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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable Daniel E. Martin, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

CORNELIUS JEROME STAGGERS,

APPELLANT

APPELLATE CASE NO. 2023-001361

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INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 15-17, 2023	1
DEFENSE MOTION TO DISMISS	42
RESPONSE BY MR. SMITH	44
TESTIMONY	
JASON ARROWOOD (<i>IN-CAMERA</i>)	
Direct Examination by Mr. Smith.....	45
Cross-Examination by Mr. Morin.....	48
COURT’S RULING DENYING DEFENSE MOTION TO DISMISS	51
DEFENSE MOTION TO SUPPRESS IN-COURT IDENTIFICATION BY MR. WILSON OR MS. OTEY.....	52
RESPONSE BY MR. SMITH	52
TESTIMONY	
CHARLES WILSON (<i>IN-CAMERA</i>)	
Direct Examination by Mr. Smith.....	57
Cross-Examination by Mr. Morin.....	64
LAKEISHA OTEY (<i>IN-CAMERA</i>)	
Direct Examination by Mr. Smith.....	67
Cross-Examination by Mr. Morin.....	72
LOUIS NELSON (<i>IN-CAMERA</i>)	
Direct Examination by Mr. Smith.....	77
Cross-Examination by Mr. Morin.....	87
Redirect Examination by Mr. Smith	90
COURT’S RULING DENYING DEFENSE MOTION TO SUPPRESS IN-COURT IDENTIFICATION.....	99
OPENING STATEMENT BY MR. SMITH.....	114
OPENING STATEMENT BY MR. MORIN	118

TESTIMONY

TRAVIS LAYCOX
Direct Examination by Mr. Smith.....119
Cross-Examination by Mr. Morin.....122

JASON ARROWOOD
Direct Examination by Mr. Smith.....126
Cross-Examination by Mr. Morin.....132
Redirect Examination by Mr. Smith.....136
Recross-Examination by Mr. Morin136

LAKEISHA OTEY
Direct Examination by Mr. Smith.....137
Cross-Examination by Mr. Morin.....152

CHARLES WILSON
Direct Examination by Mr. Smith.....163
Cross-Examination by Mr. Morin.....182
Redirect Examination by Mr. Smith.....189

LOUIS NELSON
Direct Examination by Mr. Smith.....192
Cross-Examination by Mr. Morin.....218
Redirect Examination by Mr. Smith.....229

JUSTIN MARTIN
Direct Examination by Mr. Smith.....232
Cross-Examination by Mr. Morin.....235

LAKEISHA OTEY
Direct Examination by Mr. Smith.....235

THE STATE RESTS236

DEFENSE MOTION FOR A DIRECTED VERDICT.....236

RESPONSE BY MR. SMITH237

COURT’S RULING DENYING DEFENSE MOTION FOR
A DIRECTED VERDICT.....237

TESTIMONY COLLOQUY WITH DEFENDANT239

CHARGE CONFERENCE.....242

DEFENSE REQUEST TO CHARGE LESSER-INCLUDED OFFENSE OF ASSAULT
AND BATTERY FIRST-DEGREE254

RESPONSE BY MR. SMITH254

COURT’S RULING GRANTING DEFENSE MOTION TO CHARGE LESSER-
INCLUDED OFFENSE.....256

THE DEFENSE RESTS259

CLOSING ARGUMENT BY MR. SMITH259

CLOSING ARGUMENT BY MR. MORIN279

CHARGE ON THE LAW286

ALLEN CHARGE312

VERDICT314

SENTENCING321

INDICTMENTS324

CERTIFICATE OF COUNSEL330

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF SOUTH CAROLINA)	IN THE COURT OF
)	GENERAL SESSIONS
COUNTY OF SPARTANBURG)	OF THE SEVENTH
)	JUDICIAL CIRCUIT
)	
THE STATE OF SOUTH CAROLINA,)	
Plaintiff,)	TRANSCRIPT OF RECORD
)	2022-GS-42-001877
vs.)	2022-GS-42-001875
)	2022-GS-42-001576
CORNELIUS J. STAGGERS,)	
)	
Defendant.)	
)	

August 15 - 17, 2023
Spartanburg, South Carolina

B E F O R E:

HONORABLE DANIEL E. MARTIN, JR., Judge.

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	I N D E X	
	<u>WITNESS</u>	<u>PAGE</u>
1		
2		
3	ANNOUNCEMENT OF CASE TO JURY	8
4	JURY QUALIFICATION	10
5	JURY SELECTION	33
6	MOTION TO DISMISS BY MR. MORIN	41
7	VOIR DIRE TESTIMONY:	
8		
9	<u>OFFICER JAMES ARROWOOD</u>	
10	DIRECT EXAMINATION BY SOLICITOR SMITH	45
11	CROSS-EXAMINATION BY MR. MORIN	48
12	REPLY TO MOTION TO DISMISS BY SOLICITOR SMITH	49
13	ORDER OF COURT ON MOTION TO DISMISS	51
14	MOTION TO SUPPRESS BY MR. MORIN	52
15	<u>CHARLES WILSON</u>	
16	DIRECT EXAMINATION BY SOLICITOR SMITH	57
17	CROSS-EXAMINATION BY MR. MORIN	64
18	<u>LAKEISHA OTEY</u>	
19	DIRECT EXAMINATION BY SOLICITOR SMITH	67
20	CROSS-EXAMINATION BY MR. MORIN	72
21	<u>INVESTIGATOR LOUIS NELSON</u>	
22	DIRECT EXAMINATION BY SOLICITOR SMITH	77
23	CROSS-EXAMINATION BY MR. MORIN	87
24	REDIRECT EXAMINATION BY SOLICITOR SMITH	90
25	FINAL ARGUMENT BY MR. MORIN	92

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

<u>WITNESS</u>	<u>PAGE</u>
FINAL ARGUMENT BY SOLICITOR SMITH	94
ORDER OF COURT ON MOTION FOR DISMISSAL, MOTION TO SUPPRESS BY MR. MORIN	97
END OF DAY ONE OF TRIAL	101
PRETRIAL MATTERS	102
JURY INSTRUCTIONS	106
OPENING STATEMENT BY SOLICITOR SMITH	114
OPENING STATEMENT BY MR. MORIN	117
<u>TRAVIS LAYCOX</u>	
DIRECT EXAMINATION BY SOLICITOR SMITH	119
CROSS-EXAMINATION BY MR. MORIN	122
<u>OFFICER JASON ARROWOOD</u>	
DIRECT EXAMINATION BY SOLICITOR SMITH	126
CROSS-EXAMINATION BY MR. MORIN	131
REDIRECT EXAMINATION BY SOLICITOR SMITH	136
RE-CROSS-EXAMINATION BY MR. MORIN	137
<u>LAKEISHA OTEY</u>	
DIRECT EXAMINATION BY SOLICITOR SMITH	137
CROSS-EXAMINATION BY MR. MORIN	152
<u>CHARLES WILSON</u>	
DIRECT EXAMINATION BY SOLICITOR SMITH	163
CROSS-EXAMINATION BY MR. MORIN	182
REDIRECT EXAMINATION BY SOLICITOR SMITH	189

	I N D E X	
	<u>WITNESS</u>	<u>PAGE</u>
1		
2		
3	<u>INVESTIGATOR LOUIS NELSON</u>	
4	DIRECT EXAMINATION BY SOLICITOR SMITH	191
5	CROSS-EXAMINATION BY MR. MORIN	218
6	REDIRECT EXAMINATION BY SOLICITOR SMITH	230
7	<u>JUSTIN MARTIN</u>	
8	DIRECT EXAMINATION BY SOLICITOR SMITH	233
9	CROSS-EXAMINATION BY MR. MORIN	235
10	<u>LAKEISHA OTEY</u>	
11	REBUTTAL DIRECT EXAMINATION	
12	BY SOLICITOR SMITH	235
13	DIRECT VERDICT MOTION BY MR. MORIN	236
14	REPLY TO MOTION BY SOLICITOR SMITH	236
15	ORDER OF COURT ON DIRECT VERDICT MOTION	237
16	JURY CHARGE CONFERENCE	242
17	END OF DAY TWO OF TRIAL	251
18	PRELIMINARY MATTERS	252
19	CLOSING ARGUMENT BY SOLICITOR SMITH	259
20	CLOSING ARGUMENT BY MR. MORIN	279
21	JURY CHARGE	286
22	JURY NOTE	311
23	VERDICT	314
24	SENTENCE OF THE COURT	320
25	COURT REPORTER CERTIFICATE	323

		<u>MARKED</u>	<u>ENTERED</u>
1	EXHIBITS		
2			
3			
4	STATE'S EXHIBIT NO. 1, Security Camera Video	101	120
5			
6	STATE'S EXHIBIT NO. 2, 911 Call	101	234
7	STATE'S EXHIBIT NO. 3, Charles Staggers Interview	101	207
8			
9	STATE'S EXHIBIT NO. 4, Photo of blue SUV	101	131
10	STATE'S EXHIBIT NO. 5, Photo of Side Mirror on Car	101	131
11			
12	STATE'S EXHIBIT NO. 6, Photo of Rear Window on Car	101	131
13	STATE'S EXHIBIT NO. 7, Photo of Inside of Car	101	131
14			
15	STATE'S EXHIBIT NO. 8, Photo of Side Mirror	101	131
16	STATE'S EXHIBIT NO. 9, Photo of Side View of Car	101	131
17			
18	STATE'S EXHIBIT NO. 10, Aerial View of Map	101	145
19	STATE'S EXHIBIT NO. 11 Aerial Map View Bunton CMA	101	143
20			
21	STATE'S EXHIBIT NO. 12, Aerial Map View of Farley Street	101	142
22	STATE'S EXHIBIT NO. 13, Aerial Map Crown Health Laundry	101	121
23			
24	STATE'S EXHIBIT NO. 14, Aerial Map of Wofford Street	144	144
25			

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

EXHIBITS

	<u>MARKED</u>	<u>ENTERED</u>
COURT'S EXHIBIT NO. 1, Jury Note	311	311
COURT'S EXHIBIT NO. 2, LWOP Notice	322	322

1 STATE OF SOUTH CAROLINA VS. CORNELIUS JEROME STAGGERS

2 THE COURT: All right. I'm Danny Martin.

3 SOLICITOR SMITH: Hello again.

4 THE COURT: Mr. Smith, I saw you yesterday.

5 SOLICITOR SMITH: Yes, sir.

6 THE COURT: All right. Is this Mr. Morin?

7 MR. MORIN: Yes, that's correct, Your Honor.

8 THE COURT: All right. Did I see you on Monday?

9 MR. MORIN: Yes, sir, Your Honor. I was sitting
10 over there saying everybody was a trial.

11 THE COURT: All right. Yeah, I remember that. I
12 said, maybe they cloned you and maybe you had like five
13 or six of you out there. You've got a lot of stuff
14 going on. All right. And this is Mr. Staggers?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: Good morning, Mr. Staggers.

17 THE DEFENDANT: Good morning.

18 THE COURT: All right. So, will we be having any
19 motions to take up before we get started at some point?

20 MR. MORIN: Yes, Your Honor. I have a Motion to
21 Suppress in court identifications under Biggers. And I
22 also have a Motion to Dismiss, based off of some
23 discovery that's been lost.

24 THE COURT: All right. I guess that would take
25 several hours to deal with that?

1 MR. MORIN: Well, I think there's probably on the
2 Biggers side there's a video and an officer that did the
3 identification. I'm pretty sure my motion on discovery
4 is pretty brief, but to the point, I hope.

5 THE COURT: All right. Now, I've got your voir
6 dire questions here. Mr. Smith, do you have any
7 objection to these particular questions?

8 SOLICITOR SMITH: No, Your Honor, and I have some
9 as well, but they're very basic.

10 THE COURT: Okay.

11 MR. MORIN: And I have seen them. I don't have
12 any objection, Your Honor.

13 THE COURT: All right. Witness list?

14 MR. MORIN: I don't have any.

15 THE COURT: Okay.

16 MR. MORIN: Other than the client.

17 THE COURT: Yes, sir. Number five on your list,
18 Mr. Smith, is that pronounced Otey or Artae (phonetic)?
19 Do you know?

20 SOLICITOR SMITH: I think it's Otey.

21 THE COURT: Otey?

22 SOLICITOR SMITH: I met with her, but I didn't
23 discuss her last name.

24 THE COURT: All right.

25 Madame Clerk, do you have the indictments?

1 THE CLERK: Your Honor, the Solicitor has them.

2 THE COURT: Okay. Nothing needs to be arraigned,
3 correct?

4 SOLICITOR SMITH: No, Your Honor.

5 THE COURT: Okay. All right. Are you all ready
6 to draw a jury?

7 SOLICITOR SMITH: Yes, Your Honor.

8 MR. MORIN: Yes, Your Honor.

9 THE COURT: All right. Bring the panel in here.
10 (Jury panel enters the courtroom at 10:03 a.m.)

11 THE COURT: Good morning everyone. I'm Judge
12 Daniel Martin, and I hope that it feels a lot better
13 here this morning than it did yesterday. Because I, for
14 one, was very uncomfortable," but I'm glad you're here
15 today.

16 All right. We are ready to begin with the jury
17 selection in the first case that's gonna go forward with
18 trial here today. And this is the matter of State
19 versus Cornelius Jerome Staggers. Mr. Staggers has been
20 charged with several crimes. Two individual charges of
21 attempted murder and one charge of discharging a firearm
22 into a vehicle.

23 And the State alleges this by way of an
24 indictment. An indictment is simply a charging paper.
25 It's not evidence of anything. It's not proof of

1 anything. It doesn't establish anything. It's simply a
2 means by which any person who is accused of a crime and
3 who is brought into the court to stand trial is notified
4 of what crime the State claims they have committed. So
5 you have to have an indictment, otherwise you cannot go
6 to trial.

7 But the indictment in this case alleges the
8 following: And this is indictment 2021A4210101955.
9 That's the arrest warrant number. It alleges that on
10 August the 3rd of 2021, in the city of Spartanburg, one
11 Cornelius Jerome Staggers did commit the crime of
12 assault and attempted murder in that he did discharge a
13 firearm at the victim, Charles Wilson. And the warrant
14 is based on the police investigation.

15 There's a second warrant that was issued,
16 2021A4210101954, where it is also alleged that
17 Mr. Cornelius Jerome Staggers, on August 3rd of 2021, in
18 the city of Spartanburg, did commit the crime of assault
19 and attempted murder, and that he did discharge a
20 firearm at the victim, Lakeisha Otey. And that warrant
21 was based on an investigation by the police.

22 And lastly, there is a third arrest warrant,
23 2021A4210101956. It is alleged that on August the 3rd
24 of 2021, in the city of Spartanburg, one Cornelius
25 Jerome Staggers, did commit the crime of weapons or

1 discharging a firearm into a vehicle or aircraft, which
2 at the time was occupied. That work was again based on
3 the police investigation. All of these indictments have
4 been returned as true billed indictments by the grand
5 jury.

6 Now, as to those allegations and as to the
7 charge, the defendant has entered a plea of not guilty.
8 And a plea of not guilty places upon the State the
9 burden of proving the allegations that they have made
10 against the defendant. The burden of proving each of
11 the essential elements that constitute the crime or
12 crimes in this matter alleged against the defendant and,
13 therefore, the burden is upon the State to establish the
14 defendant's guilt to the satisfaction of 12 jurors
15 beyond a reasonable doubt before any verdict of guilty
16 could be returned as to either of the charges or any of
17 these three charges.

18 Now, before we begin with jury selection, I've
19 got some questions to ask of you. The purpose of these
20 questions is to determine whether there is any reason
21 why any one of you should not be selected to participate
22 in the trial of this case. In other words, do you have
23 some reason why you think you cannot be fair and
24 impartial as it relates to this particular case?

25 Now, I'll be introducing some people to you. The

1 purpose of this introduction is to determine if you have
2 any connection with anybody that's involved in this
3 particular case, whether it be the lawyers, whether it
4 be the potential witnesses, or whether it be the
5 defendant, or the person who is alleged to have been a
6 victim of any of these crimes.

7 So, as to these people are introduced -- are
8 introduced to you, I need to know if you have any family
9 connections, if you have any employment connections, if
10 you have any church connections, if you have any school
11 connections. If you socialize with these individuals or
12 you just happen to know them from somewhere in some way.

13 And if you know anyone who's introduced to you,
14 I'll ask that you please stand so that we can determine
15 what the connection is and find out whether or not it
16 would be -- whether it would affect your judgment or
17 your ability to be fair in the trial of this case.

18 At this time I will ask the clerk to please swear
19 in the jury. Would everyone please stand up for me?
20 Raise your right hands. (All comply.)

21 THE CLERK: Do you swear or affirm in the case
22 about to be tried to truly try the -- I'm sorry.

23 Do you swear or affirm the answers to the
24 questions that will be asked of you by this Court will
25 be the truth, whole truth, and nothing but the truth so

1 help you God?

2 (All answer in the affirmative.)

3 Thank you.

4 THE COURT: Thank you. You can all be seated.

5 All right. Now, first of all, as I've already
6 stated, the defendant, the person who is accused to have
7 committed these crimes, is Mr. Cornelius Staggers. Mr.
8 Staggers, could you stand up at this time and face the
9 jury? (Complies.) Thank you. You may be seated.

10 Also, at this time I'd like to introduce to you
11 Mr. Mike Morin. He is the attorney representing Mr.
12 Staggers in this matter. Thank you, Mr. Morin.

13 I'd also ask at this time, Assistant Solicitor
14 Spenser Smith to stand up, face the jury. He is the
15 prosecutor in this matter, prosecuting this case.

16 Mr. Smith, you can identify, recognize anyone who
17 will be assisting you here today.

18 SOLICITOR SMITH: This is Blyth Walters, she also
19 works in the Seventh Circuit Solicitor's Office with me.

20 THE COURT: Thank you both.

21 Now, the persons who are alleged to have been the
22 victims of this alleged crime, the names are Charles
23 Wilson and Lakeisha Otey. In addition, the following
24 people, including Charles Wilson and Lakeisha Otey, may
25 possibly be witnesses in this trial: Jason Arrowood,

1 Louis Nelson, and Chris Taylor. They are all members of
2 the Spartanburg City Police Department. Jason Arrowood,
3 Louis Nelson, and Chris Taylor.

4 Also, Travis Laycox with Crown Healthcare Laundry
5 Services. Christopher Staggers and Justen Martin. All
6 of those individuals could possibly be called as
7 witnesses in this trial. They may not actually appear,
8 or it's possible that they may.

9 I have a few questions for each of you. First of
10 all, do any of you know any of the people that I have
11 identified with thus far? If so, please stand.

12 All right.

13 JUROR 122: Jason ---

14 THE COURT: Before you give me your name, I only
15 want your juror number, okay?

16 JUROR 122: 122.

17 THE COURT: 122. Give me just a second. All
18 right, ma'am, which of the individuals that I've
19 identified do you know?

20 JUROR 122: Jason Arrowood.

21 THE COURT: Okay. And how do you know Jason
22 Arrowood?

23 JUROR 122: He's just been a long-time friend of
24 my husband and myself.

25 THE COURT: Okay. Now, your affiliation with Mr.

1 Arrowood, would that affect your ability to be fair and
2 impartial to both the State and the defendant in this
3 matter?

4 JUROR 122: Yes.

5 THE COURT: It would?

6 JUROR 122: (Nods head up and down.)

7 THE COURT: Very good, you are excused, but you
8 don't leave just yet.

9 JUROR 122: Okay.

10 THE COURT: Just have a seat.

11 JUROR 122: Okay.

12 THE COURT: All right. Gentleman in the blue
13 shirt, your juror number only?

14 JUROR 97: 97.

15 THE COURT: 97. Thank you, sir. And what
16 individual on that list do you know?

17 JUROR 97: Michael Morin.

18 THE COURT: Michael Morin? Attorney Morin?

19 JUROR 97: Yes. I went to high school with him.

20 THE COURT: Any other affiliation with him other
21 than that?

22 JUROR 97: No.

23 THE COURT: Would the fact that you went to
24 school with Mr. Morin prohibit you from being fair and
25 impartial to the State and also to the defendant?

1 JUROR 97: I would have no problems with it.

2 THE COURT: Thank you, sir. You may be seated.

3 We'll keep you with us.

4 Yes, ma'am, your juror number?

5 JUROR 129: 129.

6 THE COURT: 129. Thank you, ma'am. And who do
7 you know on that list that I just presented?

8 JUROR 129: Officer Nelson and Officer Taylor.

9 THE COURT: Okay. And how do you know both
10 Officer Nelson and Officer Taylor?

11 JUROR 129: I worked with the City of Spartanburg
12 for 17 years.

13 THE COURT: Do you still work there?

14 JUROR 129: Yeah, I took off about a
15 year-and-a-half ago.

16 THE COURT: All right. Would the fact that you
17 know Officers Nelson and Taylor, would that prohibit you
18 from being fair and impartial to both the State and the
19 defendant?

20 JUROR 129: No.

21 THE COURT: Thank you. We'll keep you. You can
22 be seated.

23 All right. I have a few more questions. Are any
24 of you related by blood or marriage to, or are you a
25 friend of anyone who is employed by the Seventh Judicial

1 Circuit's Solicitor's Office? If so, please stand.

2 (No response.)

3 Are any of you related by blood or marriage to,
4 or are friends of anyone who is employed by the
5 Spartanburg Department of Public Safety?

6 (No response.)

7 Are any of you related by blood or marriage to,
8 or are a friend of anyone who is employed by the
9 Spartanburg County Sheriff's Office? Let the record
10 reflect that no one has stood.

