10 correct? Most of this?

11 A. Certainly.

12 Q. Okay. All right.

13 MR. PLEXICO: Court's indulgence.

14 BY MR. PLEXICO:

15 Q. SMH, is that an acronym for shaking my head?

16 A. That is commonly used acronym for shaking my head.

17 Q. Disgust, shouldn't be doing that, shaking my head?

18 A. Shaking my head could be viewed several different
19 ways.

20 Q. It could be used that way.

21 A. So that would be one.

22 Q. Okay. So there are multiple meanings here?

23 A. Yes.

24 Q. And you would have to have the original sender to
25 question to know what they meant?

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MILBRODT - CROSS - PLEXICO

1 A. As a records custodian, I don't know how to answer
2 that. Do I need the -- the sender? I don't --

3 Q. Well, all right. No, that's okay. I'll withdraw
4 that question. And you have no idea about the
5 truthfulness of any of these statements since the
6 business did not create them, correct?

7 A. The business created and stored them, but we were
8 not the sender or the recipient of either party. But we
9 created this document from the information that was sent
10 through our network.

11 Q. All right. But you didn't send the information
12 that it prints out, which is called a text.

13 A. The content itself, we are not the creators of the
14 content, but the document and the log of it, we are the
15 creators.

16 Q. All right. And the text itself, you can no way
17 verify for the trustworthiness of any of them, correct?
18 Because you didn't -- the business didn't create it.

19 A. Of the content inside the --

20 Q. You only recorded it?

21 A. Correct. That is correct.

22 Q. Okay. And you all have no clue who sent it, who
23 actually used the device to send it?

24 A. No, sir.

25 THE COURT: Anything further, Mr. Hollen?

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MILBRODT - CROSS - PLEXICO

1 SOLICITOR HOLLEN: No, your Honor.

2 THE COURT: All right. You are excused. Thank
3 you.

4 KAREN MILBRODT: Thank you, your Honor. Thank you,
5 jury.

6 THE COURT: Okay.

7 A. I will leave these here?

8 THE COURT: Leave those right there. Thank you.
9 For Wanda, the court reporter. I appreciate it. All
10 right?

11 SOLICITOR HOLLEN: Eric Grabski.

12 THE COURT: While Mr. Grabski's coming, everyone
13 stand up and take a stretch. Really, stand up.

14 I anticipate that this will be our last witness
15 before the lunch break, ladies and gentlemen. Okay? So
16 come on up, sir.

17 MADAM CLERK: Do you swear the testimony you're
18 about to give the Court is the truth, the whole truth,
19 and nothing but the truth, so help you God?

20 ERIC GRABSKI: Yes.

21 MADAM CLERK: Come right around and have a seat.

22 THE COURT: All right. Mr. Hollen, whenever you're
23 ready, sir.

24 SOLICITOR HOLLEN: Thank you, your Honor.

25 AGENT ERIC GRABSKI

3-14-18 STATE V YOUNG

GRABSKI - DIRECT - HOLLEN

1 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

2 Q. Mr. Grabski, Agent Grabski, who do you work for?

3 A. I work for SLED.

4 Q. And is that the South Carolina Law Enforcement
5 Division?

6 A. That's correct.

7 Q. How long have you been with SLED?

8 A. I've been with SLED two years next month.

9 Q. And what do you do there?

10 A. I am on the State Surveillance and Intelligence
11 team.

12 Q. Okay. State Surveillance and Intelligence. What
13 does that entail?

14 A. So we're housed in the South Carolina Information
15 Intelligence Center, otherwise known as the Fusion
16 Center, and pretty much our main M.O. is we go after
17 fugitives, my team in particular being an intelligence-
18 led policing team. We kind of -- our area of expertise
19 lies in historical analysis of cell phone records.

20 Q. So you basically use cell phone records to
21 apprehend fugitives? Or assist in apprehending.

22 A. Yeah, to assist. That's correct. Yes, sir.

23 Q. Got it. Were you sent some records in this case
24 that we're here for today?

25 A. Yes.

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GRABSKI - DIRECT - HOLLEN

1 Q. All right. We're going to get there in a second,
2 but as a member of the Special Surveillance Intelligence
3 Center, have you received any kind of special training
4 or experience in cell phone records and location data?