11 THE CLERK: You have two.

12 THE COURT: Oh, I have one?

13 THE CLERK: Two.

14 THE COURT: Oh, I have two, in fact. Ma'am, what
15 is your juror number?

16 JUROR 151: 151.

17 THE COURT: 151. Give me just a second. Yes,
18 ma'am, who are you connected with?

19 JUROR 151: Terry Stevens (phonetic).

20 THE COURT: Terry Stevens?

21 JUROR 151: Yes.

22 THE COURT: Okay. And who does Terry Stevens
23 work with?

24 JUROR 151: The Spartanburg County Sheriff's
25 Office.

1 THE COURT: The Sheriff's Department?

2 JUROR 151: Uh-huh.

3 THE COURT: Would that affect your ability to be
4 fair and impartial to the State and to the defendant?

5 JUROR 151: Yes, sir.

6 THE COURT: It would?

7 JUROR 151: (Nods head up and down.)

8 THE COURT: All right. I'll excuse you from this
9 trial. You may be seated.

10 JUROR 151: Sure.

11 THE COURT: Okay. The young lady in the blue
12 shirt. That's you. Yes, your juror number?

13 JUROR 68: 68.

14 THE COURT: 68. Yes. What is your connection
15 with the sheriff's office?

16 JUROR 68: With public safety.

17 THE COURT: With public safety?

18 JUROR 68: Uh-huh. My brother-in-law is Chris
19 Roberts.

20 THE COURT: And he works there, I take it?

21 JUROR 68: Yes.

22 THE COURT: All right. Does that affect your
23 ability to be fair and impartial to both the State and
24 to the Defendant?

25 JUROR 68: No.

1 THE COURT: Thank you, ma'am, you can be seated.
2 All right. Gentleman with the green shirt?
3 JUROR 63: 63.
4 THE COURT: Yes, sir. Who ar you connected with?
5 JUROR 63: My brother-in-law is Eddie Hayes. He
6 actually worked for the troopers, but I'm not sure if
7 that's him for a police officer.
8 THE COURT: All right. He's a State Trooper?
9 JUROR 63: Yes, sir.
10 THE COURT: Yes, sir. I don't think that'll be a
11 problem.
12 JUROR 63: Okay, thank you.
13 THE COURT: You may be seated. Yes, sir.
14 And let me have this ma'am -- this lady on the
15 end.
16 JUROR 3: My son-in-law is Chuck Cooper and he
17 worked for the sheriff's department as an officer.
18 THE COURT: And your juror number?
19 JUROR 3: Oh, three, I'm sorry.
20 THE COURT: Number three? His name is Chuck?
21 JUROR 3: Cooper.
22 THE COURT: Chuck Cooper. And he's your
23 son-in-law, did you say?
24 JUROR 3: I did.
25 THE COURT: And would that affect your ability to

1 be fair and impartial?

2 JUROR 3: No.

3 THE COURT: Thank you, ma'am, we'll keep you.

4 Yes, sir, in the white shirt?

5 JUROR 142: Juror 142.

6 THE COURT: All right. 142? Are you certain
7 about that?

8 JUROR 142: Oh, I'm positive. I think you're
9 looking at my name. My name is Gail Shewalter.

10 THE COURT: Okay. I was a little confused there.
11 Okay then.

12 JUROR 142: I get that a lot.

13 THE COURT: Yes, sir, who are you connected with?

14 JUROR 142: My niece works for Spartanburg
15 County. Her name is Megan Mogally (phonetic).

16 THE COURT: Would that affect your ability to be
17 fair and impartial?

18 JUROR 142: No, sir.

19 THE COURT: Okay. Thank you, sir. You can be
20 seated.

21 Yes, ma'am?

22 JUROR 178: I'm 178.

23 THE COURT: 178.

24 JUROR 178: And I forgot because we haven't met
25 all summer, but I'm on a city public safety committee,

1 so the officers I think I've probably met them, but I
2 just wanted to mention that.

3 THE COURT: Yes, ma'am. Would that affect your
4 ability to be fair and impartial?

5 JUROR 178: No, sir.

6 THE COURT: Okay. Thank you, ma'am, you can be
7 seated.

8 JUROR 178: You're welcome too.

9 THE COURT: Okay. Just a few more questions.
10 Have any of you ever been employed or are you currently
11 employed by any civilian or military law enforcement
12 agency?

13 Okay, yes, ma'am. I know we heard from you a few
14 minutes ago. Your juror number again?

15 JUROR 129: 129.

16 THE COURT: 129, yes, ma'am?

17 JUROR 129: City of Spartanburg.

18 THE COURT: And would that affect your ability to
19 be fair and impartial?

20 JUROR 129: (Shakes head back and forth.)

21 THE COURT: Thank you, ma'am, you can be seated.
22 And your number, sir?

23 JUROR 95: 95.

24 THE COURT: 95. All right, sir. Who are you
25 employed with?

1 JUROR 95: U.S. Navy.

2 THE COURT: All right. Are you involved with any
3 law enforcement division of the U.S. Navy?

4 JUROR 95: Not anymore, no.

5 THE COURT: All right. Thank you, sir. You can
6 be seated.

7 Now, have you or any member of your family ever
8 been the victim of a crime involving a firearm? If so,
9 please stand. You or any member of your family that may
10 have ever been a victim of a crime involving a firearm?

11 Yes, sir, you in the blue shirt, your juror
12 number?

13 JUROR 102: 102.

14 THE COURT: 102. Yes, sir, tell me about that.

15 JUROR 102: My daughter's grandfather was
16 murdered.

17 THE COURT: Thank you. Would that affect your
18 ability to be fair and impartial?

19 JUROR 102: No, sir.

20 THE COURT: Thank you, sir. You can be seated.
21 Yes, ma'am, you in the white blouse?

22 JUROR 29: 29.

23 THE COURT: 29. All right. Yes, ma'am, just
24 briefly.

25 JUROR 29: Two days before I was married someone

1 put a gun to my husband's head. No bullet thankfully.

2 THE COURT: Yes, ma'am. Would that affect your
3 ability to be fair and impartial?

4 JUROR 29: No, Your Honor.

5 THE COURT: Thank you, ma'am. You can be seated.
6 Yes, sir, you with the beard?

7 JUROR 25: 25.

8 THE COURT: Number 25, okay. Yes, sir, be glad
9 to hear from you.

10 JUROR 25: My mom was murdered.

11 THE COURT: I'm sorry to hear that. Yes, I'm
12 gonna go ahead and excuse you from this case.

13 Yes, sir, blue shirt on the far left.

14 JUROR 157: Yes, sir, at my gas station ---

15 THE COURT: No. If you'll give me your juror
16 number, please.

17 JUROR 157: 157.

18 THE COURT: 157. Yes, sir?

19 JUROR 157: Yeah. Robbed, burglarized and a gun
20 was discharged.

21 THE COURT: This is involving you personally
22 or ---

23 JUROR 157: My employee.

24 THE COURT: Your employee?

25 JUROR 157: Yes.

1 THE COURT: All right. Would that prohibit you
2 from being fair and impartial?

3 SOLICITOR SMITH: Your Honor, can we approach on
4 that just one second?

5 THE COURT: Yes.

6 (Bench conference was held off the record.)

7 THE COURT: All right. Juror number 157, where
8 did this incident take place? What town?

9 JUROR 157: It's on Rutherford, South Carolina.

10 THE COURT: All right, thank you. The Court's
11 gonna excuse you from this case. Thank you. Be seated.

12 And your number, sir?

13 JUROR 19: 19.

14 THE COURT: 19. Yes, sir?

15 JUROR 19: My wife was held up at gunpoint at the
16 bank we have.

17 THE COURT: All right. Thank you. So I'm gonna
18 excuse you from this case.

19 Now, has any juror, family member or acquaintance
20 of a juror ever been prosecuted by any other prosecuting
21 agency, state or federal?

22 (No response.)

23 All right. Has any juror, family member, or
24 acquaintance of a juror ever been investigated by law
25 enforcement for a criminal violation? And if so, you

1 can stand. I won't ask you anything about that at the
2 time. I'll just have you come forward and we can talk
3 at the end of these questions. Okay. Let me have you
4 all come forward.

5 (Court leaves the bench.)

6 THE BAILIFF: 98.

7 JUROR 98: My brother-in-law, he's deceased now,
8 but he's ---

9 COURT REPORTER: I can't hear. I'm sorry.

10 JUROR 98: My brother-in-law is deceased now, but
11 he was involved in many drug activities. I'm sure he
12 was arrested a few times and put in jail, so...

13 THE COURT: How long?

14 JUROR 98: Not for long periods of times, but his
15 wife was also. We had a court hearing trying to get
16 custody of the kids. It was really nasty, so...

17 THE COURT: That happened here in Spartanburg
18 County?

19 JUROR 98: Uh-huh.

20 THE COURT: Okay. Do you think you could still
21 be fair and impartial to both sides?

22 JUROR 98: Oh, yeah, for sure. I just didn't
23 want to -- I didn't want to not say anything and then
24 have a mistrial or something.

25 THE COURT: Yeah. Thank you. We'll keep you

1 with us.

2 JUROR 98: All right.

3 THE BAILIFF: 70. 7-0.

4 THE COURT: Please come forward. Good morning.

5 JUROR 70: Good morning.

6 THE COURT: What's your situation?

7 JUROR 70: My mother is currently, and
8 grandmother is serving in prison. They -- my mother
9 held somebody at gunpoint at the Dollar General on 417
10 and my grandma was charged with aggravated assault,
11 kidnapping, and shoplifting, and a few other things.

12 THE COURT: Okay. Would the fact that your
13 family has been involved in these activities and
14 prosecuted, would that affect your ability to be fair
15 and impartial in this case?

16 JUROR 70: No, sir.

17 THE COURT: Okay, thank you.

18 THE BAILIFF: 95.

19 THE COURT: Good morning. Yes, sir?

20 JUROR 95: My brother-in-law, he was imprisoned a
21 couple -- last year. He did time in Virginia for
22 robbery and I think fleeing from the police.

23 THE COURT: Okay.

24 JUROR 95: And it extended from South Carolina
25 all the way up there.

1 THE COURT: Okay. Any other family members?

2 JUROR 95: No, sir.

3 THE COURT: Would that information that you gave
4 me prohibit you from being fair and impartial to both
5 parties?.

6 JUROR 95: No.

7 THE COURT: Okay, we'll keep you. Thank you,
8 sir.

9 THE BAILIFF: 134.

10 JUROR 154: I'm 154.

11 THE BAILIFF: Excuse me, 154.

12 THE COURT: 154. Good morning.

13 JUROR 154: Good morning.

14 THE COURT: All right, thank you. Yes, ma'am?

15 JUROR 154: My brother-in-law, which is my
16 husband's brother, he was previously charged before we
17 were married with armed robbery.

18 THE COURT: Okay.

19 JUROR 154: He did serve, I think, eight or ten
20 years. And then he was released. And he's currently
21 serving time now for a probation violation. He got
22 caught with a gun. And I want to say he got charged
23 with kidnapping or something. He kept his girlfriend
24 hostage, I think. Something like that. My husband is a
25 lot closer to him, so I don't know the whole situation,

1 but...

2 THE COURT: Sure.

3 JUROR 154: I do know he was charged with armed
4 robbery and he did serve time for that.

5 THE COURT: Okay. Would that prohibit you from
6 being fair and impartial in this case?

7 JUROR 154: No.

8 THE COURT: Okay, thank you.

9 JUROR 154: You're welcome.

10 THE COURT: All right.

11 THE BAILIFF: 144.

12 THE COURT: Good morning.

13 JUROR 144: I don't know if you knew it, but my
14 father was arrested a few times for a DUI and once, I
15 think, for having a can open in his car.

16 THE COURT: Okay. That's your father?

17 JUROR 144: Yes.

18 THE COURT: Any other family member?

19 JUROR 144: No.

20 THE COURT: Okay. Would that prohibit you from
21 being fair and impartial in this case?

22 JUROR 144: No.

23 THE COURT: Okay, thank you. We'll keep you with
24 us, okay?

25 THE BAILIFF: 29.

1 THE COURT: Come on in.

2 JUROR 29: I'm not sure if this applies.

3 THE COURT: Yes, ma'am.

4 JUROR 29: My uncle was, I guess, before he
5 passed away, was being charged for sex crimes.

6 THE COURT: Okay.

7 JUROR 29: And then my sister-in-law was being
8 investigated for underage relationship.

9 THE COURT: Okay.

10 JUROR 29: And they all lived out of -- he lived
11 in Texas. My sister-in-law was Chicago.

12 THE COURT: Okay. So, did it even happen here in
13 South Carolina?

14 JUROR 29: No, I've only been here a year.

15 THE COURT: Okay. Would the fact that that
16 happened prohibit you from being fair and impartial in
17 this case?

18 JUROR 29: It would not.

19 THE COURT: Okay, thank you.

20 THE BAILIFF: 102.

21 THE COURT: Good morning.

22 JUROR 102: Good morning, sir.

23 THE COURT: Yes, sir.

24 JUROR 102: Judge, I wanted to make you aware my
25 brother, he did time. He's been in jail for several

1 different things. Possession of a weapon and all. I
2 just wanted you to be aware.

3 THE COURT: Yes, sir. Yes, sir. Would that
4 prohibit you from being fair and impartial in this case?

5 JUROR 102: No, sir.

6 THE COURT: All right, thank you.

7 THE BAILIFF: 60.

8 THE COURT: Good morning.

9 JUROR 60: Good morning.

10 THE COURT: Yes, sir?

11 JUROR 60: A family member was involved in an
12 assault and he was in prison for a good while. Then he
13 was shot by Spartanburg County.

14 THE COURT: He was shot? Okay.

15 JUROR 60: This was two years ago.

16 THE COURT: Would that prohibit you from being
17 fair and impartial in this case?

18 JUROR 60: It might.

19 THE COURT: It might? Okay. We'll go ahead and
20 excuse you. Can I ask your juror number again?

21 JUROR 60: 60.

22 THE COURT: 60. All right. Stay with us. We're
23 gonna excuse you from this trial, okay?

24 JUROR 60: Thank you.

25 THE COURT: Thank you.

1 THE BAILIFF: 177.

2 THE COURT: Good morning.

3 JUROR 177: Good morning. I have a nephew that
4 went to prison for hitting a guy on a bicycle under DUI.

5 THE COURT: A little louder so our court reporter
6 can hear.

7 JUROR 177: Oh, I'm sorry. I had a nephew who
8 went to prison for hitting someone on a bicycle on a
9 DUI.

10 THE COURT: A DUI, okay. Will that prohibit you
11 from being fair and impartial in this case?

12 JUROR 177: No, sir.

13 THE COURT: All right, thank you.

14 THE BAILIFF: 119.

15 JUROR 177: Hey, my mother had a gun stuck at her
16 face.

17 COURT REPORTER: I can't hear, Judge.

18 THE COURT: A little bit louder.

19 JUROR 177: My mother was strong-arm robbed and
20 had a gun put in her face and robbed back in the early
21 '80's. My uncle killed my aunt and killed himself. And
22 I've got a first cousin that killed two people that
23 killed two people and served time.

24 THE COURT: And served time. Would any of that
25 prohibit you from being fair and impartial in this case?

1 JUROR 177: No, sir.

2 THE COURT: All right, thank you. You may
3 return.

4 THE BAILIFF: 164. 164.

5 THE COURT: Yes, ma'am, please come forward.

6 JUROR 164: My brother, he broke into a bank and
7 went to jail and he's always preys on someone. His ---

8 COURT REPORTER: I'm sorry, I can't hear.

9 THE COURT: And this is who? This is who?

10 JUROR 164: Trey Nickle.

11 THE COURT: I mean, how is he related to you?

12 JUROR 164: My brother.

13 THE COURT: Is your brother?

14 JUROR 164: Youngest brother.

15 THE COURT: Okay. She couldn't hear you, so say
16 that a little bit louder so she can hear, the court
17 reporter.

18 JUROR 164: My brother was Sully True Young
19 (phonetic). He works as an officer at the jail as an
20 officer. It's closed here.

21 THE COURT: Okay.

22 JUROR 164: So he over displayed his might, I
23 guess, and he been charged with that. So I don't know.
24 His case is not closed.

25 THE COURT: All right.

1 JUROR 164: He tried to break down the front
2 himself not too guilty, you know, so...

3 THE COURT: That's a pending case, you believe,
4 Mr. Brerro.

5 JUROR 164: I think they not close. I'm not
6 sure.

7 THE COURT: All right. All right. Would that
8 prohibit you from being fair and impartial in this case?

9 JUROR 164: Uh-huh.

10 THE COURT: You believe it would?

11 JUROR 164: I think so.

12 THE COURT: All right. We'll excuse you from
13 this case, okay?

14 JUROR 164: Okay.

15 THE COURT: Thank you. You can be seated over
16 there.

17 JUROR 164: Okay.

18 THE COURT: If anyone else has any question of
19 whether or not they can be fair and impartial in this
20 case for any reason, please come forward at this time.

21 THE BAILIFF: 48.

22 THE COURT: 48. Yes, sir, come forward. Good
23 morning.

24 JUROR 48: Good morning.

25 THE COURT: Yes, sir.

1 JUROR 48: I had a cousin that works in a fire
2 department. I don't know if he was charged in
3 Spartanburg or another county. But he was on the other
4 side of ---

5 THE COURT: What was he charged with?

6 JUROR 48: Setting fires.

7 THE COURT: Arson?

8 JUROR 48: Yes.

9 THE COURT: Would that prohibit you from being
10 fair and impartial in this case?

11 JUROR 48: No, sir.

12 THE COURT: All right. Thank you, sir.

13 (Court resumes the bench.)

14 Mr. Smith, Mr. Morin, would you, please,
15 approach?

16 (Bench conference was held off the record.)

17 I apologize. Let me have you both come back up
18 here for a minute, Mr. Morin and Mr. Smith.

19 (Bench conference was held off the record.)

20 All right. At this time we will be drawing a
21 jury in this case. Madam Clerk, you can proceed when
22 you're ready.

23 THE CLERK: Yes, sir.

24 THE COURT: When your juror number is called, you
25 will be directed to come down this aisle. The bailiff

1 will show you where to stand and you will await further
2 instructions.

3 THE CLERK: When your juror name and number is
4 called, please stand and come to the center aisle to
5 meet the bailiff.

6 Juror number 150, Joseph Stevens.

7 (White male comes forward.)

8 What says the State?

9 SOLICITOR SMITH: Please present the juror.

10 THE CLERK: What says defense?

11 MR. MORIN: Please swear the juror.

12 THE CLERK: Juror number 139.

13 (White female comes forward.)

14 What says the State?

15 SOLICITOR SMITH: Please present the juror.

16 THE CLERK: What says defense?

17 MR. MORIN: Please swear the juror.

18 THE CLERK: Juror number 107.

19 (White female comes forward.)

20 What says the State?

21 SOLICITOR SMITH: Please present the juror.

22 THE CLERK: What says defense?

23 MR. MORIN: Please swear the juror.

24 THE CLERK: Number 131.

25 (White male comes forward.)

1 What says the State?
2 SOLICITOR SMITH: Please present the juror.
3 THE CLERK: What says defense?
4 MR. MORIN: Please swear in the juror.
5 THE CLERK: 142.
6 (White male comes forward.)
7 What says the State?
8 SOLICITOR SMITH: Please present the juror.
9 THE CLERK: What says defense?
10 MR. MORIN: Please excuse the juror.
11 THE CLERK: 113.
12 (White male comes forward.)
13 What says the State?
14 SOLICITOR SMITH: Please present the juror.
15 THE CLERK: What says defense?
16 MR. MORIN: Please swear the juror.
17 THE CLERK: 155.
18 (Black male came forward.)
19 What says the State?
20 SOLICITOR SMITH: Please present the juror.
21 THE CLERK: What says defense?
22 MR. MORIN: Please swear the juror.
23 THE CLERK: 154.
24 MR. MORIN: Ma'am, did you say 54 or 64?
25 THE CLERK: 154.

1 (White female comes forward.)
2 What says the State?
3 SOLICITOR SMITH: Please present the juror.
4 THE CLERK: What says defense?
5 MR. MORIN: Please swear the juror.
6 THE CLERK: 110.
7 (Black male comes forward.)
8 What says the State?
9 SOLICITOR SMITH: Please present the juror.
10 THE CLERK: What says defense?
11 MR. MORIN: Please swear in the juror.
12 THE CLERK: Number 11.
13 (White female comes forward.)
14 What says the State?
15 SOLICITOR SMITH: Please present the juror.
16 THE CLERK: What says defense?
17 MR. MORIN: Please swear in the juror.
18 THE CLERK: 42.
19 (Asian female comes forward.)
20 What says the State?
21 SOLICITOR SMITH: Please present the juror.
22 THE CLERK: What says defense?
23 MR. MORIN: Please swear the juror.
24 THE CLERK: Number 71.
25 (White male comes forward.)

1 What says the State?

2 SOLICITOR SMITH: Please present the juror.

3 THE CLERK: What says defense?

4 MR. MORIN: Please swear the juror.

5 THE CLERK: Number 68.

6 (White female comes forward.)

7 What says the State?

8 SOLICITOR SMITH: Please present the juror.

9 THE CLERK: What says defense?

10 MR. MORIN: Please swear in the juror.

11 THE CLERK: This will be for your alternate.

12 Number 112.

13 (White female comes forward).

14 What says the State?

15 SOLICITOR SMITH: Please present the juror.

16 THE CLERK: What says defense?

17 MR. MORIN: Please swear the juror.

18 THE CLERK: Your Honor, jury selection is

19 complete.

20 THE COURT: Thank you.

21 All right, thank you. At this time I ask this
22 jury to retire to the jury room, and I'll be talking
23 with you soon in just a little bit. Okay?

24 (Jury leaves the courtroom at 10:47 a.m.)

25 THE COURT: All right. Counsel, would you

1 approach?

2 (Bench conference was held off the record.)

3 THE COURT: All right. Thank you. I don't know
4 if this is good news or bad news for you, but you've not
5 been selected for this particular trial, so the Court's
6 gonna go ahead and release you for today. You need to
7 call back after 6 o'clock today and find out whether
8 we'll need you in the morning and if so, when, or we may
9 not need you until Thursday. But for right now, you are
10 free to leave. And just be sure to call in this
11 evening, okay? Thank you all.

12 (Jury panel leaves the courtroom at 10:50 a.m.)

13 THE COURT: All right. Anything to put on the
14 record before we bring the jury back in from the State?

15 SOLICITOR SMITH: No, Your Honor.

16 THE COURT: The Defendant?

17 MR. MORIN: No, sir.

18 THE COURT: All right, thank you.

19 SOLICITOR SMITH: I don't know if it was on the
20 record what you had over here, but we didn't have any
21 issues with the one strike that they used.

22 THE COURT: Yeah, let's make a record of that.
23 After the jury was selected for this particular case,
24 both the State and the Defendant were asked whether they
25 had any objections to the selection of the jury, whether

1 they had any motion relative to the selection of the
2 jury. The State indicated that it had none. The
3 defendant indicated that it had none as well. All
4 right, very good.

5 (Jury enters the courtroom at 10:52 a.m.)

6 THE COURT: All right. Thank you all for being
7 here this morning. We could not have been able to get
8 to this trial or trials if you weren't here. At this
9 time I'm gonna ask the clerk to swear in the jury and
10 then I'll have some brief comments for you and then
11 we'll move forward from there.

12 Madam Clerk?

13 THE CLERK: Please stand and raise your right
14 hand. (All comply.)

15 Do you swear or affirm in the case about to be
16 tried, to truly try the issues that are joined in this
17 case and a true verdict rendered according to the law
18 and evidence so help you God?

19 (All reply in the affirmative.)

20 Thank you, you may be seated.

21 THE COURT: All right. Juror number 112, you are
22 the alternate in this case; is that right, Madam Clerk?
23 Is it 112?

24 THE CLERK: Yes, sir, Your Honor.

25 THE COURT: All right, very good. And juror

1 number 115, you're gonna be the foreperson. Where's
2 juror number 115?

3 (Juror 115 raises hand.)

4 Yes, sir, you're gonna be the foreperson of this
5 jury.

6 Now, the balance of today will be taken up
7 dealing with some legal matters that will not involve
8 you, so your presence will not be necessary. We're
9 gonna start this trial at 9 a.m. in the morning, maybe
10 9:30, but we want you all to be here about 9 o'clock in
11 the morning and then we will get started. All right?
12 Thank you, you are excused.

13 (Jury leaves courtroom at 10:55 a.m.)

14 THE COURT: All right. We're gonna take a little
15 break before we get started. Do you want to get started
16 with your motions now, this morning, or this afternoon?

17 MR. MORIN: Yes, Your Honor, that will be fine.
18 When the Court's ready and when the State's ready.

19 SOLICITOR SMITH: I don't have any of my
20 witnesses here, Your Honor, so I would just ask if we
21 could take them up in the afternoon. I think they'll
22 finish before the afternoon is up.

23 THE COURT: All right. So you all want to start
24 back at 2 o'clock?

25 MR. MORIN: That's fine, Your Honor.

1 SOLICITOR SMITH: Yes, sir.

2 THE COURT: All right. See you all at two.

3 SOLICITOR SMITH: Thank you.

4 THE COURT: Uh-huh.

5 (A recess was had from 10:56 a.m. - 1:58 a.m.)

6 THE COURT: All right. Let's go back on the
7 record in the matter of the State versus Cornelius
8 Staggers. I believe there may be some motions to
9 address. Mr. Morin?

10 MR. MORIN: Thank you, Your Honor.

11 THE COURT: Yes, sir.

12 MR. MORIN: Your Honor, I have two motions. The
13 first motion is a Motion For Dismissal. It's based on
14 the fact that there is discovery that has not met --
15 that was made and somehow it's gone away. And to give
16 the Court a quick overview, the officer that responded
17 to the scene, an Officer Arrowood, had a body camera.
18 It was running during the two hours that he spent with
19 the two witnesses in this case.

20 The witnesses refused to sign written statements
21 and said they would stand on the statements they gave
22 him. But his report, Your Honor, says that during the
23 time of the interviews there was conflicting stories as
24 to the exact location of the shooting other than the
25 fire department. And the location that they now say

1 it's at, there is no fire department.

2 In addition to that, it says after some time of
3 trying to figure out the location, the shooting is
4 believed to have occurred at Wofford and Farley Street.
5 So this conversation was going on back and forth over a
6 two-hour period, and at the end of his report he says,
7 body camera footage is taken. None of that exists
8 anymore.

9 It is significant because the -- not only the
10 identification of my client, but also just the
11 identification of where this occurred is crucial to what
12 those witnesses' credibility is, and I don't have any of
13 that information. In addition to that, one of the
14 witnesses was not interviewed by law enforcement again
15 until 60 days after the incident, at which time -- that
16 leads me into my second motion, but I'll stop, I'll
17 pause there.

18 THE COURT: All right. So, a second witness was
19 interviewed about 60 days later?

20 MR. MORIN: Both of the witnesses were
21 interviewed 60 days later, but one of them had the
22 second interview then. And, again, no written
23 statement, but this time there is a video of that
24 conversation.

25 THE COURT: And you have that?

1 MR. MORIN: I do have that.

2 THE COURT: Okay. Mr. Smith?

3 SOLICITOR SMITH: Your Honor, we certainly don't
4 think -- although we certainly wish we had the body
5 camera, we certainly don't think that that arises to the
6 level of a dismissal of the entire case. The officer
7 does have an incident report in which he wrote down the
8 information he gathered at the scene.

9 We do have him here. We can call him to talk
10 about what we think might have happened with the body
11 cam, but I don't believe there's gonna be any showing
12 that it was done willfully or intentionally or anything
13 like that. We do, both of them did come in later and
14 gave a -- the male victim gave a written statement. The
15 female victim just let the video recording that was done
16 at City Hall constitute her statement. But, Your Honor,
17 you know, for Rule 5 violations, Rule 5 lists
18 suppression, continuance. I don't think a continuance
19 would work here because we don't believe that we could
20 recover it, but it doesn't list a dismissal. It says,
21 other reasons that the Court sees fit. And in a
22 situation where something was just an accident, I don't
23 believe that it would serve any purpose to punish the
24 State by dismissing the case. But I would call Officer
25 Arrowood to the stand for ---

DIRECT EXAMINATION OF OFFICER ARROWOOD BY MR. SMITH

1 THE COURT: All right.

2 SOLICITOR SMITH: On the issue of willfulness.

3 (Witness comes forward.)

4 THE CLERK: Do you swear or affirm that the
5 testimony you will give will be the truth, the whole
6 truth so help you God?

7 THE WITNESS: I swear.

8 THE COURT: Sir, please state your full name for
9 the record.

10 THE WITNESS: Officer Jason Arrowood.

11 THE COURT: Thank you.

12 OFFICER JASON ARROWOOD,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY SOLICITOR SMITH:

16 Q. Officer Arrowood, are you employed at the
17 Spartanburg police?

18 A. Yes, sir.

19 Q. Were you in that role in August of 2021?

20 A. Yes, sir.

21 Q. And did you respond to a shooting on that day?

22 A. I did.

23 Q. All right. And did you interact with the two
24 victims in this case to get whatever statements that
25 they were able to make that day?

1 A. Yes, I did.

2 Q. All right. And did you have a body cam on while
3 you were interacting with them?

4 A. Yes, sir, I did.

5 Q. All right. Could you tell the Court what you did
6 with the body cam after you finished your involvement
7 that day?

8 A. At the end of our shifts every day we take our
9 body cameras back to City Hall. There is a docking
10 station. We dock them overnight. It downloads video
11 throughout the day. And it also charges the body
12 cameras, and then it goes into the, I guess the Exxon
13 System data base.

14 Q. All right. And is there anything that you have
15 to do with the body cam? Do you attach it to a case
16 number or an incident location or anything like that?

17 A. We label them with the case number, location,
18 type of incident. Then at the bottom of nature, it
19 could be non arrest or a property crime or something
20 fitting of that nature.

21 Q. All right. And in this case you did not make an
22 arrest on August the third of that date?

23 A. No, sir.

24 Q. You didn't even necessarily generate a suspect's
25 name; is that correct?

DIRECT EXAMINATION OF OFFICER ARROWOOD BY MR. SMITH

1 A. No, sir.

2 Q. All right. So, do you know specifically what you
3 did with this body cam, as far as labeling it or
4 anything like that?

5 A. Once they're docked on that station to download,
6 I mean, it's out of my hands at that point. It goes to
7 the data base. As far as the labels, it could have just
8 been labeled non-event. I, I don't know what it was
9 labeled as, but from what is explained to me is
10 different labels will stay in the system longer as
11 opposed to, you know, other labels.

12 Q. Okay. Did you delete the body cam or --

13 A. I don't even have ---

14 Q. -- destroy it in any way?

15 A. No, sir.

16 Q. Do you have the ability to do that once it's been
17 downloaded?

18 A. I do not.

19 Q. Have you tried to recover your body cam in this
20 case or is that handled by somebody else?

21 A. That's above me. That's another department.
22 Nothing I can do.

23 Q. Do you have a copy of it? You don't have any
24 personal copies of it?

25 A. No, sir.

1 Q. Did you do anything intentionally to prevent it
2 from being attached to this case file?

3 A. Absolutely not.

4 SOLICITOR SMITH: All right. That's all I have,
5 Your Honor.

6 THE COURT: Mr. Morin?

7 CROSS-EXAMINATION

8 BY MR. MORIN:

9 Q. Officer, you gave a one-page report.

10 A. Yes, sir.

11 Q. And is it your testimony that you may have
12 mislabeled the video?

13 A. As far as labeling a video, I mean, it could have
14 happened, yes, sir.

15 Q. And what's the longest it stays in that system
16 before it's deleted?

17 A. I do not know.

18 Q. But some labels last for a long time and some for
19 a short time?

20 A. That's the way it's been explained to me, yes,
21 sir.

22 Q. But you don't know how long a short time is or
23 how long a long time is?

24 A. No, sir.

25 Q. But it's certainly long enough to transmit

CROSS-EXAMINATION OF OFFICER ARROWOOD BY MR. MORIN

1 discovery to the State's office, the solicitor's office?

2 A. I can't confirm. I don't know anything about the
3 timeframes of those videos.

4 Q. So you don't know if the system is set up to send
5 discovery to the solicitor's office before it's
6 automatically deleted?

7 A. I do not.

8 MR. MORIN: I have no further questions for this
9 witness.

10 THE COURT: Okay. Anything else, Mr. Smith?

11 SOLICITOR SMITH: No, Your Honor.

12 THE COURT: Thank you, Officer Arrowood. You can
13 step down, sir.

14 THE WITNESS: Thank you, sir.

15 (Witness leaves witness stand.)

16 SOLICITOR SMITH: Your Honor, that would really
17 be our showing. We have access to something called
18 evidence.com where body cams are supposed to be
19 uploaded. They can be mislabeled. We did try to
20 recover this one. We got with our city liaison, Ben
21 Harwell (phonetic), and he was just unable to recover
22 the video.

23 We do have, obviously, the incident report of the
24 officer, as well as the actual witnesses and then their
25 subsequent statement, but we would just ask that given

1 that there's been no showing that this was done
2 intentional, I don't believe that dismissing the case
3 would serve any purpose.

4 THE COURT: All right, thank you.

5 MR. MORIN: Your Honor, their defense to not
6 having the evidence is we were probably negligent and we
7 don't really know how the computer system works, so we
8 don't know where it went, but we don't have it now.
9 We're talking about what happened on that day, the day
10 it happened.

11 And we all acknowledge that their memory about
12 what was happening that day is better than it is 60 days
13 later. That information is way more than the one-page
14 document that this officer filled out. He was out there
15 for two hours, according to this document.

16 And to say, well, we lost them, that's their
17 responsibility. That has exculpatory information on it
18 and they go, uh, it wasn't on purpose, we did it by
19 accident or we don't know how it worked. That's not a
20 satisfactory answer when we're talking about somebody
21 who's charged with these kinds of serious questions --
22 charges. And to just go, well, the biggest, longest
23 piece of evidence we had of these witnesses, which is we
24 lost it, sorry.

25 It's got to be more than I'm sorry. It can't

1 just go, well, we've got other evidence. We're two
2 years away from it now. And they even have -- they even
3 go with the suggestion that the officer said, well, I
4 don't know if it deletes before we send it to them,
5 which is ridiculous. So to say that it was not
6 intentional and we probably were negligent handling it,
7 but that's just how the ball bounces. That's not
8 proper.

9 And I'm arguing that this is important and this
10 is probably the biggest piece of evidence in the case
11 and they're saying they lost it. And that's the reason
12 for my motion.

13 THE COURT: Thank you, Mr. Morin. And the Court
14 certainly appreciates your argument on the issue.
15 However, the Court does not find sufficient grounds to
16 dismiss the entire case because of this lacking
17 evidence. It does not appear from the testimony the
18 evidence presented thus far that this evidence was
19 maliciously misplaced, lost or destroyed.

20 It doesn't appear that this was a willful act on
21 the part of Mr. Arrowood or anyone else that the Court's
22 aware of. I don't think that dismissing the case would
23 be appropriate, and so your motion, therefore, would be
24 denied.

25 MR. MORIN: My second motion involves the second

1 meeting by one Ms. Otey there at the city police
2 department. There was an interview there, and an
3 identification was made under the direction of law
4 enforcement that was overly suggestive and it has
5 tainted her ability to identify him today. And we're
6 moving that any in court identification by Mr. Wilson or
7 Ms. Otey be suppressed.

8 SOLICITOR SMITH: Your Honor, I'll just give --
9 I'll give you some more background. I'm not sure you
10 have enough to understand what's happening here.
11 There's a surveillance video. And basically, just to
12 give you like a synopsis of this case.

13 Mr. Wilson worked at Crown Healthcare. It's a
14 laundry service that does work for healthcare
15 facilities. He worked there with the defendant's
16 brother, and they got into a workplace argument. And
17 then when he was getting off shift that day, it's
18 alleged that the defendant was in the parking lot, had
19 words with him about talking with his brother. Some of
20 that interaction was captured on the business's
21 surveillance camera.

22 They -- the story has been as they go, the
23 victim's story is that they left and they were followed
24 by the defendant. The defendant's story is that they
25 went their separate ways. It acknowledges the argument

1 that says it just ended in the parking lot and everybody
2 went home.

3 The victim's car, at least appears to have been
4 shot sometime after that. They allege by Mr. Cornelius
5 Staggers. They gave -- the witnesses identified on that
6 day, long before they were ever shown any sort of
7 picture of him that they knew Chris Staggers was the
8 employee.

9 And the comments that the person had made in the
10 parking lot indicated that they were the brother of them
11 by saying, don't mess with my brother, don't mess with
12 my brother. It did give a description of him being a
13 tall, light-skinned male. I believe he described him as
14 having glasses, which he did and does. And they
15 generally gave a body-build description of him and a
16 height description.

17 They, at that point they talked to the police.
18 They said what had happened. The police continued to
19 try to work, figure out who this was. Ended up talking
20 with Mr. Staggers. And then they brought the victims
21 back in. I believe what Mr. Morin is talking about is
22 they showed them the surveillance from the Crown
23 Laundry. And I have that. We can play it. It's about
24 a minute, Your Honor.

25 It's not a closeup of his face. It's kind of a

1 camera that's up on the -- the top of the business,
2 looking down the parking lot. I mean, it favors him,
3 but I don't know, you know, if the entire case rested on
4 that, I'm not completely sure that you would get a
5 conviction off of saying it's him.

6 But our argument would be that even if it was
7 suggested, that it wasn't unduly suggested, given the
8 opportunity that they had to see him. And the
9 descriptions that they had already given and the
10 closeness of that description to what the suspect ended
11 up looking like.

12 I have one investigator that did it has come back
13 from Atlanta and he's not here yet. He told me he was
14 coming to the courthouse. But I don't know, before we
15 get into testimony, that's at least the background of, I
16 believe, what they're saying. There was no lineup
17 shown. There was not like a single individual mugshot
18 shown or anything like that. It was, they looked at the
19 surveillance video and they said, yeah, that's the guy
20 that followed us in the Lexus.

21 That's the other thing I forgot to mention. They
22 both were very specific that it was a gold Lexus, kind
23 of an SUV type of vehicle. I think they said it was the
24 330 or the 350. Mr. Stagers' girlfriend didn't have a
25 car like that. Through law enforcement investigation,

1 they found it.

2 So, it would be the State's position that there
3 was enough identification prior to this taint that it
4 shouldn't be considered, unduly suggested. But then if
5 Your Honor does think that it was suggestive, we don't
6 think that the suggestiveness of it taints their in
7 court identification of him.

8 THE COURT: And, Mr. Morin, is this what we're
9 talking about, this surveillance video?

10 MR. MORIN: Yes, Your Honor, we are. Now, I will
11 say that my client met with law enforcement voluntarily
12 and told them he was in this argument with Mr. Wilson.
13 And that part is undisputed.

14 What is the problem? The problem is this,
15 though, Your Honor. They are taking leave from mention
16 of this argument that lasted approximately 20 seconds.
17 And they were as far apart or farther apart than we are
18 right now. And they were shown that video. Here we are
19 again, 58, 60 days later on a cellphone when the officer
20 said, is this the person who shot at you, and showed
21 them that, and they both said yes.

22 But that's not even an ability to to see his face
23 at that time. And he's showing them a different
24 incident that they want to link to the shooting, when
25 that's not the case. Another witness says she only saw

1 him while she was looking at him through her rearview
2 mirror. The other witness says, he only heard the
3 shots. So for them to come 60 days later and armed and
4 everything. They already had the ability to do a
5 six-person lineup. They already had that. They're
6 waiting another two or three days before they met with
7 them and said, is this the person who shot at you? And
8 then he would show them a video of the shooting. They
9 showed them a video of something that happened at a
10 crime.

11 Now, naturally after 60 days they're thinking the
12 police are doing something. The police say, is this the
13 person who shot at you? Of course that's what they're
14 gonna say, but they can't identify that person on there
15 any better than they could before. And it's not on a
16 video like you're about to see, it's actually on a
17 cellphone and there's video of him doing that. So
18 that's my basis of my motion on that.

19 THE COURT: Thank you. Mr. Smith?

20 SOLICITOR SMITH: Your Honor, would you like me
21 to play the video? I know it's not on the cellphone,
22 but I think that it kind of supports our position.

23 THE COURT: Yes.

24 (Plays video.)

25 SOLICITOR SMITH: Your Honor, this, this man in

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 the blue shirt is one of the victims.

2 THE COURT: Okay.

3 SOLICITOR SMITH: And this person getting out of
4 the car is alleged to be Mr. Staggers.

5 (Plays video.)

6 THE COURT: Is that the Lexus vehicle you were
7 talking about?

8 SOLICITOR SMITH: Yes, Your Honor. It was
9 pulling out at the end. We'd call Charles Wilson to the
10 stand to maybe provide some more detail.

11 (Witness comes forward.)

12 THE CLERK: Do you swear or affirm the testimony
13 you give will be the truth, whole truth, and nothing but
14 the truth so help you God?

15 THE WITNESS: I swear.

16 THE CLERK: Thank you, you may be seated.

17 CHARLES WILSON,
18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY SOLICITOR SMITH:

21 Q. Mr. Wilson, you were working at Crown in August
22 of 2021; is that right?

23 A. Yes, sir.

24 Q. All right. And did you get in an argument with
25 Chris Staggers while you were at work that day?

1 A. Yes, sir.

2 Q. All right. Do you know Chris Staggers?

3 A. I know him as one of my employees. I was the
4 supervisor in the back in the area in which we worked.
5 Yes, so I know him that way, but I don't know him no
6 other way.

7 Q. Okay. You all are not friends outside of work?

8 A. No, sir. No, sir.

9 Q. All right. And Cornelius Staggers, on the day
10 that this happened, had you ever met him?

11 A. I, I don't think so. He don't look familiar to
12 me. He said my name, though, my nickname that everybody
13 calls me. I don't know how would he know that, but he
14 said my nickname. And his actual -- well, his actual
15 words were, when I was coming out, I don't know if you
16 can hear it in the audio or not, but we were -- we
17 weren't arguing back and forth, but he was telling me
18 like the situation like, you know, don't mess with my
19 brother and messing with my brother is like playing with
20 your life. So, I was like there was nobody messing with
21 your brother, your brother was messing with me.

22 It just so happened I was getting off early that
23 day. That's how I ended up leaving at that time,
24 because regularly I leave at 3:30, but I was getting off
25 early that day because my dad had passed the day before.

1 Q. All right. But as far as you know you've not ---

2 A. No, sir.

3 Q. You didn't know?

4 A. No, sir.

5 Q. Okay. All right. When you all had this
6 interaction, did it last about as long as the video we
7 just watched?

8 A. No, it didn't last any longer than that, but you
9 cut the video. If you all would have let the video
10 play, you would have seen that there's two entrances
11 into the plant, and we went out the opposite entrance,
12 more so on the other side than what he went on.

13 If you had watched the whole tape, you would have
14 seen him pull out. And the reason he's sitting there is
15 because we're sitting there waiting for him to go, but
16 he don't want to move. So my old lady's like, what
17 should I do? I was like, just go ahead. Let's just go
18 ahead and go home.

19 So, we got the ride home. We took our normal
20 route home. And as we riding, my wife says he's
21 following us, what do you want me to do? I said, well,
22 he probably not gonna follow us all the way home. I
23 said, but if it looked like he's gonna follow us home,
24 then just go ahead to the police station.

25 Q. All right. Let me stop you.

1 A. Yes, sir.

2 Q. Did you look back?

3 A. Yes, sir.

4 Q. I mean, were you conscious of the fact ---

5 A. Yes, sir.

6 Q. All right. Were you certain that the person that
7 was following you is the person you had just spoken with
8 in the parking lot?

9 A. Yes, sir.

10 Q. All right. And do you remember the type of
11 vehicle that he had?

12 A. Yes, sir.

13 Q. All right. And what was that?

14 A. It was a gold Lexus RX-330.

15 Q. All right. So from the time you left Crown, were
16 you conscious of the fact that this Lexus was following
17 you all?

18 A. Not at first it wasn't until we turned by the Big
19 Bear that we noticed that he was continuous following
20 us. And then we got to -- ah, what is the name? It's
21 another store that sits on the corner before we make
22 another turn to get to our house. That's when we
23 noticed that he was continuous following us. And I
24 said, well, babe, don't go home because I don't want him
25 to know where we live at or, you know, he come around

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 here, we don't want him to know where we live at.

2 So we stopped at the light. Well, not at the
3 light. We stopped at, there's a fire station. I don't
4 know why he said there's not a fire station. They just
5 hadn't prefabricated it yet, but the city had opened it
6 up to be a fire place, a fire station.

7 And we were at the corner and then I hear my wife
8 say, no, you better -- and then I heard pow, pow. And
9 then the glass was shattering and stuff like that. And
10 so, my first instinct was to pull my wife down and I
11 ducked down also so we didn't get hit. I can't tell you
12 exactly how many shots it was, but it was -- I believe
13 it was over four or five.