5 A. I have.

6 Q. Can you tell us a little bit about that.

7 A. Sure. So for what I used today, or for what
8 you'll see today, I used an application called CAST Viz.
9 It was created by the FBI, and it was actually created
10 by their CAST team, which is an acronym for their
11 Cellular Analysis Survey Team. I attended a sixteen-
12 hour training class where they tell us how to map
13 records within their program that will basically analyze
14 the tower cell site listing, as well as the call detail
15 records of the target device, and put it more cleanly
16 out into a -- into a map. It helps me from doing that
17 by hand.

18 I've also attended training put on by PenLink,
19 which they run a pen register track and trace software.
20 So that's more for -- more for a live, realtime tracking
21 of analysis of cell phone calls. I've also attended a
22 two-week training by a company called ETS, which was a
23 basic foundation and the theory behind how, you know,
24 the technology of cell phones.

25 Q. Can you just briefly explain in layman's terms a

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GRABSKI - DIRECT - HOLLEN

1 proper, you know, how a cell phone system works.

2 A. So there's a network of towers. Cell phones use
3 towers in order to communicate. So when you make a call
4 on your cell phone, it is going to send out a signal,
5 and the nearest tower, usually the nearest tower, the
6 tower with the best signal, the best, you know,
7 reception for that signal, is going to pick up that
8 signal from your phone; and then send it out to another
9 -- to whatever phone number you're calling or texting,
10 and vice-versa. So there's constantly signals being
11 sent out by the tower, analyzing that area, and
12 constantly by your phone, whenever you make any
13 transactions or any actual phone calls or text messages.

14 Q. So what about in your everyday job? Approximately
15 how many times have you used information like this in
16 order to map cell phone data?

17 A. Somewhere around 200.

18 Q. All right. And that's 200 cases?

19 A. That's correct.

20 Q. Have you ever testified in state court to this
21 before?

22 A. No.

23 Q. Has your team testified in state court about cell
24 phone data, location data, that sort of thing?

25 A. Yes, sir.

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GRABSKI - VOIR DIRE - PLEXICO

1 Q. And have people on your team been qualified as
2 experts in state court?

3 A. Yes, sir.

4 Q. Have you ever been qualified as an expert in state
5 court?

6 A. I have not.

7 Q. So this will be your first time?

8 A. That's correct.

9 SOLICITOR HOLLEN: Your Honor, at this time, I'd
10 offer Eric Grabski as an expert in cell phone location
11 data analysis.

12 THE COURT: You want to do any voir dire of him,
13 sir?

14 MR. PLEXICO: Yes. Yes, sir.

15 THE COURT: Go ahead, please.

16 ERIC GRABSKI, VOIR DIRE

17 BY MR. PLEXICO:

18 Q. We spoke briefly earlier, if you recall. You use
19 a program that's been provided to you either by a
20 business or law enforcement to do your job, correct?

21 A. To map this, correct. I use an application that
22 was developed by the FBI.

23 Q. Okay. All right. Did you develop that program
24 yourself?

25 A. No, I did not.

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GRABSKI - VOIR DIRE - PLEXICO

1 Q. Okay. Have you -- have you -- are you aware of
2 this program -- do you even know the names of the people
3 who created it?

4 A. No.

5 Q. Okay. Do you -- have you have any knowledge of it
6 ever being subjected to scientific peer review?

7 A. The application itself?

8 Q. The application itself.

9 A. So in --

10 Q. Has it been turned over to other scientists and,
11 say, with a hypothesis that we believe you can actually
12 project a map, for instance, of where a device is; would
13 you scrutinize this and test it in the general
14 scientific community to validate my theory? Has that
15 ever been done?

16 A. No. It's not a scientific application. It merely
17 digests the data that is -- that it's provided and puts
18 it out into a readable format. So the data is already
19 there. The science is already there. But it's just
20 taking the CDR, which is the Call Detail Record, the
21 information that's on there; and then it's taking the
22 cell site listing, which is all the towers in the area;
23 and it's saying, okay, when this tower was hit at this
24 time, this is the location of that tower, for the lat
25 and long of the carrier.