14 And this happened about, maybe about 15 minutes
15 from the time it would take us to get from Crown to that
16 particular area. We called to make a report. They ---

17 Q. Let me stop you. Did you notice if there was
18 anybody else inside the car?

19 A. There was no one else inside the car.

20 Q. All right. And, I mean, did you look back and
21 try to get an opportunity to see --

22 A. Yes, sir.

23 Q. -- who this person was?

24 A. Yes, sir.

25 Q. Do you remember like general, and did you tell

1 the police like general characteristics of this person?

2 A. Yes, sir.

3 Q. Do you remember what you told them?

4 A. Well, I told them the card description. I told
5 them it was a light-skinned guy with glasses. I'm not
6 sure what his name is, but his brother is one of my
7 employees and they should have the same last name. And
8 I guess that's how they put two-and-two together,
9 because I didn't know his name. I don't know it.

10 Q. Okay. So you told them about the car, about the
11 last name, and then kind of his skin color and --

12 A. Yes, sir.

13 Q. -- glasses?

14 A. And what he looked like.

15 Q. All right. And after the shooting did you get an
16 opportunity to see him or where he went?

17 A. Yes. Yes. Well, I was getting off work and I
18 was coming through Fair Forest. And I think at the time
19 I think he had noticed me driving.

20 Q. Are you talking about a separate day --

21 A. Yes.

22 Q. -- entirely?

23 A. Yes.

24 Q. Okay.

25 A. I was talking about a separate day. That's how I

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 was able to really get a better, like, okay, this is the
2 person right here. Because at first I was like, okay,
3 light skinned, that's Chris, whatever. That's how I
4 explained it to the police, because I didn't know him or
5 I didn't know his brother.

6 Q. And are you saying at this time that you saw him,
7 is this before you ended up coming back and the law
8 enforcement being shown this video?

9 A. Yes.

10 Q. Did you ever see this video, other than law
11 enforcement showing it to you?

12 A. No. I was the one that suggested that they go to
13 the job and get it. I didn't want to be the one to go
14 in there and get the film and, you know, bring it up
15 that they think I doctored it or something like that.
16 So I got with my boss and I explained to him that a
17 detective would be up here to get the film of the
18 incident that happened outside.

19 Q. All right. And your vehicle, where did it have
20 damage to the shooting?

21 A. The back window, the side mirror, the top of it,
22 the back, the side. So a few areas.

23 Q. All right. And we saw on the video the back
24 window was completely intact --

25 A. Yes.

1 Q. -- before this, right?

2 A. Yes, sir.

3 Q. All total, do you know how long of an opportunity
4 you had to, to look at the man in the parking lot and
5 the Lexus?

6 A. I had, I had a while, because I was, I was
7 looking at his face. He's threatening my life, so you
8 know I'm looking at him. So I'm trying to familiarize
9 him, so...

10 Q. All right. And it was daytime, right?

11 A. Yes, sir.

12 Q. All right. And were you adamant with police on
13 the initial day that they responded out there that the
14 man that shot you was the person that you had gotten --
15 or shot at you was the person you had gotten into it
16 with in the parking lot?

17 A. Yes, sir.

18 Q. Please answer any questions Mr. Morin may have.

19 CROSS-EXAMINATION

20 BY MR. MORIN:

21 Q. You didn't know Chris's last name that day?

22 A. No.

23 Q. You didn't see the car following you until you
24 turned at Big Lots?

25 A. No. I noticed the car was following me once we

1 pulled out. We pulled out at the same time. If you, if
2 you paid attention to the video, you will see him
3 backing out. He's backing out because we're pulling
4 off, about to go out. So as we're about to go out, he's
5 waiting for us to go out, but we wanted him to go ahead
6 and go out. He didn't go, so we just went ahead and
7 went, and...

8 Q. You live on Washington Street.

9 A. Yes.

10 Q. Do you know the people that live on Washington
11 Street?

12 A. Yes. My whole family, yes.

13 Q. Has the defendant ever lived on Washington
14 Street?

15 A. No, ma'am [sic].

16 Q. Two weeks after this happened, did you not tell
17 Officer Nelson that maybe Carlos, who lived at the end
18 of Washington Street, was the shooter?

19 A. No, sir. I don't know where that information
20 came from.

21 Q. Okay. Well, Officer Nelson is here, so we can
22 establish that.

23 A. Okay.

24 Q. All right. So, Officer Nelson saw you a couple
25 of times at your house, didn't he?

1 A. No, sir.

2 Q. He didn't?

3 A. No, sir.

4 Q. How many times did Officer Nelson come to your
5 house?

6 A. If not once, none at all.

7 Q. If not once, none at all?

8 A. Yes, sir.

9 Q. Okay. So, you're not sure if you saw Officer
10 Nelson at all until you saw him there at the City Hall?

11 A. Yes.

12 Q. Okay. And you remember saying that you heard the
13 shots, but you didn't see him?

14 A. Well, I didn't. By the time I could turn around
15 to see, my wife was tapping me. Well, my wife was
16 yelling, don't shoot, don't shoot. And I'm thinking
17 like, what? How? And I turned around and looked and I
18 seen a hand out the window and then, then I heard the
19 shots.

20 MR. MORIN: That's all the questions I have, Your
21 Honor.

22 SOLICITOR SMITH: I don't have anything further.

23 THE COURT: All right. Thank you, sir. You can
24 return back to your seat.

25 (Witness leaves witness stand.)

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 SOLICITOR SMITH: The State calls Lakeisha Otey.

2 (Witness comes forward.)

3 THE CLERK: Do you swear or affirm the testimony
4 you give will be the truth, whole truth, and nothing but
5 the truth so help you God?

6 THE WITNESS: Yes.

7 THE CLERK: Thank you. You may be seated.

8 LAKEISHA OTEY,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SMITH:

12 Q. Ms. Otey, did you pick up Mr. Wilson at Crown
13 Healthcare on August the 3rd, 2021?

14 A. Yes.

15 Q. All right. You were driving the vehicle from the
16 video we saw?

17 A. Yes, I was.

18 Q. All right. Did you hear any of whatever words
19 were said in the parking lot?

20 A. Yes.

21 Q. All right. Did you see the person that was
22 talking to Mr. Wilson?

23 A. Yes, because he was there when I pulled up.

24 Q. All right. Do you know how -- did you -- as the
25 words were being exchanged, what were you looking at?

1 A. I was just watching what was going on.

2 Q. All right. And what do you remember about the
3 person in the parking lot?

4 A. That he was being very aggressive with my
5 husband, so I knew there was some kind of altercation
6 going on.

7 Q. All right. What about ---

8 MR. MORIN: I'm sorry, Your Honor, I can't -- I
9 didn't hear the response.

10 THE COURT: Yes. Ms. Otey, please keep your
11 voice up.

12 THE WITNESS: I said he was very aggressive.

13 BY SOLICITOR SMITH:

14 Q. Did you focus on what that individual looked like
15 or what were you looking at?

16 A. Oh, I was focused on him fully.

17 Q. Okay. Were you turned around in the vehicle? If
18 this is the way the vehicle looks like, were you looking
19 through your mirror?

20 A. My window was down, I could see him. Like I said
21 before, when I pulled up he was already standing out
22 there. So I seen him when I was approaching the door
23 where I gotta wait on my husband. I text my husband on
24 the inside and let him know that there was some guys
25 standing outside.

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 Q. Okay. So the, the video, did you watch the video
2 that was playing?

3 A. Uh-huh.

4 Q. You're talking about before that you were outside
5 waiting --

6 A. Uh-huh.

7 Q. -- for him before Mr. Wilson had --

8 A. I already seen that --

9 Q. -- came out?

10 A. -- vehicle a while before he even came out of the
11 building.

12 Q. All right. But he didn't say anything to you
13 necessarily?

14 A. No.

15 Q. All right. And can you tell me what happened
16 when you and Mr. Wilson left Crown?

17 A. Yes. We proceeded to leave out the opposite
18 exit. He was sitting in the road. He refused to pull
19 out or whatever. So, like he said before, I asked him
20 what you want me to do? He said, go ahead. So I pulled
21 out and he proceeded to follow us. Me, being the
22 driver, I'm steady watching. So I see him following us.
23 He followed us all the way until we was almost home.
24 When we got to the stop sign by Bunton Institution
25 Church, right there at the stop sign.

1 I'm watching. We was already discussing what
2 should we do when we pull out here because it was either
3 one way or the other before we can get to our house.
4 So, as we're discussing this, I'm still watching. Now,
5 I've got my window down. I'm the one saying no, no. I
6 see him come out shooting the gun. I seen the gun, I
7 see his face, everything. Yeah, that individual over
8 there, that's who shot in my vehicle with a gun.

9 Q. All right. And the individual, are you saying
10 that basically the entire time from when you left Crown,
11 you were conscious of the fact that the person in the
12 Lexus was following you?

13 A. Yes, sir.

14 Q. All right. Up until that day, had you ever seen
15 or known that individual at all?

16 A. No, sir.

17 Q. All right. Do you have an estimation of how long
18 you were able to see his face?

19 A. From the time I pulled up at Crown, I seen him
20 there. And then as I'm -- well, when he pulled that gun
21 and was shooting at my vehicle. I mean, I got a clear
22 vision of his face, so I seen him.

23 Q. All right. And were you adamant with the police
24 that the person who shot at you was the person that had
25 the argument in Crown?

1 A. Yes.

2 Q. All right. And the lighting conditions, they
3 were good that day; is that right?

4 A. Yes, sir. It was broad daylight.

5 Q. Do you remember how you described him to the
6 police?

7 A. No, I can't remember how I described him to the
8 police. It was like he said, light skinned with
9 glasses. I described the vehicle. The basics, I mean.

10 Q. All right. And then ultimately you were brought
11 into City Hall, was it like two months after this
12 incident; is that right?

13 A. Uh-huh.

14 Q. And did they show you a video from the video that
15 we watched?

16 A. Yes.

17 Q. All right. And ---

18 A. Well, prior to that I had seen him before on my
19 way to work.

20 Q. Okay. How did you ---

21 A. Well, actually I was coming home from work.

22 Q. All right. Can you explain that? Who showed it
23 to you or ---

24 A. The video?

25 Q. Yes, ma'am.

1 A. The detective.

2 Q. Okay. Do you know, was it Louis Nelson, the man
3 in the bowtie?

4 A. I don't know his name exactly, but, yes, that's
5 him.

6 Q. Okay. He's got Parker and Chris Taylor as well.

7 A. Uh-huh.

8 Q. Two peas in a pod. But you didn't see the video?
9 Any time you saw the video, it was through a law
10 enforcement agent showing it to you?

11 A. Yes, sir.

12 Q. All right. And do you remember what you said, as
13 far as when they showed the video to you?

14 A. Not exactly, but...

15 Q. Okay. How confident were you that the person
16 that shot at you and Mr. Wilson was the person at the
17 Crown parking lot?

18 A. 100 percent.

19 Q. Please answer any questions Mr. Morin has.

20 CROSS-EXAMINATION

21 BY MR. MORIN:

22 Q. It's Ms. Otey, right?

23 A. Uh-huh.

24 Q. Ms. Otey, now are you saying that as soon as you
25 pulled into that parking lot you saw someone standing by

1 the door of a Lexus?

2 A. Yes. He was standing outside the vehicle waiting
3 on his brother to come out, because once he came out, he
4 approached them.

5 Q. Okay. And how did you know he was waiting for
6 his brother to come out?

7 A. Because I was initially there to get my husband
8 because he had an altercation with some guy.

9 Q. Well, wasn't your husband getting off of work
10 because he had a death in the family?

11 A. Yes, that's true also. All this happened on the
12 same day, sir.

13 Q. That's right. So you went there to pick him up
14 because of the death?

15 A. Uh-huh.

16 Q. And then you saw that. Now, when you got to the
17 corner of what you're saying now is Wofford, near the
18 Bunton CME, right?

19 A. I've been saying that since day one because my
20 mom attends that church.

21 Q. Right. And you're at that stop sign?

22 A. Uh-huh.

23 Q. And the person came up behind you in his car?

24 A. Uh-huh.

25 Q. How close would you say that car got to your car?

1 A. It was as close as hell.

2 Q. Okay. Was it stopped behind your car?

3 A. Yeah, we was at a stop sign.

4 Q. Okay. Now, you've been in ordinary traffic,
5 Greenville Road and that kind of thing, right?

6 A. Uh-huh.

7 Q. Was it that kind close, like when you're at a
8 stop sign there's, you know, a little bit of space, just
9 a little bit?

10 A. Not much.

11 Q. Like, it wasn't this far away (indicating).

12 A. No.

13 Q. The front of his car was almost up to your, the
14 back of your car?

15 A. Yeah.

16 Q. Okay. Now, when this happened, you didn't, you
17 didn't want to give any written statement to the police
18 at that time, did you?

19 A. At that time they was having trouble deciding if
20 it was a city case or a county case.

21 Q. Okay. Now, when you got interviewed, you weren't
22 at that location, you were at your house on Washington
23 Street, right?

24 A. Interviewed by who?

25 Q. This officer right here.

CROSS-EXAMINATION OF LAKEISHA OTEY BY MR. MORIN

1 A. I really wasn't too much talking to him.

2 Q. Did you see him?

3 A. I seen him.

4 Q. He didn't talk to you?

5 A. He was the one saying that it wasn't their case,
6 we had to call the county.

7 Q. Okay. And then the next officer you saw was
8 Officer Nelson with the bowtie?

9 A. That's the detective?

10 Q. Yeah.

11 A. Yes, sir.

12 Q. Well, did you see him at the City Hall?

13 A. Actually I talked to him before the City Hall.

14 Q. Okay. When did you talk to him before that?

15 A. I want to say he came by my home.

16 Q. He came by your house? Was Mr. Wilson home?

17 A. I can't remember, he works. We both work.

18 Q. I understand. So Officer Nelson may have come by
19 just to talk to you. Maybe Mr. Wilson was there, maybe
20 he wasn't.

21 A. I can't remember.

22 Q. You can't remember, okay. Now, when you saw the
23 person in the car that was right behind you fire the
24 shot, he was leaning out the window or just hand out?

25 A. He was leaning out the window because I leaned

1 out my window also and did this (indicating).

2 Q. Okay.

3 A. But with a handgun.

4 Q. Fired with this hand (indicating)?

5 A. I can't say which hand he fired with.

6 Q. Well, he was driving.

7 A. I don't know.

8 Q. Okay. You don't know?

9 A. I don't know.

10 Q. But you'd never seen Mr. Staggers before that?

11 A. No, but I never forget his face after that.

12 Q. Okay. And when you saw the video that we talked
13 about at law enforcement, you're saying that they showed
14 it to you then and that was the first time you saw it?

15 A. Seen the video, yes.

16 Q. And they showed it to you on a cellphone?

17 A. I don't -- I can't recall what they showed it to
18 me on, sir.

19 Q. You don't remember how they showed it to you?

20 A. I've seen the video.

21 Q. You just know you've seen the video?

22 A. Yes.

23 MR. MORIN: Okay. That's all the questions I
24 have, Your Honor.

25 SOLICITOR SMITH: I don't have anything further.

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 THE COURT: Thank you, Ms. Otey.

2 THE WITNESS: Thank you.

3 (Witness leaves the stand.)

4 SOLICITOR SMITH: The State would call Louis
5 Nelson.

6 (Witness comes forward.)

7 THE CLERK: Do you swear or affirm the testimony
8 you give will be the truth, whole truth, and nothing but
9 the truth so help you God?

10 THE WITNESS: I do.

11 OFFICER LOUIS NELSON,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR SMITH.

15 Q. Investigator Nelson, where are you employed?

16 A. City of Spartanburg, with the Spartanburg Police
17 Department in the crime prevention division.

18 Q. All right. And back in August of 2021, were you
19 an investigator?

20 A. Yes, I was.

21 Q. With the Spartanburg City Police?

22 A. Yes, I was.

23 Q. All right. And were you ultimately assigned to
24 work shooting that had happened on August 3rd of 2021?

25 A. Yes, I was.

1 Q. And what did you do initially as a part of that
2 investigation?

3 A. One of the first things that I did was myself,
4 along with Investigator Chris Taylor, we wanted to go
5 out and speak with the victims of the incident. So we
6 went by [REDACTED] East Washington Street where Mr. Wilson and
7 Ms. Otey reside. And we spoke to both of them. I don't
8 have my readers on. That's why I'm kind of struggling.

9 Q. Okay.

10 A. So I spoke to Mr. Wilson and asked him to tell me
11 what happened and he gave me his account of the
12 incident. And, if I'm not mistaken, I think I did speak
13 with Ms. Otey, Lakeisha Otey, on this particular day.

14 Q. All right. And was it your understanding that
15 the vehicle that followed them was the vehicle that was
16 at Crown Healthcare that he had gotten in car accident
17 with?

18 A. Yes. He, Mr. Wilson, he described the vehicle
19 rather adamantly as a Lexus SUV. And he said it was
20 gold in color. I think he said it was a 3 -- it was a
21 3-something. I don't know if he said 330, 360, 380.

22 Q. Okay.

23 A. It was 3-something.

24 Q. And this conversation that you had with Mr.
25 Wilson was on August the 12th of 2021; is that right?

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 A. Yes, that's correct.

2 Q. All right. And at that time Mr. Wilson gave you
3 the name of Chris Staggers, is that correct, as the
4 person he had gotten into an argument with?

5 A. Yes, he did. Co-worker.

6 Q. All right. And it was clear from his recitation
7 of what happened in the parking lot that this person
8 that was getting into it with him was the brother of
9 Chris Staggers? Is that fair?

10 A. That's -- yes, that would be accurate, yes.

11 Q. All right. And was he able to give you a
12 physical description of, of the suspect?

13 A. He described him as light-skinned, black male
14 with glasses, is what I distinctly remember.

15 Q. Okay. I think maybe the fourth paragraph says,
16 having a small beard with a medium built; is that right?

17 A. Yes, sir, I believe I did see that, yes.

18 Q. All right. And ultimately you did go to Crown
19 Laundry and kind of got the background about what had
20 happened between Chris Staggers and Mr. Wilson; is that
21 right?

22 A. That's -- yes, that's correct.

23 Q. All right. And you recovered, ultimately you
24 recovered a video from the parking lot that captured at
25 least a portion of the argument?

1 A. The argument that occurred in the parking lot
2 area.

3 Q. All right. Do you remember ever talking to Ms.
4 Otey? Do you know?

5 A. Yes.

6 Q. Okay. Was she adamant that the person that had
7 shot at them was the same person that had been in the
8 parking lot of Crown?

9 A. She was the most adamant between the two of them.

10 Q. Okay.

11 A. She said that she saw the person as they leaned
12 out of the car with the gun and she started saying no,
13 no, no, no, no. And she was very adamant as to who, you
14 know, with the identification of the person that --

15 Q. All right.

16 A. -- shot at them.

17 Q. And just, and I'm skipping some things, but
18 ultimately you did talk to Cornelius Staggars about this
19 incident, correct?

20 A. Yes, I did.

21 Q. All right. And he came in voluntarily, right?

22 A. He did, yes.

23 Q. Not in custody or anything like that?

24 A. No.

25 Q. He drove his own vehicle to the jail -- or to

1 City Hall?

2 A. He came to City Hall. I'm not exactly sure how
3 he got there, but he came to City Hall.

4 Q. Okay. All right. And did he tell you that he
5 was in the parking lot of Crown that day?

6 A. He did. He stated that he was there.

7 Q. All right. And did he tell you that his brother
8 had gotten into it with somebody?

9 A. What I remember from the conversation we had at
10 City Hall was that he was there to either loan his
11 brother some money or borrow some money from his
12 brother. I don't remember right off the top of my head,
13 which one it was, but it was one of the two.

14 Q. All right. He denied coming up there for the
15 purpose of like confronting Mr. Wilson?

16 A. Yes, sir.

17 Q. He was there for something else, right?

18 A. Yes, sir. Yes, sir.

19 Q. But did he tell you that he had talked with his
20 brother and that something happened with his brother
21 while at work?

22 A. I mean, that's correct, yes, sir.

23 Q. Okay. And did he acknowledge, maybe not the
24 exact words that the victim used, but there was some
25 sort of words between him and Mr. Wilson while in the

1 parking lot?

2 A. Yes. There was an exchange of words.

3 Q. All right. It was his statement that he just
4 went home, that basically they went their separate ways
5 after?

6 A. Correct. Yes.

7 Q. Okay. Do you know about what type of vehicle Mr.
8 Staggers had access to? I know the gold Lexus has been
9 testified to. Did you get any information about whether
10 he had a vehicle like that?

11 A. He did, because during a portion of the
12 investigation -- when I spoke to his brother. When I
13 spoke to Chris Staggers on his job and I asked him what
14 his brother's name was, he refused to provide me with a
15 name. So I -- we had to do a little bit more work to
16 find out exactly who the brother was. Once we found
17 that out, we kind of went by certain places that we felt
18 like he was frequenting based on DMV records and things
19 like that.

20 We did see the gold Lexus. It was parked along
21 the side of a house on, just off of North Church Street.
22 And we spoke with the residents there trying to make
23 contact with him. And that led us to another address on
24 Fork. That Lexus was also a parked there. And when we
25 went to go speak with him, he was -- I think he was

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 already out sitting in the yard. As we pulled up, the
2 Lexus was there. I think he told me that the vehicle
3 was broken down, inoperative at that time.

4 Q. All right.

5 A. But that was the same -- it matched the same
6 vehicle that was in the video.

7 Q. All right. And so after you -- Mr. Staggers
8 tells you they go their separate ways, you ended up
9 meeting again with Mr. Wilson and Ms. Otey; is that
10 correct?

11 A. Yes.

12 Q. What was the purposes of bringing them in again?

13 A. I wanted to get -- I wanted to get them to
14 identify and to get a detailed statement from them.

15 Q. All right. Because they had not done written
16 statements at the scene; is that correct?

17 A. No, sir, they did not.

18 Q. Okay. And so, you brought them into like a
19 recorded interview room and had a conversation with them
20 about these events, right?

21 A. Yes, sir.

22 Q. All right. And did you ultimately show them the
23 video that you got from Crown?

24 A. I did, yes.

25 Q. All right. And can -- do you recall what Mr.

1 Wilson's reaction was when he saw that video?

2 A. No, sir. I'd have to go back to my notes, if
3 it's in there. If I did put it in the notes. I asked
4 Mr. Wilson if there was anyone else in the vehicle and
5 he said there was no one else in the vehicle but him. I
6 asked him how did he know that it was him that fired the
7 shots. Wilson said that his wife saw him in the
8 rearview mirror shooting at them because she was
9 swinging her hands like she was saying no.

10 Wilson confirmed when asked if the same person
11 who approached him in the parking lot of his place of
12 employment, Crown Healthcare and Laundry Services was
13 the same individual who fired shots at them. Wilson
14 said that he was the same person who fired shots at
15 them.

16 Q. All right. And that's before you showed him the
17 video, correct?

18 A. I believe it is, yes, sir.

19 Q. All right. Is it in your next paragraph, I later
20 played the video footage?

21 A. Yes.

22 Q. So that implies you had not played the video yet?

23 A. Yes, sir.

24 Q. All right. And then the thing he immediately
25 said before he put in the video footage was the person

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 in the parking lot was the person that shot at me?

2 A. Yes.

3 Q. All right. And then you played the video for
4 him. What was his reaction to seeing the video?

5 A. After viewing the video footage, Wilson
6 identified Chris Staggers as a person in a white shirt
7 and the second person who jumped back into the vehicle,
8 the gold colored Lexus SUV as the person who shot at
9 them. He also identified the gold Lexus as the vehicle
10 that was following them that day.

11 Q. All right. And you also spoke with Ms. Otey as
12 well, correct?

13 A. Correct.

14 Q. And, Ms. Otey, did she explain to you that she
15 had been followed by the person that they -- that had
16 gotten into an argument with Mr. Wilson?

17 A. Yes, she did.

18 Q. All right. And then it was that person that had
19 followed, then ultimately shot at them, correct?

20 A. Correct.

21 Q. All right. And then after having that
22 conversation with her, she gave you a description of him
23 as well, correct?

24 A. Yes.

25 Q. Of having short hair, wearing glasses. Stated he

1 was real red and light skinned and wearing a white
2 t-shirt; is that right?

3 A. Yes.

4 Q. All right. And then you showed her the video; is
5 that correct?

6 A. Yes, I did.

7 Q. And she identified the person in the video, the
8 guy in the Lexus had followed her; is that correct?

9 A. Yes, sir.

10 Q. All right. Do you recall how adamant both of
11 them were in this meeting?

12 A. Like I said previously, Ms. Otey was extremely,
13 extremely, extremely adamant. Mr. Wilson was very
14 adamant also, but she was very demonstratively adamant
15 by herself.

16 Q. Is there a reason you didn't show a photo lineup
17 in this case?

18 A. Basically, I didn't do that because I felt like
19 the identification from the video from both of them
20 identifying them from the video would suffice.

21 Q. Is that because they had told you that person
22 followed them?

23 A. Well, it was that. It was my encounter with Mr.
24 Stagers and seeing him. I saw him as they described
25 him. And when I saw the video also, I mean, there you

CROSS-EXAMINATION OF INVESTIGATOR NELSON BY MR. MORIN

1 have three different forms of confirmation.

2 Q. Okay. So you're saying when you found Mr.
3 Stagers, you believe that his physical characteristics
4 lined up with what they had described to you even before
5 they saw the video?

6 A. And he put himself at the place of employment.

7 Q. All right. In a gold Lexus?

8 A. Yes.

9 Q. Please answer any questions Mr. Morin has for
10 you.

CROSS-EXAMINATION

11 BY MR. MORIN:

12 Q. All right. Now, Mr. Spenser, asked you some
13 questions about Chris Stagers name, and I noticed on
14 the first paragraph of your report dated August 12th,
15 2021, some of the names are in parenthesis and some are
16 not. For instance, the last sentence on the first
17 paragraph says, which was cut short by their supervisor,
18 and then in parenthesis it says Gary Phelps. Now, I'll
19 ask you, are you not adding in? Isn't that why the
20 parenthesis are there because Mr. Wilson said, my
21 supervisor. You found out it was Phelps, and when you
22 wrote your report you put that in parenthesis so you
23 would know who he was talking about?

24 A. That Mr. Phelps interceded?

1 Q. Well, no. I'm asking you about the actual typing
2 of this report because Mr. Smith asked you about that.
3 Why is -- my question is this: Why is Gary Phelps's
4 name in parenthesis following supervisor?

5 A. Um, because he was the supervisor. I just wanted
6 to make a clarification.

7 Q. Exactly. And when you were talking to Mr. Wilson
8 and he said Chris, he didn't say Wilson -- Stagers, you
9 added that for clarification, didn't you?

10 A. That was my understanding that he was -- that's
11 what I was getting from him, yes.

12 Q. All right. Now, let's talk about Carlos. On
13 page -- the next page, August 18th, six days after you
14 say you had Stagers's name, you see where you wrote
15 August 18th, 2020?

16 A. Yes.

17 Q. All right. And if we look down here at the third
18 paragraph, Wilson stated that his wife told him a guy
19 named Carlos may have been the shooter. Do you see
20 that?

21 A. Wilson stated that his wife told him a guy named
22 Carlos may be the suspect driving the Lexus, yes.

23 Q. And said that Carlos lived at the end of
24 Washington Street; isn't that right?

25 A. Yes.

CROSS-EXAMINATION OF INVESTIGATOR NELSON BY MR. MORIN

1 Q. And you followed up on that?

2 A. Yes.

3 Q. So if Mr. Wilson says you weren't at his house,
4 that's not true, is it?

5 A. Umm...

6 Q. You said -- did you write something?

7 A. I did go there. If it's in my notes, I did.

8 Q. There you go. So you definitely, you went there,
9 he said that, and then you followed up on what he said;
10 is that right?

11 A. That's correct.

12 Q. And that's six days after the name Staggars
13 showed up in your report; is that right?

14 A. That's correct. Yeah, I wanted to make sure I
15 was giving you the right information.

16 Q. Yeah. I wasn't trying to rush you. Now, they
17 both identified the vehicle; is that correct?

18 A. That's correct.

19 Q. But you're showing them the video two months
20 after it happened, to confirm their belief that the
21 person they got in an argument with was the shooter;
22 isn't that right?

23 A. When I showed the video, I want to make -- it was
24 for me. I wanted them to identify what had happened on
25 the video because I had already seen the video. So when

1 I showed it to them, I wanted them to identify the
2 vehicle and the person that was in the vehicle.

3 Q. Right. But you used the video to identify the
4 person; is that right?

5 A. Well, actually, to identify the vehicle and the
6 person.

7 Q. Okay. But the person was one of the reasons?

8 A. Yes.

9 Q. And the only way they could identify from the
10 video would be that the person got into the vehicle; is
11 that right?

12 A. I can't answer that one.

13 Q. Okay. Are you saying this was the best way you
14 could to show them a potential suspect, Mr. Stagers?

15 A. Hindsight, I may have, I could have probably done
16 a photographic lineup.

17 Q. Uh-huh. I don't ---

18 A. Which was an alternative.

19 Q. I'm sorry?

20 A. Which was an alternative.

21 Q. It was.

22 A. It was an option.

23 MR. MORIN: I have no further questions.

24 REDIRECT EXAMINATION

25 BY SOLICITOR SMITH:

1 Q. The part about the car was if you look at your
2 statement, is it -- are you talking to Mr. Wilson or are
3 you talking to his mom? Do you have that paragraph?

4 A. Is that on the 12th?

5 Q. August 18th.

6 A. Oh, the 18th. Yeah, my readers.

7 Q. Yeah, this paragraph. It's kind of confusingly
8 worded to me?

9 A. Yeah, we were talking. We were on the street --

10 Q. Okay.

11 A. In front or in the front yard of his residence,
12 of Mr. Wilson's residence.

13 Q. All right.

14 A. And the mother pulled up in her vehicle and she
15 began a conversation. And then Wilson stated that his
16 wife told him that a guy named Carlos may be the suspect
17 driver of the Lexus.

18 Q. All right. So you think maybe it was Mr. Wilson
19 saying something that his wife told him? I just want to
20 -- because it jumps from talking to the mom --

21 A. Yes.

22 Q. -- to him.

23 A. Yes.

24 Q. And I don't know if her last name is Wilson.

25 A. That's correct.

1 Q. Okay. I don't have any further questions.

2 THE COURT: All right. Thank you, Mr. Nelson.

3 You can return back to your seat, sir.

4 THE WITNESS: Thank you, sir.

5 (Witness leaves witness stand.)

6 SOLICITOR SMITH: Your Honor, we don't have any

7 further witnesses on this matter.

8 THE COURT: All right. Mr. Morin, anything

9 further from you?

10 MR. MORIN: I don't have any witnesses, Your
11 Honor, but I would say, or I don't know if you're ready
12 for the would say, or maybe you're ready to rule.

13 THE COURT: Well, if you don't have any
14 witnesses, then I'll be glad to hear from you.

15 MR. MORIN: Okay.

16 THE COURT: Yes, sir.

17 MR. MORIN: Your Honor, I'm pretty sure that
18 Officer Nelson confirmed that the purpose of showing
19 that to him is to confirm what he already believed. And
20 then he said, and to show identity, but he's already
21 trying to confirm it.

22 Your Honor, he's seen the video. I've seen it 20
23 times. I've stopped it and started it. Every time Mr.
24 Wilson looked over at Mr. Staggers. It's approximately
25 20 seconds. That's the detail, that's the time that we

1 had to see him bend.

2 And as far as this -- them bringing them in to
3 see this video to try to use that to confirm that face
4 is the one that did that thing they claimed happened is
5 improper. And it was suggested, because they believed,
6 the person driving the gold Lexus shot at them. And if
7 that's the circumstantial evidence they're intending to
8 put in, then I certainly can't argue with that.

9 But for them to say that's the person, when they
10 had limited less than 20 seconds, maybe 30 seconds total
11 time from the time he started talking to the time he
12 left, and then show him that video and say, well, that's
13 the guy because now it's just confirming that theory.
14 That's not an identification. That's them trying to
15 confirm the theory they have.

16 They could have done something to show a lineup
17 or whatnot, and they could have said that's the guy,
18 we've seen him. And I wouldn't be sitting here,
19 assuming the other five people who are like him in the
20 photos, but they didn't do that. And that was an
21 alternative.

22 And Officer Nelson says he could have done that
23 and that would have been an actual identification. But
24 now, six months, 60 days after, we're just trying to
25 confirm what we already think we know about the case,

1 and that's not what he's supposed to be doing. And it
2 was suggested to them that their theory was correct.

3 And that's why we object to an in court
4 identification of Mr. Stagers. They didn't have the
5 time to look at him. It was a matter of seconds. They
6 were driving, and then they were shown this video. And
7 that's my position on the matter.

8 THE COURT: Thank you. Mr. Smith?

9 SOLICITOR SMITH: Well, Your Honor, we do want to
10 emphasize that there are certain things that were known
11 long before they were ever shown this video. Both of
12 them are adamant at the scene that the person that shot
13 at them was the person that they had gotten into an
14 altercation in the parking lot with.

15 They had also given a physical description of him
16 that Investigator Nelson says he found when he met Mr.
17 Stagers to be accurate. That the video itself, I don't
18 know if it has enough detail for them to specifically be
19 using that to now say that that is Cornelius Stagers in
20 court.

21 But if Your Honor does find it was suggested, we
22 would rely on the fact that the second inquiry is
23 whether under the totality of the circumstances that the
24 likelihood of a misidentification, the Court's giving
25 the following factors: That the witness's opportunity

1 to view the perpetrator at the time of the crime, the
2 witness's degree of attention, the accuracy of the
3 witness's prior description of the perpetrator, the
4 level of certainty demonstrated by the witness at
5 confrontation, and the length of time between crime and
6 the confrontation.

7 I'm not gonna dispute Mr. Morin. The video is
8 what the video is. I will say that with Ms. Otey, she
9 says that she saw him, and she told the police that she
10 saw him beforehand, so her time is longer. She's also
11 talking about that she's watching him the entire time
12 that they're driving, which I think Mr. Wilson's
13 testimony might have been even 15 minutes. And at the
14 critical moment, it's at a stop sign.

15 I know she said close as hell, basically like
16 normal traffic conditions right up on the bumper. So
17 we're talking about feet, and in that case minutes to
18 identify the witness's degree of attention, Your Honor.
19 Both of them stated that there were threats that were
20 made that would give you the fear of an actual
21 confrontation, not just a hi, how are you doing, which
22 -- and then the fact that this car was following them,
23 from their own testimony, heightened their sense,
24 because they started talking about where they should go,
25 whether they should go back to the police station,

1 whether they should go back to their house.

2 So it's fair to assume that they were very alert
3 at the time and gathering whatever information that they
4 were seeing.

5 The accuracy of the witness's prior description
6 of the perpetrator. Your Honor, they described him as
7 light skinned. Got his height pretty close. Got his
8 build right. Described him as having a beard.
9 Described him as having glasses. He has all of those.

10 In the video, the level of certainty demonstrated
11 by the witness at the confrontation, both of them --
12 both of them are adamant that the person that had been
13 in the Lexus is the person that shot them from a Lexus
14 that was following them. And I know that Investigator
15 Nelson gave you that Ms. Otey was even more sure than
16 Mr. Wilson, but he did say that they were both sure.

17 And then the length of time between the crime and
18 the confrontation, in this case it's two months. But I
19 will, again, point out that a lot of these descriptions
20 were given long before the video was ever shown to them.

21 He also, given that we're looking at the totality
22 of the circumstances, Mr. Stagers has admitted that
23 he's the person on that video driving the Lexus. He
24 just claims that he went in a different direction.

25 So it's really, to me, it's not so much about the

1 in court identification, but the credibility of the
2 witness's rather than what was shown to them on the
3 video. They were always adamant that the person that
4 followed them consistently from Crown Healthcare to the
5 point that their vehicle was shot. So we would ask
6 that, if they're able to, that they be able to identify
7 him in front of the jury.

8 THE COURT: All right. Anything else, Mr. Morin?

9 MR. MORIN: I need to put this on the record. I
10 don't mean to challenge the Court's previous ruling, but
11 Mr. Smith is now saying that at the time that it
12 happened they were adamant, when we've already
13 established they don't have the evidence to prove that.
14 He's almost bootstrapping the other ruling, but that's
15 -- I digress.

16 I would argue that they have not met that burden.
17 They can say -- I'm not arguing that they can't --
18 sorry, Your Honor. I'm not saying that they can't say
19 that this car was similar to the one that was following
20 us, but this other stuff about that is him, that is who
21 shot. That is not what they said. That is not what
22 happened. They were looking for other people two weeks
23 after it happened. And so that's, that's why I'm making
24 that motion, Your Honor.

25 THE COURT: Thank you, Mr. Morin. What the Court

1 has heard through the witnesses thus far is that there
2 was a confrontation of sorts in the parking lot
3 involving Mr. Wilson and another person that Mr. Wilson,
4 because of the heated argument, was able to see and look
5 at and observe. And that Ms. Otey came to that parking
6 lot and very soon became aware of the fact that there
7 was a confrontation involving Mr. Wilson and another
8 person, and that certainly drew her attention to what
9 was going on and the people involved.

10 The Court also heard that there was a delay in
11 the departure of these vehicles in that Ms. Otey and
12 Mr. Wilson were both concerned, or at least made aware
13 of the fact that this vehicle, this other vehicle, being
14 occupied by the person with whom Mr. Wilson was engaged
15 in a verbal altercation of sorts, had not left the
16 parking lot. And I think that caused some heightened
17 scrutiny and some observation, more intensely, of what
18 was going on in the environment.

19 And Ms. Otey said that she was aware that another
20 vehicle, the same vehicle, which was occupied by the
21 person with whom Mr. Wilson was arguing had left the
22 parking lot. And at some point in time she observed
23 that vehicle following her.

24 She also said that this was daylight, had a clear
25 sight in the ability to see the person who was driving

1 that vehicle and recognize him to be the person who was
2 in the parking lot before that vehicle left the parking
3 lot.

4 I also heard that Mr. Wilson was able to look
5 back and see the person, and that both of them were well
6 aware of who was in that car in terms of what that
7 person looked like. The Court has heard that them being
8 able to see that is something they certainly remember.

9 According to the testimony of Detective Nelson,
10 Ms. Otey was very adamant about her observations. And
11 both Mr. Wilson and Ms. Otey gave clear -- a clear
12 impression of what the individual looked like in terms
13 of skin color and height and build, facial hair, what he
14 was wearing.

15 I don't think that the later viewing of this
16 videotape was the sole element for them to consider in
17 determining the identification of the defendant. It
18 appears that they were well aware of who they thought
19 they saw, and at no point in time did I hear about them
20 saying that they were unsure about the identity of the
21 defendant.

22 So the Court considering all of the circumstances
23 and the totality of everything I've heard up until now,
24 I do not grant the motion made by the defendant and
25 would not suppress any attempt to identify the defendant

1 in court. That will be the Court's ruling on your
2 motion, Mr. Morin.

3 MR. MORIN: Thank you.

4 THE COURT: All right. What else do we have
5 today?

6 MR. MORIN: That's all I have, Your Honor.

7 THE COURT: Mr. Smith?

8 SOLICITOR SMITH: That's all I have as far as
9 motions. Mr. Morin and I have talked about some plea
10 options before the victims got here and I don't know if
11 he had some conversation with his client I certainly
12 wasn't privy to, but maybe we could have a minute to try
13 to ---

14 THE COURT: Yes, sir. I would like you all to
15 talk a little bit. I'm around and come get me.

16 SOLICITOR SMITH: Yes, sir.

17 MR. MORIN: Thank you.

18 THE COURT: All right. The court will be at
19 ease.

20 (Court concluded at 3:17 p.m.)

21

22 --- THIS ENDS DAY ONE OF TRANSCRIPT ---

23

24

25

1 THE STATE OF SOUTH CAROLINA V. CORNELIUS J. STAGGERS

2 Day two of trial

3 (State's Exhibit Number 1, Security Camera Video,
4 was marked for identification.)

5 (State's Exhibit Number 2, 911 CD, was marked for
6 identification.)

7 (State's Exhibit Number 3, CD, was marked for
8 identification.)

9 (State's Exhibit Number 4, Photograph of Blue
10 SUV, was marked for identification.)

11 (State's Exhibit Number 5, Photo of Side View
12 Mirror, was marked for identification.)

13 (State's Exhibit Number 6, Photo of Rear Window
14 of SUV, was marked for identification.)

15 (State's Exhibit Number 7, Photo of Inside of
16 Car, was marked for identification.)

17 (State's Exhibit Number 8, Photo of Side Mirror,
18 was marked for identification.)

19 (State's Exhibit Number 9, Photo of Side View of
20 Blue SUV, was marked for identification.)

21 (State's Exhibit Number 10, Aerial Map View, was
22 marked for identification.)

23 (State's Exhibit Number 11, Aerial Map View of
24 CME Church, was marked for identification.)

25 (State's Exhibit Number 12, Aerial Map of Farley

1 Street, was marked for identification.)

2 (State's Exhibit Number 13, Aerial Map of Crown
3 Health Laundry, was marked for identification.)

4 THE COURT: All right. Any matters before we get
5 started from the State?

6 SOLICITOR SMITH: Just two, Your Honor, briefly.
7 We wanted to put plea negotiations on the record so
8 everyone understands there's a record of what's at stake
9 in the trial. The State has served the defense with
10 life without parole notice back in December of 2022.

11 That is only if he's convicted of attempted murder. The
12 notice also says assault and battery high and
13 aggravated, but we don't think that will probably be an
14 option for the jury given that the victims weren't hurt.

15 Yesterday afternoon in talking with Ms. Otey and
16 Mr. Wilson, we extended a 15-year offer on the charges
17 that he's currently charged to run concurrent with each
18 other. I believe they've rejected that offer, but we
19 wanted to put that on the record.

20 And the other issue we had -- I don't know if you
21 want to address that, Your Honor, but the other issue we
22 had is Mr. Wilson does have some record. He doesn't
23 have anything that I believe fits a crime of dishonesty.
24 In speaking with the defendant -- the defense, we don't
25 believe that his record should come in just off the bat

1 as like a straight impeachment.

2 Have you been convicted of a crime on this year,
3 but I've advised Mr. Wilson that if he makes statements
4 about I've never been in trouble or, you know, I'm a
5 good guy, I don't do things like this, that he could
6 make his criminal record relevant.

7 And we have provided the defense with that. And
8 they're from Spartanburg, so I don't think -- he's open
9 about it, so it wouldn't be something that he would
10 dispute, I think, if it did become relevant.

11 Ms. Otey, we provided her criminal history, but I
12 think she doesn't have anything either that should come
13 up on that, on the impeachment purpose. And we have our
14 exhibits marked and everybody is ready to start.

15 THE COURT: Thank you, Mr. Smith.

16 Mr. Morin, anything from you?

17 MR. MORIN: I'll take those in reverse order,
18 Your Honor.

19 THE COURT: Yes, sir.

20 MR. MORIN: In the event that I believe Mr.
21 Wilson has done something that would trigger my asking
22 about his record, I'll ask to approach prior to me
23 asking that question.

24 THE COURT: Yes, sir.

25 MR. MORIN: And, I believe, Mr. Staggers, I

1 think, we've gotten that offer of 15 years and at this
2 point, it's my understanding Mr. Stagers does not wish
3 to enter a plea, be it a plea or an Alford plea or
4 whatever. We've talked about Alford. We've talked
5 about direct. We've talked about his charges. We've
6 talked about the sentence that's been offered. And it's
7 my understanding that he prefers to go to trial.

8 THE COURT: All right. Any objection to me
9 addressing your client directly?

10 MR. MORIN: No, sir, I do not.

11 THE COURT: Good morning, Mr. Stagers.

12 THE DEFENDANT: Good morning.

13 THE COURT: Yes, sir. Mr. Stagers, you are
14 aware that the State has put you on notice that they
15 would be seeking a life sentence if you are found guilty
16 of either of the two charges of attempted murder?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you understand that?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And that in the event you were to be
21 found guilty, that the Court would impose a sentence of
22 life?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: And I believe you've done close to
25 two years in prison; is that right?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And you understand you would be given
3 a credit of that time towards whatever sentence the
4 Court imposes if you were to plea?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. And what is your position
7 on that offer?

8 THE DEFENDANT: I don't want the plea.

9 THE COURT: Yes, sir. That's certainly your
10 right. Very good. Thank you, sir. You can be seated.

11 All right. Madam Clerk, I believe you placed the
12 jury under oath on yesterday?

13 THE CLERK: Yes, sir, that is correct.

14 THE COURT: All right.

15 SOLICITOR SMITH: Your Honor, I had a witness
16 come in. Could I just show him a video real quick and
17 then we won't --

18 THE COURT: Sure.

19 SOLICITOR SMITH: -- have to take a break. We
20 have something else that's totally unrelated to this
21 case, but we might ask for your help on.