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GRABSKI - VOIR DIRE - PLEXICO

1 Q. You went to college to work for SLED, correct?

2 You're a college graduate, sir?

3 A. Correct.

4 Q. You didn't get a doctorate in mathematics,
5 correct?

6 A. Correct.

7 Q. You did a doctorate in engineering, correct?

8 A. Correct.

9 Q. All right. And then, you're on the scientific
10 league, generally, when you're at that level, correct?

11 A. Correct. I'm not sure how this pertains.

12 Q. All right. So my point is, you have -- so you're
13 assuming there is no flaws in the collection of the data
14 that you're using to make this projection. Is that
15 correct?

16 A. The collection of the data, what you mean is by
17 what -- what --

18 Q. What you're provided with.

19 A. What I'm provided by the carrier?

20 Q. Correct. And you're relying on their accuracy and
21 lack of any flaws in their procedure in the way they
22 record?

23 A. That's correct.

24 Q. Okay. But you don't know that their procedure is
25 flawless, do you?

1 A. No.

2 Q. You don't have any way of knowing that.

3 A. It's recorded. That's all I can say, is that it's
4 recorded. Every time you make a transaction on your
5 phone, it's going to be recorded with the tower, and
6 that's it.

7 Q. Has it ever been -- is it recorded by a computer?

8 A. I believe so.

9 Q. Do computers get bugs and have problems and
10 transfer information back and forth sometimes between
11 programs, and that's why you've got to take them and get
12 the fixed and de-bugged?

13 A. Computers, certainly. Again, I'm not sure how
14 this pertains to call record analysis.

15 Q. You just said -- okay. But you're relying on
16 something that's stored in a computer program, correct?

17 SOLICITOR HOLLEN: Your Honor, I'm sorry. I'm
18 going to have to object. This is about his
19 qualifications, nothing else. We're in cross-
20 examination at this point.

21 THE COURT: Okay. You all, I'll let you go a
22 little further, but you need to get back to his
23 qualifications.

24 BY MR. PLEXICO:

25 Q. But you're relying on what's stored in a computer

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GRABSKI - DIRECT - HOLLEN

1 and provided to you?

2 A. That's correct.

3 MR. PLEXICO: Your Honor, I have to object to his
4 being qualified as an expert in this field.

5 THE COURT: Okay. Ladies and gentlemen, I am
6 finding Agent Grabski as an expert in the area of cell
7 phone location data analysis. That allows him to give
8 his opinion and the reasons for his opinion, and that,
9 again, is for you to use as you see appropriate as
10 compared to other evidence. You can accept it or reject
11 it. It's just to assist you, if you believe and need to
12 use it in some way. Okay?

13 A. Thank you, your Honor.

14 SOLICITOR HOLLEN: Thank you, your Honor.

15 AGENT ERIC GRABSKI, CONTINUE

16 DIRECT EXAMINATION BY SOLICITOR HOLLEN:

17 Q. Okay. Agent Grabski, you were given call detail,
18 records in this case that have already been entered into
19 evidence as State's Exhibit Number 28.

20 SOLICITOR HOLLEN: May I approach and hand him
21 this, your Honor?

22 THE COURT: You may.

23 BY SOLICITOR HOLLEN:

24 Q. Do you recognize that?

25 A. I do.

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GRABSKI - DIRECT - HOLLEN

1 Q. And are those the records you used to create your
2 information here?

3 A. Yes.

4 Q. And I just want to be clear. Did you actually
5 create this information?

6 A. No, I did not.

7 Q. So you, for lack of a better term, are
8 interpreting what Verizon has given you?

9 A. That is correct.

10 Q. And you said you chase down violent felons. Is
11 that right?

12 A. That's correct.

13 Q. Does this information often help you find violent
14 felons?

15 A. Certainly.

16 Q. Okay. Now, you were given the information. What
17 was the target number that you were given?

18 A. The target number is [REDACTED] 3731.

19 Q. And given that number and those records, did you
20 create maps based on the cell phone tower that number
21 was using at specific times?

22 A. Yes.

23 Q. I'm going to hand you what's been marked for
24 identification as State's Exhibit Number 31. I'm going
25 to ask you to take a look at it and if you recognize it.

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GRABSKI - DIRECT - HOLLEN

1 A. I do. This looks like I map I made.

2 Q. And is that a full and accurate copy of the maps
3 that you made?

4 A. Let me be sure and look through here. Yes, this
5 is the entire map that I made.

6 Q. Has it been changed or altered in any way?

7 A. No.

8 SOLICITOR HOLLEN: Your Honor, at this time I would
9 offer State's 31 --

10 A. 31.

11 SOLICITOR HOLLEN: -- into evidence. That is the
12 --

13 A. Did you want to look at it?

14 THE COURT: Okay. It's what I saw already, before.
15 Typically, I would allow him to publish this. I think
16 -- you're objecting, obviously, to this coming into
17 evidence?