22 THE COURT: Yes, sir. Approach.

23 MR. MORIN: We're approaching, huh?

24 (Bench conference was held off the record.)

25 THE COURT: All right. Is the State ready to

1 proceed?

2 SOLICITOR SMITH: Yes, Your Honor.

3 THE COURT: Mr. Morin?

4 MR. MORIN: Yes, Your Honor.

5 THE COURT: All right. We'll bring in the jury.

6 MR. MORIN: Yes, Your Honor.

7 THE COURT: All right. We'll bring in the jury.

8 (Jury enters the courtroom at 9:27 a.m.)

9 THE COURT: Good morning.

10 THE JURY: Good morning.

11 THE COURT: Ladies and gentlemen of the jury, the
12 case that we are about to try this morning is the State
13 versus Cornelius J. Staggars. And before we begin the
14 trial, I wanted to tell you that this trial is probably
15 going to be different from what you might expect.

16 Many people do not have the chance to attend
17 actual court sessions, as you are doing right here
18 today. And you may think from watching television or
19 movies or reading from a book, that trials are always
20 full of high drama, intense action, and riveting
21 circumstances.

22 While all of those things may be true at times,
23 this trial is not for entertainment. It is a
24 fundamental part of our democracy. The opposite of what
25 you may have seen on television or in movies or read in

1 books. This courtroom is a place of honor, dedicated to
2 the protection and preservation of citizens' rights,
3 through what many have called the greatest justice
4 system ever created.

5 The attorneys appearing before you are advocates
6 for the parties they represent. But first and foremost,
7 they are officers of the court, sworn to uphold the
8 integrity and fairness of our judicial system. You
9 should expect them to be professional, competent, and
10 ethical in the representation of your client's interest.
11 And remember that you have taken an oath.

12 And you are also expected to be professional,
13 reasonable, and ethical. And I thank you for accepting
14 the important responsibility of jury service and for
15 your contribution today to our judicial system.

16 Now, what I will now say is intended to serve as
17 an introduction to the trial of this case. These
18 remarks are not a charge on the law in the case, and I
19 will instruct you on the law applicable to this case at
20 the end of the trial before you retire to consider your
21 verdict. This is merely an explanation of the procedure
22 that we will follow in the trial of this case so that
23 you may better understand what may be happening.

24 You may not take notes during the trial of this
25 case. The defendant is charged by an indictment filed

1 by the court.

2 Madam Clerk, would you hand up the indictments?

3 (Clerk hands paperwork to the judge.)

4 Thank you. And I read these to you yesterday at
5 the beginning of the jury selection process. Mr.
6 Stagers is charged with the crime of attempted murder
7 on Ms. Lakeisha Otey. He is also charged with the
8 offense of attempted murder of Mr. Charles Wilson. And
9 he's also charged with discharging a firearm into a
10 vehicle. The elements of these charges will be
11 explained to you at a later time.

12 Now, the indictment is simply the charge by which
13 the case is brought into court, and it is not in any
14 sense evidence of any of the allegations it contains.
15 The defendant has pled not guilty to this indictment.
16 The State, therefore, has the burden of proving each
17 element of the indictment beyond a reasonable doubt, and
18 it will be your duty, ladies and gentlemen, to decide
19 whether the State has met that burden.

20 Your purpose as jurors is to find and determine
21 the facts. You are the sole judge of the facts. If at
22 any time I make any comment regarding the facts, you
23 must disregard it. You are to determine the facts from
24 the testimony that you hear and the other evidence
25 introduced in this courtroom. It is up to you to

1 determine the inference which you feel may properly be
2 drawn from the evidence. It is especially important
3 that you perform your duty of determining the facts
4 diligently and conscientiously, because ordinarily there
5 is no way to correct an erroneous determination of the
6 facts by a jury.

7 On the other hand, and with equal emphasis, the
8 same law that makes you the judge of the facts, makes me
9 the judge of the law. The law, as given by the Court,
10 is the only law you may consider. You must accept and
11 follow it, even though you may disagree with it. And I
12 cannot tell you what the facts are and you cannot
13 disagree with me about what the law is or should be.
14 Your job is to take the law as I give it to you and
15 apply it to the facts as you find them from the
16 testimony of the witnesses and any other evidence that
17 is introduced. After doing that, you will render your
18 verdict.

19 Until I advise you to begin your deliberations,
20 you must not discuss this case with anyone, including
21 your fellow jurors, friends, family members or anyone
22 involved in the case. This includes discussions
23 face-to-face and those by telephone, e-mail, text, blogs
24 or any other method of communication. You may not use a
25 computer, cellular phone, or other electronic device

1 with communication capabilities at any time while the
2 courtroom or during deliberations -- while in the
3 courtroom or during deliberations.

4 During your breaks for meals or overnight, if
5 necessary, you may use these devices. However, you may
6 not at any time use these devices to get or send any
7 information about the case. This includes information
8 about a party, a witness, an attorney, a court officer,
9 or any news that counts about the case. Can't do any
10 research on any topics raised or any topics you may
11 think would be helpful in deciding the case, or any
12 testimony presented by any of the witnesses.

13 During the trial, do not read, listen to, or
14 watch any news reports about this case. This includes
15 anything that may be in a newspaper or on the internet,
16 radio or television. You must not consider anything you
17 may have read or heard about the case outside the
18 courtroom, whether before or during this trial. After
19 the case is submitted to you, you must discuss it with
20 no one, other than the other persons with you in the
21 jury room, and only those persons who are your fellow
22 jurors.

23 The attorneys and parties in this case have been
24 advised that they are not to talk to you at all. So, if
25 you see anyone involved in the case and they do not even

1 say hello, they're not trying to be rude or unfriendly,
2 they are just following my instructions.

3 It is important that you keep an open mind and
4 not decide any issue in the case until all of the
5 evidence has been presented. The parties have made
6 their -- will soon make their closing -- their opening
7 arguments to you. And I've instructed them, and I will
8 instruct them on the law in this case.

9 It is your solemn responsibility to determine the
10 guilt or innocence of the defendant, and your verdict
11 must be based solely on the evidence as it is presented
12 to you in this trial and on the law as I instruct you
13 during and at the close of the trial.

14 In just a minute, the solicitor will make what is
15 called an opening statement in which the solicitor will
16 explain to you the issues in this case or at least what
17 the solicitor thinks the issues are in this case. The
18 attorney for the defendant may also make an opening
19 statement, although he is not required to do so.

20 What the attorneys tell you during their opening
21 statements is not evidence in this case. It is only
22 their contention as to what the issues are. The
23 evidence in this case will be presented to you by the
24 testimony of sworn witnesses from the witness stand
25 and/or by exhibits that may be introduced into evidence.

1 From time to time during the trial, you may hear
2 one of the lawyers say something like, Your Honor, I
3 believe we have a question of law or matter of law to
4 discuss with you or, Your Honor, may we approach the
5 bench. Or sometimes I, myself, might find it necessary
6 to excuse you from the courtroom for a short while,
7 while the attorneys and I can discuss a matter of law.
8 The reason for this is because you are the judges of the
9 facts in the case. And sometimes when I'm discussing
10 matters of law with the attorneys, it may be necessary
11 for me to make some comments as to the facts in
12 connection with ruling whether or not a particular law
13 applies.

14 I'm not supposed to tell you what I think the
15 facts are. So, I will excuse you from the courtroom
16 while these discussions take place, so that in no way
17 will you be influenced by anything that I might say or
18 do in connection with the facts.

19 In determining what the facts are in this case,
20 you must decide whether or not the testimony of the
21 witnesses is believable. And it will be my
22 responsibility to rule as a matter of law as to whether
23 certain testimony is admissible at all or not. But once
24 testimony is admitted, whether or not you believe it is
25 solely for you -- whether you choose to believe it is

1 solely for you to determine. In determining whether to
2 believe a witness, you have the right to consider the
3 interest of any witness, the bias of any witness, the
4 prejudice of any witness, the opportunity for the
5 witness to have seen the matters and things about where
6 the witness may testify, and the way the way the witness
7 acts on the witness stand.

8 You have a right to consider anything that is in
9 the record that will help you evaluate the testimony of
10 the witnesses. That means that it is your duty to pay
11 close attention of the witnesses, to observe the
12 witnesses. To listen to the witnesses, and to pay close
13 attention to the attorneys and to the Court. Don't let
14 your thoughts wander, but give strict attention to the
15 testimony in this case so that at the end of all the
16 testimony, after the arguments of counsel, and the
17 charge on the law by the Court, you will then be in a
18 position to determine what the facts are and to apply
19 the law to those facts, and thus render a verdict.

20 It is your added duty, Mr. Foreman, Mr. Stevens,
21 to preside in the jury room and be the jury's
22 spokesperson here in court. It will also be your duty
23 to write the verdict. And I will give you further
24 instructions about that at the conclusion of the case.

25 In order to preserve everyone's rights, I will

1 give the parties an opportunity to object to anything
2 I've said.

3 Any exception to anything that I have said to the
4 jury by the State?

5 SOLICITOR SMITH: No, Your Honor.

6 THE COURT: Any objection by the defendant?

7 MR. MORIN: No, sir.

8 THE COURT: Very good. At this time we'll begin
9 the trial.

10 OPENING STATEMENT

11 BY SOLICITOR SMITH:

12 Q. On August 3rd OF 2021, Charles Wilson, seated
13 over there with the hoodie, was working at Crown
14 Healthcare Laundry, that's in Spartanburg County. He
15 got off work around 11 and his wife, Lakeisha Otey,
16 sitting next to him, came to pick him up.

17 But while he'd been at work, Charles had gotten
18 into an argument with a guy named Chris. Chris was
19 beneath him. He was a supervisor over him and they had
20 gotten into an argument about work. Charles thought
21 that that argument was over.

22 When he went out in the parking lot of Crown
23 Laundry, he was approached by a man he did not know.
24 That man was telling him, and you'll actually hear some
25 of the words he said on the video, telling him to leave

1 his brother alone. And he did this in an aggressive
2 manner using cuss words, and he moved closer to him as
3 he was saying it.

4 Charles turns around, they exchange words. It
5 gets a little bit hard to hear when they're both talking
6 about hard to hear when they're both talking about
7 what's said, but you can tell that it's heated. Charles
8 gets in the car with Lakeisha and drives out of one exit
9 of Crown Healthcare, and then you will see that the man
10 that had gotten into an argument with him, gets into a
11 gold Lexus, and that man is Cornelius Staggers, and he
12 goes out the other exit of Crown. They both go out
13 basically the same way, but they're parallel to each
14 other.

15 And Lakeisha and Charles will tell you that as
16 they made their way back home on Washington Street in
17 the City of Spartanburg, that they realize that this
18 gold Lexus was following them. And it followed them for
19 several minutes. And they began to get worried about
20 what's going on? What is he doing? Should we go home?
21 Should we go to the police station?

22 They were very conscious of the fact that the
23 person that was following them is the same person who
24 just aggressively confronted them in the parking lot.
25 And they ended up making their way through the city.

1 And they got to the intersection of Wofford Street and
2 Farley Avenue.

3 And at that stop sign there, Lakeisha, through
4 her side-view rearview mirror, looking backwards, sees
5 the defendant lean out of the vehicle, point a handgun
6 at it, and shoot to kill both of them. Shoots multiple
7 shots. She actually made eye contact with him, screamed
8 no, no, no, as he was doing it.

9 Those gunshots busted out the back window of the
10 Tahoe, and another one of those shots went into
11 side-view mirror next to where Mr. Wilson was seated in
12 the passenger's seat. They went left at the stop sign,
13 Mr. Staggers went right. They called the police. They
14 told the police what had happened. The police
15 photographed the vehicle, and the investigation began.

16 Louis Nelson, with the glasses over there reading
17 the incident report was the investigator that was
18 assigned to this case. He ended up following up with
19 Crown, talking to Chris, and trying to identify who that
20 person was. He was able to pull the surveillance
21 footage from Crown Laundry. The victims were adamant it
22 was the same person that had gotten into the
23 confrontation with them is the same person that shot at
24 them.

25 He was able to pull that video, and then he

1 talked to Mr. Staggers, Cornelius Staggers. And Mr.
2 Staggers didn't admit to everything, but he admitted to
3 a good bit of the story. He admitted to being there in
4 the parking lot. He admitted to being in a gold Lexus.
5 He admitted that he knew that his brother had gotten
6 into it with Charles Wilson, and he admitted to having
7 some words with Charles Wilson.

8 He said there were no cuss words and no fighting
9 words. You'll see differently on the video, but he
10 basically says they went right and I went left, and
11 that's the end of his story. So he denies it, but he
12 confirms a lot of what Charles Wilson and Lakeisha Otey
13 will tell you.

14 And that's essentially the facts. You're not
15 gonna hear from a ton of witnesses. There's some
16 exhibits, but maybe not as many as you'd expect in a
17 case this serious, but it doesn't change the strength of
18 the case. You're gonna have two people tell you exactly
19 what they saw and it's backed up by video evidence and
20 it's partially backed up by the defendant's own words.

21 And at the end of this I'm gonna ask you to
22 return a verdict of guilty for attempted murder and for
23 discharging a vehicle -- discharging a firearm in a
24 vehicle against Cornelius Staggers. Thank you.

25

OPENING STATEMENT

1 BY MR. MORIN:

2 I've been going through this case thinking about
3 it. This case is an edited case, a government edited
4 case, okay? Now, you heard the prosecutor just a minute
5 ago say, a video, but let's see if it shows what they
6 say it shows. Let's see where it starts and where it
7 ends.

8 You're gonna hear about the video they had, but
9 they don't have anymore. You're gonna hear about places
10 they were told to look for evidence, video evidence.
11 They didn't do it. They edited this case. And as far
12 as the heat systems argument that occurred in the
13 parking lot at Crown, I am standing closer to you now
14 than my client was standing to Mr. Wilson that day.

15 The government decided that because my client had
16 words with Mr. Wilson in the parking lot, he must be the
17 person that did this. But you're gonna hear things that
18 happened, and I'm gonna ask some questions regarding
19 this edited version. There isn't much evidence. Well,
20 we didn't need any evidence.

21 We set out to prove -- they set out to prove my
22 client, because he had that argument, is the shooter.
23 That's what this case is. And you're going to see it.
24 And when you see it, you will see why I say the State
25 cannot prove its burden. Thank you.

DIRECT EXAMINATION OF TRAVIS LAYCOX BY MR. SMITH

1 THE COURT: The State is recognized.

2 SOLICITOR SMITH: The State calls Travis Laycox.

3 (Witness comes forward.)

4 THE CLERK: Come here, sir. Place your left hand
5 on the Bible and raise your right. (Complies.)

6 Do you swear or affirm the testimony you give
7 will be the truth, whole truth, and nothing but the
8 truth so help you God?

9 THE WITNESS: Yes, I do.

10 TRAVIS LAYCOX,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR SMITH:

14 Q. Would you please state your name for the jury?

15 A. Travis Laycox.

16 Q. All right. And where are you employed?

17 A. Crown Healthcare Laundry.

18 Q. What's your role at Crown?

19 A. I'm general manager.

20 Q. All right. Were you in that role on August 3rd
21 of 2021?

22 A. Yes, sir.

23 Q. Okay. And was Charles Wilson an employee?

24 A. Yes, sir.

25 Q. All right. And what about Chris Staggers, was he

1 an employee?

2 A. Chris Staggers, yes.

3 Q. All right. Did you become aware of an
4 altercation that occurred between them at the work
5 place?

6 A. Yes, I heard about it, yes.

7 Q. All right. And then were you later contacted by
8 police to try to gather some video that may have been
9 captured at Crown?

10 A. Yes, I was.

11 Q. All right. And did you provide police with that
12 video?

13 A. Yes, sir, our corporate IT did.

14 Q. All right. I'm gonna hand you State's Exhibit 1
15 and ask if you can identify what that is.

16 A. This looks like a disc drive.

17 Q. All right. Do you know what's on it?

18 A. Yeah. That's the video of our parking lot.

19 SOLICITOR SMITH: Okay. Your Honor, at this time
20 we'd move State's Exhibit 1 into evidence.

21 THE COURT: Any objection?

22 MR. MORIN: No, sir.

23 THE COURT: So entered.

24 (State's Exhibit Number 1 was entered into the
25 record.)

DIRECT EXAMINATION OF TRAVIS LAYCOX BY MR. SMITH

1 BY SOLICITOR SMITH:

2 Q. Before I play that, I'm gonna show you State's
3 Exhibit 13. Can you tell me what that is?

4 A. That's an aerial view of our facility.

5 Q. All right. You don't have any knowledge of it?
6 You didn't witness the altercation between these two?

7 A. No, sir, I did not.

8 SOLICITOR SMITH: All right. Your Honor, at this
9 time we would move State's 13 into evidence.

10 MR. MORIN: Can I see 13.

11 SOLICITOR SMITH: Yeah.

12 MR. MORIN: I think I -- yeah, okay.

13 THE COURT: Without objection.

14 (State's Exhibit Number 13 was entered into the
15 record.)

16 BY SOLICITOR SMITH:

17 Q. I'm not sure what's going on. Are there -- how
18 many exits are there out of Crown Healthcare?

19 A. Two.

20 Q. All right. And this video only shows one of
21 those exits. Is that ---

22 A. Yeah. You have it with pen?

23 Q. Yeah.

24 A. Yeah.

25 Q. All right. Is that the extent of your

1 involvement in this case?

2 A. Yes, sir.

3 Q. All right. I don't have any further questions.

4 Please answer anything they may have.

5 THE COURT: Mr. Morin?

6 MR. MORIN: May we approach, Your Honor?

7 THE COURT: Yes.

8 (Bench conference was held off the record.)

9 SOLICITOR SMITH: Your Honor, we're gonna play
10 State's 1.

11 THE COURT: Okay.

12 (Plays video.)

13 SOLICITOR SMITH: That's all I have, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. MORIN:

16 Q. Mr. Laycox, how long have you been working there
17 at Crown?

18 A. About three-and-a-half years.

19 Q. Okay. And the parking lot at Crown has videos,
20 video cameras such as this one?

21 A. Yes, sir.

22 Q. In fact, there are four cameras, aren't there?

23 A. I believe so, yeah.

24 Q. And those four cameras cover the entire parking
25 lot?

CROSS-EXAMINATION OF TRAVIS LAYCOX BY MR. MORIN

1

2 A. Yes.

3 Q. Including both -- we see in this video one of the
4 entrances, but there's a camera that covers the other
5 entrance as well?

6 A. Yes.

7 Q. And it monitors people coming and going from the
8 parking lot all the time?

9 A. Yes, sir.

10 Q. If I drove up there and drove in one and through
11 the other, you'd see my car, wouldn't you?

12 A. Yes, sir.

13 Q. And you'd see me come in and you'd see me leave?

14 A. Yes, sir.

15 Q. Now, do you recall who the first person was who
16 contacted you about getting a video?

17 A. I do, the police.

18 Q. The police?

19 A. The investigator.

20 Q. Officer Nelson?

21 A. I believe so, yes.

22 Q. Okay. Did he call you or come by your store --
23 business?24 A. I think he showed up. It was a while ago. I
25 don't truly remember.

1 Q. Okay. Did he see the video at that time?

2 A. Yes, and he asked me for it.

3 Q. He did?

4 A. Yes.

5 Q. And did he tell you where you wanted it to stop
6 and where you wanted it to end? [sic]

7 A. Just, yeah, basically it was just -- he asked if
8 he could get a cut of it.

9 Q. Right, a cut. Now, the cut that we've seen
10 today, you didn't decide where the cut was, he asked for
11 the cut; is that right?

12 A. I believe so, yes.

13 Q. And he only asked for this camera; is that right?

14 A. Yes.

15 Q. Now, these cameras keep the video for how long?

16 A. We just changed our camera system. I think it's
17 30 days, 60 days, somewhere in there.

18 Q. All right. So then after that it rotates through
19 something else?

20 A. Yeah. It's a cycle video, sir.

21 Q. All right. So for six -- for somewhere between
22 30 and 60 days, Crown -- I'm not gonna say you -- Crown
23 had video of the entire parking lot?

24 A. Yes.

25 Q. For the entire day?

1 A. Yes, sir.

2 Q. But, again, they just asked for this specific,
3 using your word cut?

4 A. Yeah. I believe he asked for the parking lot
5 view, so that was the view that we looked at.

6 Q. But he didn't ask for the other view of the rest
7 of the parking lot?

8 A. Not that I recall.

9 Q. Or the other exit?

10 A. Not that I recall.

11 Q. And he didn't ask to keep it going to show when
12 the cards came into the lot?

13 A. I don't think so.

14 Q. Because if he asked you that, you would have done
15 it?

16 A. Oh, yes, sir.

17 Q. And if he'd asked to see, this video is
18 approximately a minute long, if you go by the counter
19 that's at the top. If he had said, let me see ten
20 minutes before and ten minutes after all the way
21 through, you could have done that?

22 A. Yes, sir.

23 Q. But he didn't ask for that?

24 A. No, sir.

25 Q. He didn't even ask to see if the -- to where the

1 Lexus left the video we can see, did he?

2 A. No, sir.

3 MR. MORIN: Okay. That's all the questions I
4 have, Your Honor.

5 SOLICITOR SMITH: I have nothing else. Can he be
6 excused, Your Honor?

7 THE COURT: All right, thank you. Yes, sir, you
8 can step down and you can be excused.

9 (Witness leaves the witness stand and courtroom.)

10 SOLICITOR SMITH: The State calls Officer
11 Arrowood.

12 (Witness comes forward.)

13 THE CLERK: Do you swear or affirm the testimony
14 you give will be the truth, whole truth, and nothing but
15 the truth so help you God?