18 MR. PLEXICO: I don't think I've seen that, Judge.

19 THE COURT: I think this is what you and I both
20 looked at and I handed it to you.

21 MR. PLEXICO: Okay. There's a lot of things, and I
22 would object to them. And I'd object to it under 5(b),
23 your Honor. I don't recall getting an email about that.

24 SOLICITOR HOLLEN: I sent it, your Honor.

25 THE COURT: Yes, but when did you send it to him?

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GRABSKI - DIRECT - HOLLEN

1 SOLICITOR HOLLEN: I sent it to him soon as I knew
2 I was going to put this into evidence, which was
3 yesterday.

4 MR. PLEXICO: Well, I didn't check my email because
5 I had so much other stuff to do.

6 THE COURT: This was yesterday?

7 SOLICITOR HOLLEN: Yes, ma'am.

8 THE COURT: All right. What I am going to do is
9 this. I am going to allow you to use it, to publish it,
10 but it is not going to go back to the jury as evidence.
11 Okay?

12 SOLICITOR HOLLEN: No problem, your Honor. Thank
13 you.

14 THE COURT: Thank you.

15 BY SOLICITOR HOLLEN:

16 Q. So this would be a demonstrative. Can you step on
17 down, Agent Grabski, and go through what you created.

18 A. Yes.

19 Q. And what you were able to determine from this.
20 And I do want to ask you this. Are you able to pinpoint
21 within, I don't know, any certain period or any certain
22 area where this phone was?

23 A. A general area, yes.

24 Q. A general area, yes. But that's all you can give
25 us? You can't say exactly where something was located?

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GRABSKI - DIRECT - HOLLEN

1 A. Correct. I won't be able to tell you exactly
2 where the phone was located.

3 Q. All right. Let's go through it. First, can you
4 explain how a three-sector cell phone tower and what
5 that is?

6 A. So think about a pie. It's 360 degrees. It's a
7 circle. Okay? And if the pie is cut into three pieces,
8 right? each of those pieces represents a sector. All
9 right? So it's going to kind of come out like a cone
10 and look like that. You'll see here in a second. Each
11 of those is facing in a different direction on the
12 tower, and what it does is, it allows a tower to see in
13 different directions around it as to where,
14 geographically, that phone is in relation to the tower.

15 Q. Okay. So scrolling through, were you given a
16 location of interest in this case?

17 A. Yes.

18 Q. All right. And what location of interest were you
19 given?

20 A. The address here at [REDACTED] East Main Street,
21 particularly this area where it says incident location,
22 that's the -- I was told that's the dumpster behind, I
23 believe that's a KFC.

24 Q. Yes, sir. All right. Go to the next one. And is
25 that just a further-out view?

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GRABSKI - DIRECT - HOLLEN

1 A. Correct. I wanted to show that Adams Street is
2 the street that -- that it backs up to.

3 Q. Okay. And with the analysis, you said you used
4 the call detail records. What else did you use to
5 create this?

6 A. To create the map?

7 Q. To create the maps, yeah.

8 A. So I used GooglePro. It's the satellite image
9 that you're seeing. What CAST Viz does is we use the
10 cell site, incoming/outgoing data list, which is called
11 detail records. They're called call detail records. We
12 -- we upload that into CAST Viz, along with the tower
13 listing for that area, or for that -- well, for the
14 whole state, but specifically to this area. And what it
15 does is it produces something that I can open using
16 Googler's Pro, and it will show me tower location, as
17 well as the sector with that spacing for every time that
18 number, the target phone, made a call or received a
19 call.

20 Q. Okay. So -- and I'm going to ask you while you're
21 over here to speak up a little bit so we can make sure
22 Madam Court Reporter can hear us.

23 A. Oh, yes, I'm sorry.

24 Q. Going to the call detail records, what time did
25 your analysis -- or what was the first time period that

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1 you started your analysis on this phone?

2 A. I started my analysis at 9:54 p.m. on August 29th
3 -- I'm sorry -- April 29, 2016.

4 Q. And do you recall how long, how far out your
5 analysis went?

6 A. How far out?

7 Q. Yeah, the time.

8 A. Previous?

9 Q. No, forward.

10 A. Until -- forward? Until, I believe 4:31 p.m. the
11 next day.

12 Q. All right. So you used phone records from 9:54
13 p.m. April 29th, to 4:00 p.m. some time on -- around
14 4:00 p.m. on April 30th?

15 A. Correct.

16 Q. All right. When you first looked at these records
17 at 9:54 p.m. on April 29th, what tower and sector were
18 you able to determine the phone was utilizing for the
19 data it had? So what are we looking at, as we speak?

20 A. We're looking at the call detail records here. So
21 these are the call detail records, which show the
22 incoming and outgoing calls for the target number, and
23 that target number, you can see, is right here.

24 Q. Okay. All right. The map example slide, what are
25 we looking at?

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1 A. So this is the overview of what I will -- I see in
2 CAST Viz when I upload it to Google or opening Google.
3 So this blue or blip here represents -- it's the cell
4 phone tower. And the green area here, those lines, as
5 well as that curve there, represents the sector of the
6 tower and where it's facing. Okay? So each sector has
7 a beam width of 120 degrees, and that's what splits it
8 into three different sectors. You'll see these other
9 little blips around here. Those are other towers in the
10 area that are not being utilized. So only the sector
11 for that particular tower will show like this. So if it
12 was on this side, this sector would be facing this way,
13 but the phone was situated somewhere in this area and
14 was contacting the tower on that sector.

15 Q. Okay. So there are a number of -- phones, as far
16 as towers go, generally, in very general terms, utilize
17 the closest tower. Is that fair to say?

18 A. It's fair to say. It's not always true.

19 Q. I'm sorry. What are the other factors?

20 A. So there's a lot of factors that get involved.
21 Obviously, if you're in a basement somewhere, it's going
22 to degrade the signal of you being able to call out. I
23 don't know if you guys have ever been in an elevator and
24 tried to send a text message. You know, sometimes it
25 doesn't really work. So that's going to affect the

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1 ability of you to be able to contact a tower. Another
2 thing is just the traffic on the tower. If there's not
3 a lot of towers in the area, and there's a lot of people
4 using it, it might send you to a tower that's a little
5 further away. And you might not -- you still might not
6 be able to get great signal, but you'll still be able to
7 connect to that tower. So if you've ever been to any
8 kind of sporting event or large event, a lot of times,
9 you know, again, the cell phone, your service is going
10 to degrade a little bit because those towers are just so
11 overloaded.

12 Q. So it can take you to a tower that's -- that's not
13 necessarily right by you if that tower is overloaded
14 with traffic. Is that what you're saying?

15 A. It can, yes. As long as that -- the tower that it
16 sends you to is able to have the energy to reach where
17 you're at.

18 Q. Okay. Well, let me ask you this about sectors.

19 A. Yes.

20 Q. Do sectors generally indicate the direction from
21 the tower that the phone is located?

22 A. Yes.

23 Q. Is that a rule, or is it just a -- I mean, is that
24 something you can say with any reasonable degree of
25 certainty?

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1 A. Yes, that is how it works, so to speak. So as I
2 said before, if the phone is utilizing a tower in this
3 sector, that's the direction of where the phone is going
4 to be in relation to the tower. So if a phone call was
5 made over here in Jenkins Island, it's likely that it
6 would be off of this tower here. But if the phone call
7 -- if you're looking at this as the actual sector that
8 was used, a call made in this area is most like -- is
9 not -- not most likely -- is not going to show up on
10 this side of the -- of the tower.

11 Q. So while it may not -- I think we're just saying
12 the sector will indicate which direction the phone is
13 from the tower.

14 A. That's correct.

15 Q. Always?

16 A. Always.

17 Q. Okay. All right. Let's go to the next little
18 slide. And is this where you start your analysis?

19 A. That's correct.

20 Q. And what was the tower and the sector that that
21 phone number, phone itself, was utilizing when you first
22 started your analysis?

23 A. Tower 253, Sector 3.

24 Q. Okay. And where is that tower located?

25 A. It's located on Hilton Head Island.

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1 Q. All right. Next slide. At some point, does that
2 phone begin utilizing a separate tower?