16 THE WITNESS: Yes, ma'am.

17 THE CLERK: Thank you.

18 OFFICER JASON ARROWOOD,
19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY SOLICITOR SMITH:

22 Q. Would you please state your name for the jury.

23 A. Officer Jason Arrowood.

24 Q. All right. And where are you currently employed?

25 A. Spartanburg City Police Department.

DIRECT EXAMINATION OF OFFICER ARROWOOD BY MR. SMITH

1 Q. And what is your role with the city police?

2 A. I'm a patrol officer.

3 Q. All right. How long have you been in law
4 enforcement?

5 A. About seven-and-a-half years.

6 Q. Has it all been with the city?

7 A. Yes, sir.

8 Q. Has it always been on patrol?

9 A. Yes, sir.

10 Q. All right. And just for the jury's knowledge,
11 can you explain what a patrol officer with the city
12 police does?

13 A. Basically I go into service and I'll patrol my
14 areas that I'm assigned to. And as calls come in, I
15 respond to those calls, address any issues, and see what
16 has been reported, and make arrests that need to be
17 made.

18 Q. Sorry. Trying to get our tech issues fixed. All
19 right. So respond to calls for service, basically. If
20 somebody calls 911, you're one of the police that could
21 potentially show up at your house?

22 A. Yes, sir.

23 Q. All right. Did you respond to a shooting on
24 August 3rd of 2021?

25 A. That is correct.

1 Q. All right. And where did you initially respond
2 to in that case?

3 A. Initially, I believe it was [REDACTED] North Forest
4 Street in Spartanburg, South Carolina.

5 Q. All right. And did you find anybody there?

6 A. Nobody was there. And then dispatch advised me
7 of another and then dispatch advised me of another
8 possible address of [REDACTED] Washington Street, which was
9 nearby. And that's what I responded to.

10 Q. All right. And did you meet with Charles Wilson
11 and Lakeisha Otey there?

12 A. Yes, sir, I did.

13 Q. All right. Was their vehicle there as well?

14 A. Yes, sir. Their vehicle was there. It was
15 parked in the backyard.

16 Q. All right. And what did you observe about the
17 vehicle?

18 A. Looking at the vehicle, I noticed that the back
19 hatch window was completely shattered out. The frame of
20 the window seemed to be bent. I noticed some glass
21 inside the hatch area from that window. And I noticed
22 that it looked like the front passenger side mirror, I
23 believe, had a small hole in it.

24 Q. Okay. Did you believe these were consistent with
25 gun shots?

DIRECT EXAMINATION OF OFFICER ARROWOOD BY MR. SMITH

1 A. I do.

2 Q. All right. And I don't want to get into the
3 specifics of what they told you, but did they tell you
4 what had happened?

5 A. They did.

6 Q. All right. And did they answer questions that
7 you had for him?

8 A. They did, yes, sir.

9 Q. All right. You don't have to say specifically
10 what happened, but did you get a potential vehicle that
11 was involved in it or what type of vehicle?

12 A. Yes. According to Mr. Wilson ---

13 Q. Don't say what he said. The question was: Did
14 you get a --

15 A. Yes.

16 Q. -- a vehicle description --

17 A. Yes, I did.

18 Q. -- from Mr. Wilson?

19 A. Yes, I did.

20 Q. Okay. All right. And did you make any efforts
21 to try to find surveillance?

22 A. Yes, sir. I checked the nearby area. They come
23 down to, I believe, Farley and Walker, in the area that
24 Mr. Wilson was describing and I did not see any video
25 surveillance in that area.

1 Q. All right. Is that the intersection of Farley
2 Avenue and Wofford, is where you thought the incident
3 happened?

4 A. Yes, sir.

5 Q. All right. Did you go to any other surrounding
6 areas to look for video?

7 A. No, sir. I checked the area going up Wofford,
8 the way they said that the suspect had went and I didn't
9 see any of that area either.

10 Q. All right. Did you end up taking photographs of
11 their vehicle?

12 A. Yes, sir, I did.

13 Q. All right. I'm gonna hand you 4, 5, 6, 7, 8, and
14 9. State's exhibit 4, 5, 6, 7, 8, and 9, and ask if you
15 can identify what these are.

16 A. Yes, sir, these are the photos of the vehicle on
17 that day.

18 Q. And they're true and accurate copies of the
19 photos you took that day on August 3rd?

20 A. Yes, sir.

21 Q. All right. This intersection of Farley Avenue
22 and Wofford Street, is that in the city and county of
23 Spartanburg?

24 A. Yes, sir, it is.

25 SOLICITOR SMITH: All right. Your Honor, at this

CROSS-EXAMINATION OF OFFICER ARWOOD BY MR. MORIN

1 time we would move State's 4 through 9 into evidence.

2 THE COURT: Mr. Morin, have you seen those?

3 MR. MORIN: I think I have, but I was -- yes,
4 sir. No objection.

5 THE COURT: All right.

6 (State's Exhibit Number 4, 5, 6, 7, 8 and 9 were
7 entered into the record.)

8 BY SOLICITOR SMITH:

9 Q. All right. And then in the theme of the week of
10 things being broken, I'll show it to you old school.

11 This is State's Exhibit 4. State's Exhibit 5. State's
12 Exhibit 6. Can you tell us what State's Exhibit 7 is?

13 A. Yes, sir. That is the back hatch area of the
14 vehicle where the glass had fallen down inside.

15 Q. This is State's Exhibit 7. This is State's
16 Exhibit 8. This is State's 9.

17 Were you able to find any shell casings or any
18 other evidence?

19 A. No, sir, I was not.

20 Q. And other than the day of that initial response
21 you didn't have any further involvement in this case?

22 A. No, sir, I do not.

23 Q. Please answer any questions Mr. Morin may have.

24 A. Yes, sir.

25

CROSS-EXAMINATION

1 BY MR. MORIN:

2 Q. Officer Arrowood, when you got to Washington
3 Street and you met with Mr. Wilson --

4 A. Yes, sir.

5 Q. -- were you looking for a woman named Gentry?

6 A. I believe initially dispatch did give the name of
7 Gentry, yes, sir.

8 Q. And Ms. Gentry turned out to be Ms. Otey?

9 A. Yes, sir. The same first name, yes, sir.

10 Q. Okay. Lakeisha Gentry, but it turned out it was
11 Lakeisha Otey?

12 A. Yes, sir.

13 Q. And when you arrived on the scene, Ms. Otey was
14 very uncooperative, wasn't she?

15 A. Yes, sir, she was.

16 Q. And when you were trying to determine location
17 that this occurred, you got conflicting stories, didn't
18 you?

19 A. Yes, sir.

20 Q. And when you determined, you, I believe the word
21 you used was you believed, that it was at Farley and
22 Wofford; is that right?

23 A. Correct.

24 Q. You didn't go with them to that location, did
25 you?

CROSS-EXAMINATION OF OFFICER ARROWOOD BY MR. MORIN

1 A. I don't believe so.

2 Q. And you looked up and down Wofford Street for
3 shell casings?

4 A. Yes, sir.

5 Q. You did not look on Farley Street; is that right?

6 A. Correct. If I recall, I looked right there at
7 the stop sign area where the vehicle would have been
8 stopped.

9 Q. Okay.

10 A. But I always had checked at the light.

11 Q. And you didn't speak to anyone out there on
12 Wofford Street?

13 A. No, sir.

14 Q. When you went and looked at this 2004 Yukon, do
15 you remember that?

16 A. Yes, sir.

17 Q. And you took the pictures?

18 A. Yes, sir.

19 Q. Did you look inside the vehicle for any bullets
20 or fragments or anything?

21 A. No, sir, I did not.

22 Q. The city of Spartanburg has a forensic unit,
23 correct?

24 A. Correct.

25 Q. And they're trained to look for evidence,

1 correct?

2 A. Correct.

3 Q. And you did what you could, you took the
4 pictures, right?

5 A. Yes, sir.

6 Q. But that's as much as your training could do with
7 that; is that right?

8 A. Yes, sir.

9 Q. Now, did you look for the damage or did Mr.
10 Wilson direct you to where the damage was?

11 A. I don't recall. I remember looking at the
12 vehicle and noticing stuff.

13 Q. Okay. So when you walked around it, you could
14 see the broke out window --

15 A. Yes.

16 Q. And the hole in the passenger side door?

17 A. Passenger side window.

18 Q. The window, yeah. Sorry.

19 A. That's fine.

20 Q. Yes. Now, of course, how long do you think you
21 were out there that day, an hour?

22 A. And hour or two maybe.

23 Q. An hour or two?

24 A. Yes, sir.

25 Q. And I noticed today here in court, you're wearing

1 your body camera on your uniform, correct?

2 A. Correct, sir.

3 Q. And you were wearing it that day, correct?

4 A. Yes, sir.

5 Q. And city police policy says you're supposed to
6 have it when you're interacting on a case, correct?

7 A. Yes, sir.

8 Q. And you had it on at that time, correct?

9 A. I did.

10 Q. But you don't have that video today, do you?

11 A. No.

12 Q. In fact, no one does, do they?

13 A. No, sir.

14 Q. And if we had that, we'd see Ms. Otey being
15 uncooperative, correct?

16 A. Correct.

17 Q. And we'd see the conflicting stories about where
18 it occurred, correct?

19 A. Correct.

20 Q. And we'd know if Mr. Wilson was helping point out
21 where the damage was, correct?

22 A. Correct.

23 Q. But all of that is gone, correct?

24 A. Correct.

25 MR. MORIN: I have no more questions, Your Honor.

1 REDIRECT EXAMINATION

2 BY SOLICITOR SMITH:

3 Q. When you describe Ms. Otey as being
4 uncooperative, what do you mean?5 A. If I recall, just upset, angry, aggravated at the
6 situation because she had been shot at.7 Q. All right. And did she answer your questions and
8 tell you what she had seen?

9 A. She did.

10 Q. All right. Did it start more uncooperative and
11 then get better?12 A. That I recall, it started like that, but she had
13 calmed down and I did get the information.14 Q. Okay. But ultimately at the end of it she told
15 you what had happened to her, correct?

16 A. Yes, sir.

17 SOLICITOR SMITH: All right. That's all I have.

18 RECROSS-EXAMINATION

19 BY MR. MORIN:

20 Q. Just one question. The word uncooperative is in
21 your report, correct?

22 A. Yes.

23 MR. MORIN: Okay. Thank you, that's all.

24 THE COURT: Thank you, Officer. You may step
25 down, sir.

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 THE WITNESS: Thank you, sir.

2 (Witness leaves witness stand.)

3 SOLICITOR SMITH: Give me one second, Your Honor.

4 The State calls Lakeisha Otey.

5 (Witness comes forward.)

6 THE CLERK: Do you swear or affirm the testimony
7 you give will be the truth, whole truth, and nothing but
8 the truth so help you God?

9 THE WITNESS: I do.

10 THE CLERK: Thank you. Have a seat.

11 LAKEISHA OTEY,

12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY SOLICITOR SMITH:

15 Q. Will you please introduce yourself to the jury?

16 A. My name is Lakeisha Otey.

17 Q. All right. And who is Charles Wilson to you?

18 A. That's my husband.

19 Q. All right. And do you all have children
20 together?

21 A. Yes, we do.

22 Q. Are you from Spartanburg?

23 A. Not really but I've been here long enough to be.

24 Q. Okay. And at the time of this were you all
25 living on Washington Street?

1 A. Yes, sir.

2 Q. All right. And Charles was working at Crown
3 Healthcare?

4 A. Yes, sir.

5 Q. Can you describe what happened that day, did you
6 go to pick him up from work?

7 A. Yes. I went to pick him up from work, and upon
8 arrival I noticed the gold Lexus was already parked in
9 the parking lot or whatever. So I was sitting out there
10 waiting on him to come out the building or whatever and
11 I noticed the guy was waiting there, and he was already
12 aggressive.

13 So I'm watching, listening to everything. Then
14 he come out and the guy approach him, saying whatever he
15 was saying. I couldn't too much hear what he was
16 saying, but his whole demeanor was aggressive.

17 Q. All right. Did you crack your window -- you were
18 in the driver's seat of --

19 A. Yes, sir.

20 Q. -- you all's car? Did you have your window down?

21 A. Yes, sir.

22 Q. How were you -- were you looking back?

23 A. No.

24 Q. Okay. Were you looking through a mirror or were
25 you fully turned?

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 A. No. I was looking out my window and I was
2 looking out my rearview also.

3 Q. Okay.

4 A. I kept looking out the window, looking back,
5 checking on it.

6 Q. All right. And this individual that approached
7 Charles in an aggressive manner, did you know him at the
8 time?

9 A. No, sir.

10 Q. Do you think you had ever seen him before?

11 A. No, sir.

12 Q. And you didn't know what he was talking to
13 Charles about?

14 A. No, sir.

15 Q. At the time you arrived there, did you know that
16 Charles had been in an argument at work?

17 A. Upon arrival, yes. He had told me he had a
18 confrontation at work because we talked periodically
19 throughout the day, so, yeah.

20 Q. Okay. But was that once you got there or was it
21 before?

22 A. Initially I want to say it was before I got
23 there. But I was initially picking him up because we
24 was gonna go out of town anyway. So I was all ready.

25 Q. Okay. Were you expecting any sort of trouble

1 when you got to the parking lot?

2 A. No, sir.

3 Q. All right. And did you make out any of the words
4 that this individual said to Charles?

5 A. No. I just heard a lot of -- I could hear him, I
6 could hear my husband saying I didn't misinterpret
7 anything. Your brother was messing with me. And by me
8 hearing that, I knew there was some kind of
9 confrontation going on.

10 Q. Okay. And did you get a look at the person?

11 A. Uh-huh.

12 Q. All right.

13 A. I had been watching him way before he even came
14 out the door.

15 Q. Okay. And did Charles end up getting in the car
16 with you?

17 A. Yes, sir.

18 Q. All right. And tell me what happened from that
19 point.

20 A. Upon us leaving, we were stopped at the entrance
21 -- well, the exit or whatever, and he had already, the
22 gold Lexus had already come out the opposite end and he
23 was sitting there and waiting for us to move. And I sit
24 there and I was asking my husband, what do you want me
25 to do, because I see he wasn't gonna move until I

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 decided to move. So, when I did proceed to leave, he
2 followed.

3 Q. All right.

4 A. And he continued to follow me.

5 Q. This is State's 13. Are you and Charles leaving
6 out of this exit, the one on the right on the picture?

7 A. Yes, sir.

8 Q. All right. And the gold Lexus is over here?

9 A. Yes, sir.

10 Q. All right. And so you're describing that
11 basically both of you all were just sitting ---

12 A. We weren't sitting anymore, he's in the road.

13 Q. Okay.

14 A. He's sitting in the road waiting for us to go,
15 and I'm like sitting waiting on him to go ahead and go
16 ahead and do whatever he's gonna do, but honestly he was
17 persistent on not moving until we moved.

18 Q. All right. So what did you all end up doing?

19 A. Went on about our way, proceeded home and he
20 followed us.

21 Q. All right. Were you aware that he was following
22 you from the point you all left Crown?

23 A. Yes, sir.

24 Q. All right. Was he following you close or was he
25 at a distance or?

1 A. I'd say he was probably about normal distance as
2 a car would be behind you.

3 Q. Okay. Not following you aggressively or
4 anything?

5 A. No, just following us, but when we did approach
6 the stop sign where he did, he was too close for comfort
7 when we got at the stop sign.

8 Q. I'm gonna try to show you some -- I'm gonna show
9 you State's 12 and ask if you can tell us what that is.

10 A. This is the route that I took home.

11 Q. All right. From Crown to ---

12 A. Farley.

13 Q. All right. And that's the route that you took
14 that day, August 3rd?

15 A. Yes, sir.

16 SOLICITOR SMITH: Your Honor, at this time we'd
17 move State's 12 into evidence.

18 MR. MORIN: No objection.

19 THE COURT: All right.

20 (State's Exhibit Number 12 was entered into the
21 record.)

22 BY SOLICITOR SMITH:

23 Q. All right. So the upper left is Crown Healthcare
24 that's marked, and then you went right out of there?

25 A. Yes, sir.

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 Q. And this blue path is, is the route that you
2 took?

3 A. Yes, sir.

4 Q. All right. And the entire time that you're
5 driving here, are you able to see the Lexus following
6 you?

7 A. Yes, sir.

8 Q. All right. And this red right here, is that
9 where you say the shooting ended up happening?

10 A. Yes, sir.

11 Q. Let me show you State's 11 and ask if you can
12 tell me what that is.

13 A. It's right where we stopped at right by the
14 church, at the stop sign.

15 Q. All right. And it's got your path as well; is
16 that right?

17 A. Yes, sir.

18 SOLICITOR SMITH: Your Honor, at this time we'd
19 move State's 11 into evidence.

20 MR. MORIN: No objection.

21 THE COURT: All right.

22 (State's Exhibit Number 11 was entered into the
23 record.)

24 BY SOLICITOR SMITH:

25 Q. This is Biggerstaff, right? That's kind of a

1 well known place in this area?

2 A. Yes, sir.

3 Q. All right. And then it's marked as a church
4 here, but is it this intersection of Farley and Wofford,
5 just below that, that church is where you're saying?

6 A. Yes, sir.

7 (State's Exhibit Number 14, Aerial Map of Wofford
8 Street, was marked for identification.)

9 Q. I'll show you State's 14 and ask you to tell me
10 what that is.

11 A. It's a picture of the route we took and exactly
12 where we stopped.

13 SOLICITOR SMITH: Your Honor, at this time we'd
14 move State's 14 into evidence.

15 MR. MORIN: No objection.

16 THE COURT: Okay.

17 (State's Exhibit Number 14 was entered into the
18 record.)

19 BY SOLICITOR SMITH:

20 Q. And, again, this is Wofford Street, this one
21 running side-to-side, and then Farley? And this
22 intersection here to the right of the church is where --

23 A. Yes, sir.

24 Q. -- he fired the shots? And I'm gonna hand you
25 one more, State's Exhibit 10, and ask if you can tell me

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 what that is and does it have your street where you all
2 were living?

3 A. Yes, sir.

4 SOLICITOR SMITH: Your Honor, at this time we'd
5 move State's 10 into evidence.

6 MR. MORIN: No objection.

7 THE COURT: Okay.

8 (State's Exhibit Number 10 was entered into the
9 record.)

10 BY SOLICITOR SMITH:

11 Q. All right. This is Washington Street. Is that
12 where you all were living?

13 A. Yes, sir.

14 Q. All right. And up here is where the incident
15 happened?

16 A. Yes, sir.

17 Q. All right. Okay. So, back to you getting
18 followed, what are you saying as you all are driving
19 down the road?

20 A. Asking what I need to do, which direction do I
21 need to take, where do I need to go because we're being
22 followed.

23 Q. All right. Did you all ultimately just keep
24 driving towards your house?

25 A. Yes, sir.

1 Q. All right. And what happened when you got to the
2 intersection of Wofford and Farley? What did you see?

3 A. Upon stopping there, the vehicle came extremely
4 close. He came out his window with a handgun, and I see
5 him at the time and I'm doing this trying to prevent him
6 from shooting the gun (indicating). And he looking at
7 me, I'm looking at him and he still proceeds to shoot
8 the gun in the car.

9 Q. Are you saying his upper body was out?

10 A. Hanging out.

11 Q. All right.

12 A. And I'm watching him, saying no because I can do
13 this a second time (indicating.)

14 Q. And you were just using your left hand when you
15 did that. Do you know which hand he shot with?

16 A. It probably was his left.

17 Q. Do you know?

18 A. I don't know for sure. I was just in panic mode.
19 I just...

20 Q. Do you remember how many shots you heard?

21 A. No, sir.

22 Q. Was it more than one?

23 A. Yes, sir.

24 Q. Was it more than two?

25 A. I'm sure it was, yes, sir. I just was in panic

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 mode. I just heard one of the shots. I just tried to
2 get away.

3 Q. All right. Did you have your window -- you said
4 it was down when you were there, was it down the entire
5 time?

6 A. Yes, sir.

7 Q. What about Charles' window, do you remember if it
8 was up or down?

9 A. I can't remember.

10 Q. All right. It was obvious you all have AC in the
11 car?

12 A. No.

13 Q. Okay. All right. I've been there. All right.
14 What did you do when you -- you said that you were
15 basically trying to get him to stop. Once the shots
16 started, what did you do?

17 A. Actually, he grabbed my head and lowered my head
18 and I was still trying to drive when I was so upset. We
19 stopped in the middle of the road and I hopped out of
20 the car. It was just my adrenalins are running. I
21 hopped out of the vehicle. And upon hopping out I made
22 a call to the police station.

23 Q. All right. I'm gonna hand you State's Exhibit 2,
24 and ask if you can tell me what this is.

25 A. This is the 911 call I made.

1 SOLICITOR SMITH: Your Honor, at this time we
2 would move State's Exhibit 2 into evidence.

3 MR. MORIN: Can we approach, Your Honor?

4 THE COURT: Yes, sir.

5 (Bench conference was held off the record.)

6 SOLICITOR SMITH: One second, Your Honor. I've
7 got to contact somebody.

8 BY SOLICITOR SMITH:

9 Q. All right. You made a 911 call, correct?

10 A. Yes, sir.

11 Q. And you told them that your car had been shot and
12 you'd almost been killed?

13 A. Yes, sir.

14 Q. And you described ---

15 MR. MORIN: Your Honor, I object to leading.

16 BY SOLICITOR SMITH:

17 Q. Do you remember describing the vehicle that was
18 involved?

19 A. Yes, sir.

20 Q. All right. And what did you tell 911?

21 A. I think I told them it was a four-door truck or
22 something like that.

23 Q. All right.

24 A. In my state of mind.

25 Q. All right. And then, did your call end up -- did

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 you hang up on 911 or end it? What happened?

2 A. Actually yeah, it ended. He was asking a whole
3 bunch of questions and I was frustrated and I was
4 walking at the time, so I just hung up the phone.

5 Q. All right. There has been -- and ultimately did
6 law enforcement respond and talk with you?

7 A. Yes, sir.

8 Q. All right. And I know there's been some
9 testimony that you were uncooperative. Can you describe
10 your emotional state when law enforcement got there?

11 A. When they got there, I had just come from walking
12 and the raincoat wasn't helping that, so I was still
13 upset and angry. There was just a lot going on, and so
14 I probably was uncooperative at the time, but not
15 intentionally. I was just angry and tired, so...

16 Q. All right. But when they got there, were you
17 still under the influence of whatever event had happened
18 to you?