3 A. It does, yes. Tower 282, shown here, Sector 3, at
4 10:20 p.m.

5 Q. And you -- looking at the sector there, Sector 3,
6 you can say that that phone was on that -- is that map
7 directionally accurate?

8 A. Yes. North is going to be straight up.

9 Q. Okay. So which side of the tower was that phone
10 on?

11 A. It looks like the northern side, northwestern side
12 of the tower.

13 Q. All right. Let's go to the next slide. What
14 tower and sector is that phone utilizing at 10:49 p.m.
15 on April 29th?

16 A. At 10:49, you're seeing Tower 290, Sector 3.

17 Q. And where is that tower located?

18 A. That tower is located somewhere between, I
19 believe, Switzerland and Mitchellville. Mitchellville
20 here, closer to Ridgeland than -- than to Hilton Head.

21 Q. All right. Let's go to the next slide. And after
22 utilizing that tower, where does the phone -- what tower
23 is the phone utilizing after that?

24 A. The phone uses licenses Tower 208, Sector 3, which
25 is located right there in Ridgeland.

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1 Q. So you can't say that the phone was closest to
2 that tower. What can you tell us about where the phone
3 was in relation to the tower, however?

4 A. To the tower, it's certainly to the westerly side
5 of the tower, because the sector here -- if you guys
6 can't see, I know it's a little bit grainy here -- but
7 the sector is facing out toward the left of the screen
8 here.

9 Q. So what other towers, other than Tower 208 Sector
10 3 -- let me ask you this. Is that the closest tower to
11 the incident location you've provided?

12 A. Yes.

13 Q. So what other towers was that phone utilizing
14 between 10:53 p.m. and 12:34 a.m. on April 29th and
15 30th?

16 A. No other towers.

17 Q. It doesn't hit off any other towers?

18 A. No, that's the only other tower it hits on between
19 that time frame.

20 Q. Okay. All right. Let's go to the next slide. Is
21 that just a closer view of what we just saw?

22 A. That's correct. That's just to show the incident
23 location, just to give you a little bit more of an
24 overview of what we were just seeing.

25 Q. So again, you can't say exactly where the phone

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1 was in relation to that tower, can you?

2 A. That's correct, I cannot.

3 Q. What can you tell us -- well, that's the same
4 thing. Never mind. Let's go to the next slide. Is
5 that just a further-out view?

6 A. Yeah, this just to show the towers in the area of
7 the incident location during the time frame that we have
8 the target device hitting on the -- the tower that's
9 closest to the incident location here. We have no tower
10 out here toward Tillman. A tower just south, a tower
11 just north, and a tower just east. So that's just for
12 reference.

13 Q. But does the phone utilize any other towers at
14 that time?

15 A. At that time, no. The only tower that's used is
16 Tower 208, and it's only on Sector 3. It's not on any
17 other sectors.

18 Q. Okay. So let's go to the next line. What is this
19 showing?

20 A. This is showing the progression of the -- of the
21 morning, I suppose, here on April 30th at 12:54, the
22 target device is going back, it looks like, back toward
23 here on Tower 291, Sector 1, which would be a northern
24 direction facing towards Ridgeland.

25 Q. Now, based on what you've told us so far, can you

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1 say that that phone actually moved from there?

2 A. No, I can't say the phone actually moved from
3 there.

4 Q. Okay.

5 A. Just based on this right here, it is possible that
6 this tower could reach that area up here toward the
7 incident location --

8 Q. Right.

9 A. -- where it overlapped where Sector 3 on Tower
10 208. There could be some overlap in this area,
11 certainly.

12 Q. So there is a twenty-minute gap between 12:00
13 clearly, 12:34 a.m. and 12:54 a.m. Why can't we see
14 anything between that?

15 A. Because there are no calls made during that time.
16 This is -- the next call after 12:34 is at 12:54, and
17 that call was made on this tower, Tower 290, Sector 1.

18 Q. Gotcha. So you can only pinpoint a phone when
19 it's actually making a phone call?

20 A. For this map, yes.

21 Q. For this map. Okay. All right. Let's go to the
22 next slide. And what's changed between those two?

23 A. The sector has changed now. So in the previous
24 slide we saw Tower 290, Sector 1, which was northerly-
25 facing direction. But now, two minutes later, at 12:56