19 A. Yes, I was.

20 Q. Did you ultimately tell them what you had seen
21 and experienced that day leading up to calling them?

22 A. Yes, sir.

23 Q. All right. And at that time you didn't give a
24 written statement; is that correct?

25 A. No, sir.

1 Q. All right. But you did orally talk with them?

2 A. Yes, sir.

3 Q. And ultimately, did you end up coming to City
4 Hall for a followup interview with police sometime
5 later?

6 A. Yes, sir.

7 Q. All right. And you and Mr. Wilson came together?

8 A. Yes, sir.

9 Q. All right. And you spoke with law enforcement
10 again?

11 A. Yes, sir.

12 Q. All right. And, again, you told them what had
13 happened on August 3rd to you?

14 A. Yes, sir.

15 Q. After the shots were fired, did you see where the
16 vehicle, the one you were not driving, went?

17 A. Yes, it went to the right.

18 Q. All right. And were you able to see if there was
19 -- how many people were in that vehicle?

20 A. No, I just see him.

21 Q. All right. Where did you go from the stop sign?

22 It's State's 14, Your Honor.

23 A. We went to the left, but ---

24 Q. Left on Wofford, so this direction towards
25 Forest?

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 A. Yes, sir.

2 Q. And the gold vehicle went?

3 A. The opposite direction. That's when I hopped out
4 of the vehicle.

5 Q. And can you describe to the jury what kind of day
6 it was, what the conditions were?

7 A. Um, I don't know.

8 Q. Was it daytime?

9 A. Yes, sir, it was daytime.

10 Q. Was it raining?

11 A. No, it was sunny outside.

12 Q. All right. Like a typical summer day?

13 A. Yes, sir.

14 Q. And can you estimate between the parking lot and
15 the drive how long you had to look at this individual?

16 A. Approximately from the parking lot to there, ten
17 minutes. Yeah, with the drive, probably 15 minutes, 10
18 minutes.

19 Q. All right. Is it fair to say after the verbal
20 exchange, whatever you want to call it, were you in kind
21 of a heightened state from that point forward?

22 A. Yes, sir.

23 Q. Do you remember if you told law enforcement you
24 would recognize the person if you saw him again?

25 A. Yes, sir.

1 Q. All right. And is the person who got in the
2 argument and followed you and shot at you, in the
3 courtroom today?

4 A. Yes, sir.

5 Q. Can you please point him out to the jury?

6 A. Over there.

7 Q. All right. Can you describe him?

8 A. He got glasses on. Short curly hair, sitting
9 next to Mr. Michael here.

10 SOLICITOR SMITH: Your Honor, we'd ask to reflect
11 that she identified the defendant. How certain are you
12 that that is the same person that shot at you?

13 A. 100 percent. I know he's the person who shot at
14 me. I seen him and he seen me.

15 Q. All right. You're saying at the moment where the
16 shots fired?

17 A. Yes, sir.

18 Q. All right. Is it a face you'll ever forget?

19 A. No, sir.

20 Q. Please answer any questions Mr. Morin may have.

21 CROSS-EXAMINATION

22 BY MR. MORIN:

23 Q. Ms. Otey, you've testified that you saw Mr.
24 Staggers outside his car when you arrived at Crown; is
25 that right?

1 A. I probably did.

2 Q. Okay. Do you remember if you told the police
3 that you saw him when you arrived?

4 A. I think I probably did, because like I said, with
5 the initial video where we chopped it up at, it shows me
6 arriving with him standing out there initially upon
7 arrival.

8 Q. I see. Where it's chopped up at?

9 A. I guess so.

10 Q. Okay. Now, while you were waiting for Mr.
11 Wilson, you said that you saw -- you watched him or you
12 looked at him and you saw him, something like that; is
13 that correct?

14 A. I watched the brother come out the building and
15 approach him, and they started a conversation, yes, sir.

16 Q. All right. So you saw when his brother came out
17 of the building?

18 A. I saw both of them standing in the parking lot
19 before my husband came outside, sir.

20 Q. Okay. I'm just trying to make sure I understood.

21 A. All right.

22 Q. Now, you also said that the gold Lexus came up
23 and actually turned onto what is old Greenville Highway,
24 right? Right there at Crown. You say he was in the
25 road. Is that your testimony?

1 A. Sitting on the road.

2 Q. Sitting on the road?

3 A. Yes, sir.

4 Q. Did you tell the police that?

5 A. The video showed all that, sir. And I think I
6 did tell them that day also.

7 Q. What video are you referring to?

8 A. Obviously the one that you say they was chopped
9 up. Somebody else seen it also.

10 Q. Have you seen the video where that's on it?

11 A. I seen the video where it shows him waiting for
12 us to leave.

13 Q. Okay. Now, when you drove down on Greenville,
14 turned on Assembly, went past the post officer over the
15 railroad tracks, came to the four-way stop, right?

16 A. Uh-huh.

17 Q. And then you turned left. I believe that's
18 Hayne, maybe, and it goes on around?

19 A. Yes, sir.

20 Q. Okay. You say you saw Mr. Stagers driving; is
21 that right?

22 A. Yes, sir, he was driving.

23 Q. Okay. And you were looking at him through your
24 rearview mirror?

25 A. I'm watching him through my mirrors as I'm

1 driving.

2 Q. You're driving and you're watching ---

3 A. I'm driving and I'm aware of my surroundings
4 because he's following me, sir.

5 Q. Right. And he, I think your testimony has been
6 that he was a normal distance behind you; is that right?

7 A. Uh-huh.

8 Q. Okay. And that goes all the way to the Una Fire Department.
9 The road curves to the right. It's kind of got a little
10 curve there. And then it goes down on that lane, right?
11 And then at some point it turns into Hughes because that
12 other road comes in and there's a store right there on
13 the right and the left. Do you know what I'm talking
14 about?

15 A. Uh-huh.

16 Q. Okay. And then that road gets a little narrower,
17 but it keeps on going. You go all the way up to where
18 Biggerstaff groceries is, right?

19 A. Yes, sir.

20 Q. Then you turn left and you're on Farley?

21 A. Yes, sir.

22 Q. And you come all the way around. And, of course,
23 right there before you get to the church, the road kind
24 of goes down and curves back up.

25 A. Yes, sir.

1 Q. Now, you're a member or you have relations -- I
2 don't know. Have you ever attended Bunton CME?

3 A. Yes, sir.

4 Q. Okay. All right. So you were sitting right
5 there at that intersection. Now, I think you told the
6 solicitor that he was real close to you at this point.

7 A. Yes.

8 Q. Okay. Now -- and I just want to be clear.
9 That's all. You say you saw him leaning out the window?

10 A. Yes, sir.

11 Q. And that you waved no, no.

12 A. Yes, sir.

13 Q. Did you do that -- were you looking -- were you
14 actually leaning out the window looking at him?

15 A. Yeah. I have big windows. I'm one person, I can
16 look out the window where I can see him. Let me be
17 clear with you.

18 Q. Thank you.

19 A. When I stop it --

20 Q. Uh-huh.

21 A. He's still back there.

22 Q. Right.

23 A. I look back, I see him coming out the window and
24 I'm saying no, no.

25 Q. Okay. And then ---

CROSS-EXAMINATION OF LAKEISHA OTEY BY MR. MORIN

1 A. He see me do -- by the time I get the second no
2 out, he starts shooting.

3 Q. Right. And when you looked out -- you're not
4 talking about mirrors now, you're looking out?

5 A. I'm looking out.

6 Q. Right. And you can see him?

7 A. I see him. He see me too.

8 Q. Okay.

9 A. And he still made the decision to shoot.

10 Q. Okay. Then you turned left.

11 A. Uh-huh. Stopped my car in the middle of the road
12 and hopped out.

13 Q. Stopped in the middle of the road and hopped out.
14 And that was --

15 A. It was really ---

16 Q. -- right there on Wofford Street, right?

17 A. Uh-huh.

18 SOLICITOR SMITH: They're all stacked.

19 MR. MORIN: Okay.

20 BY MR. MORIN:

21 Q. So you walk down Wofford and then what? You
22 turned down Thompson like you would have been driving
23 but now you were walking?

24 A. I was walking. I come across the bridge.

25 Q. Right.

1 A. I come up by Main Street. I take the long way
2 home. I walk home.

3 Q. Okay. Oh, you went all the way down? You didn't
4 stop on Thompson, so you went all the way around?

5 A. All the way around Main Street.

6 Q. Okay. Now, you finally got home. It took you a
7 little bit to walk that far, right, even if you had been
8 shot at, right? I mean...

9 A. Okay.

10 Q. But when you got there, were the police already
11 there or did you have to wait on them?

12 A. To be honest, I don't care wanting to know if he
13 was there when I got there or not because I was still --

14 Q. Yes.

15 A. -- all over the place, so...

16 Q. Okay. And you told them that this is what
17 happened?

18 A. Yes, sir.

19 Q. And you didn't tell them anything else. I mean,
20 this is what you said, right?

21 A. Yes.

22 Q. Okay. And he asked you to write a statement; is
23 that right?

24 A. I don't recall him asking me to write a
25 statement.

CROSS-EXAMINATION OF LAKEISHA OTEY BY MR. MORIN

1 Q. Okay. But you didn't write it?

2 A. No, I didn't.

3 Q. Now, that was on August 3rd.

4 A. Yes, sir.

5 Q. And you didn't see that officer again after that
6 day, did you?

7 A. No, sir.

8 Q. The next -- do you recall who the next officer
9 you saw was?

10 A. I seen the detective.

11 Q. Detective Nelson?

12 A. Yes, sir.

13 Q. Okay. But that was about two months later,
14 wasn't it?

15 A. If it was 100 years later, I won't forget the
16 face.

17 Q. I understand. But it is about two months. Is
18 that fair?

19 A. Yes, sir.

20 Q. And at that time you had not seen anything else,
21 have you?

22 A. No, sir.

23 Q. And he showed you a video?

24 A. Yes, sir.

25 Q. On his cellphone?

1 A. I can't recall if it was on a laptop, cellphone,
2 or whatever, and he did show me a video.

3 Q. Okay. You were in here today when they played a
4 video?

5 A. Yes.

6 Q. Is that the video he showed you?

7 A. The video I seen was longer.

8 Q. Longer?

9 A. Yes, sir.

10 Q. Okay. Now, did you ever -- you talked to your
11 husband about this case; is that right?

12 A. On which matter?

13 Q. Well, I mean, you're married, this happened, you
14 talked about things.

15 A. We always talk about things.

16 Q. Sure. You've been married a while.

17 A. Yeah.

18 Q. If you're gonna stay married a while, you've got
19 to talk about things, right?

20 A. Yes, sir.

21 Q. All right. And at some point did you ever tell
22 him that you had heard that Carlos might be the shooter?

23 A. No.

24 Q. You never said that?

25 A. No?

CROSS-EXAMINATION OF LAKEISHA OTEY BY MR. MORIN

1 Q. Okay. They have cameras at Bunton Church, don't
2 they?

3 A. Yes.

4 Q. The parking lot, that kind of area, there on the
5 side and in the back, right?

6 A. Yes, sir.

7 Q. Did you tell either of the officers you spoke to
8 about those cameras?

9 A. I think I saw about every camera along that
10 route, and even the ones at the job.

11 Q. Okay. Well, let's talk about them along the
12 road. They have them at Biggerstaff Groceries, don't
13 they?

14 A. I assume so. I don't know.

15 Q. And they probably have the at that grocery -- at
16 that store right there on the right.

17 A. Big Bear, probably.

18 Q. Big Bear, yeah. And you know for a fact they
19 have them at Bunton?

20 A. Uh-huh.

21 Q. And you told them that?

22 A. Uh-huh.

23 MR. MORIN: Okay. That's all the questions I
24 have, Your Honor.

25 SOLICITOR SMITH: I don't have anything further.

1 THE COURT: All right. Thank you, ma'am. Ms.
2 Otey, you can step down.

3 THE WITNESS: Thank you.

4 (Witness leaves the witness stand.)

5 THE COURT: All right. I think we'll take a
6 little break right now, let everybody get refreshed. So
7 I will ask our jury to retire to the jury room and we'll
8 see you in a little bit.

9 (Jury leaves courtroom at 10:45 a.m.)

10 All right. We'll start back up at 11. Court
11 will be at ease.

12 SOLICITOR SMITH: Thank you, Your Honor.

13 THE COURT: Uh-huh.

14 (A recess was had from 10:46 a.m. - 11:12 a.m.)

15 THE COURT: All right. Anything to address
16 before we get started back with the jury? From the
17 State?

18 SOLICITOR SMITH: No, Your Honor. We haven't
19 been able to get in touch with the 911 person, but...
20 we may have to do it after lunch, but we're ready with
21 Mr. Wilson.

22 THE COURT: Mr. Morin?

23 MR. MORIN: Ready.

24 THE COURT: All right. Let's bring the jury back
25 in.

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 (Jury enters the courtroom at 11:13 a.m.)

2 THE COURT: All right. The State is recognized.

3 SOLICITOR SMITH: The State calls Charles Wilson.

4 (Witness comes forward.)

5 THE CLERK: Do you wear or affirm the testimony
6 you give will be the truth, the whole truth, and nothing
7 but the truth so help you God?

8 THE DEFENDANT: I swear.

9 THE CLERK: Thank you. Be seated.

10 CHARLES WILSON,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY SOLICITOR SMITH:

14 Q. Would you please introduce yourself to the jury?

15 A. Charles Wilson.

16 Q. All right. And are you married to Ms. Otey?

17 A. Yes, sir.

18 Q. All right. Were you working at Crown Laundry on
19 August 3rd of 2021?

20 A. Yes, sir.

21 Q. All right. How long had you been working there?

22 A. Through three different ownerships.

23 Q. Okay. How many -- a number of years or?

24 A. About seven, seven years.

25 Q. All right. And what was your role at Crown when

1 this happened?

2 A. I went from lead to supervisor.

3 Q. All right. And did you have an argument with a
4 guy named Chris at work that day?

5 A. Yes, sir.

6 Q. What happened with that?

7 A. We were in the back. I believe it was over the
8 line, the amount of work that was being pushed.
9 Because, you know, where we work at on the line, that
10 determines the way the whole business works, so the more
11 work we push out in the back, the more work goes to the
12 machine.

13 And he worked on a machine where you, once we
14 sort it, he has to load it in that machine. And I guess
15 it was becoming too much for him and he got frustrated.
16 He said something to me, I said something to him. Words
17 kept getting exchanged.

18 The supervisor that was over the whole thing, he
19 said to leave it alone. It was childish. We needed to
20 get back to work, so I got back to work. Eleven came,
21 lunch time. I knew I was already leaving. I had a
22 prior conversation with my boss when I came in that
23 morning.

24 I informed him that my dad passed away over the
25 weekend and that I would need some days off starting

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 Tuesday. I don't know exactly what day, remember the
2 exact date that the accident happened, but I was gonna
3 take from that day to the, I believe the end of the week
4 and to come back that Monday.

5 Q. All right. And who was supposed to be picking
6 you up from work?

7 A. My wife.

8 Q. And as far as you were concerned, is the thing
9 that happened with you and Chris was over?

10 A. Yes, sir.

11 Q. All right. And what happened when you walked out
12 in the parking lot?

13 A. Well, I didn't know that my wife had been texting
14 me, because I had told her earlier before she came and
15 picked me up, that I had got into it with one of the
16 employees, but the supervisor had informed me to leave
17 it alone. And so when their shift was over, I went to
18 talk to the CEO, the general manager that was seated
19 here earlier.

20 I went there explaining to him the situation and
21 he gave me a paper. The whole time I didn't know that
22 my wife was texting me, telling me what was going on,
23 because me and my boss was kind of -- it was kind of
24 like a heated conversation because, you know, I don't
25 mean to sound, you know, like I'm a major part and he

1 didn't want to lose that at that time for that period of
2 time.

3 And he wanted to make sure that I, that was going
4 to Florida for a funeral and that I was gonna have the
5 funeral home sign some papers saying I was there for the
6 funeral and purposes for whatever, all of them you need
7 for work excuse.

8 Q. Okay. And what happened when you ended up coming
9 out into parking lot?

10 A. I ended up coming out of the door. And as I'm
11 coming out of the door, I see Mr. Staggers, which I
12 didn't know who he was at the time. I didn't know his
13 name, I just knew his face.

14 Q. Were there two Staggers out there?

15 A. Yes. I seen Chris and his brother.

16 Q. All right. Let me, let me pause you for one
17 second. I'm going to cue up State's Exhibit 1.

18 (Plays video.)

19 Who is this in the blue?

20 A. That's me, sir.

21 Q. All right. And who is this male standing at the
22 back of a Lexus?

23 A. That's Jerome Staggers.

24 Q. Jerome Staggers?

25 A. No, sir, right there. That's Jerome Staggers,

1 yes, sir.

2 Q. All right. Which one of these two is the person
3 you knew as Chris?

4 A. The guy with the pants on. The guy with the
5 pants.

6 Q. The darker pants?

7 A. Yes, sir.

8 Q. So the one on the right?

9 A. Yes, sir.

10 Q. That's your co-worker?

11 A. Yes, sir.

12 Q. All right. And this person to the left of them,
13 did you know them at the time?

14 A. No. I knew Chris from work, but other than that,
15 no, sir.

16 Q. All right. And this is you and your wife's car?

17 A. Yes, sir.

18 Q. All right. And your back window, it was okay
19 this time?

20 A. Yes. Fully functional.

21 Q. All right. What happens right after this where
22 we pause the video here at 13 seconds?

23 A. Mr. Staggers, Jerome, stopped walking towards me.
24 He was saying -- Your Honor, could I use the exact words
25 or ---

1 THE COURT: Refer to your lawyer.

2 THE WITNESS: Yes, sir. Do I need to use the
3 exact words?

4 BY SOLICITOR SMITH:

5 Q. Please.

6 A. Okay. He was walking up to me and he said, he
7 said, call me by my name, which they called me at work
8 New York. He said, New York, don't be fucking with my
9 brother. Fucking with my brother is like playing with
10 your life. And I said, I said, I wasn't fucking with
11 your brother. Your brother was fucking with me. And
12 that was the end of the story. He said a few more
13 things, but by that time I was, you know, I was over it.
14 I had other things on my mind.

15 SOLICITOR SMITH: All right. Your Honor, we're
16 gonna play a portion of, of the rest of this video here,
17 State's Exhibit 1.

18 (Plays video.)

19 BY SOLICITOR SMITH:

20 Q. All right. Is that the exchange that you're
21 talking about?

22 A. Yes, sir.

23 Q. All right. And your wife was driving that day,
24 correct?

25 A. Yes, sir.

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 Q. All right. And from this video, where did you
2 all end up going?

3 A. We ended up going out of the second exit, which
4 is the exit for the truck loading dock. We ended up
5 pulling up right there before you go out, go out of the
6 entrance. Mr. Staggers came out of the other entrance,
7 pulled onto the road.

8 Q. Now, hold on. Let me get this up. Is this the
9 exit that you all left out of, this one? (Indicating.)

10 A. Yes, sir.

11 Q. All right. And these are the only two?

12 A. Yes, sir.

13 Q. This next?

14 A. Yes, sir.

15 Q. All right. And when you're saying Mr. Staggers,
16 you've got to be specific because there's two of them,
17 so...

18 A. Mr. Jerome Staggers.

19 Q. All right. But you do not know him as Jerome, do
20 you?

21 A. No, sir.

22 Q. The guy that you don't know.

23 A. I don't know him at all.

24 Q. All right. All right. So you and your wife pull
25 up to this exit here?

1 A. Yes, sir.

2 Q. All right. What do you see when you all pull up
3 tot hat exit?

4 A. We see Mr. Staggers come out about right ---

5 Q. All right. Again ---

6 A. Mr. Jerome.

7 Q. All right.

8 A. Come out right there where it says old at. He
9 was about right there. We were in a position to turn
10 and we waited and he never went.

11 Q. You indicated to the right?

12 A. Yes, to the right. We waited for approximately
13 maybe a minute and a half and we saw that he wasn't
14 gonna move, so we proceeded on a route home.

15 SOLICITOR SMITH: All right. And this is State's
16 Exhibit 13 that we're referring to here, Your Honor.

17 BY SOLICITOR SMITH:

18 Q. Is this the route that you all took to where the
19 ultimate shooting happened?

20 A. Yes, sir.

21 Q. All right. Can you tell me what's going on after
22 you pull out and start heading back home, what happens
23 along the way?

24 A. My wife said, she was explaining to me that she
25 was texting me and let me know. I informed her that I

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 was in the office with the boss, explaining what was
2 going on. We proceeded on the road. She was asking
3 questions, you know, what's going on? I said nothing.
4 Me and Mr. Chris got into it and you found out the rest
5 of the scenario after that.

6 Q. I mean, were you conscious? Was the --

7 A. Yes.

8 Q. -- Stagers you didn't know, was he following
9 you?

10 A. Yes, sir. We were conscious when Mr. Jerome
11 Stagers refused to go ahead along the route.

12 Q. Okay.

13 A. So from that point on, once we were pulling out
14 and we realized that he wasn't gonna go, we just wend
15 ahead and made our move and went. And he followed
16 behind right as soon as we turned.

17 Q. All right. Do you remember what type of car was
18 following you?

19 A. Yes, sir, it was a gold RX-330. I believe it was
20 a 330, 350. I'm not really sure of the exact number,
21 but I know it's a three-something, Lexus.

22 Q. Okay. Did you see any other people inside of
23 that car?

24 A. No, sir.

25 Q. All right. And as you're making your way, is

1 there any sort of aggressive driving going on or
2 describe what's happening.

3 A. Me and my wife, we are riding and we're talking
4 to come up with a decision because we didn't want to
5 lead anyone to our home for privacy reasons. So once we
6 were trying to figure that out, we got to the stop sign.
7 Once we got to the stop sign, I said, well, babe, just
8 go ahead to the police station and...

9 Q. All right. What stop sign? You've got to be a
10 little bit more ---

11 A. The stop sign at Farley and Forest.

12 Q. Farley and Forest?

13 A. Yes.

14 Q. All right. This is State's 14. You're saying
15 this intersection of Farley and before Forest?

16 A. Yes, sir. Right there by the church at the
17 corner of Wofford Street.

18 Q. Okay.

19 A. I believe that's what it is. I'm not sure what
20 directions. I'm not from here.

21 Q. All right. Are you from New York?

22 A. Yes.

23 Q. All right. So the stop sign, you know you were
24 on Farley, right?

25 A. Yes, sir.

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 Q. All right. So do you know what the intersection
2 was where this happened? You were describing the
3 church?

4 A. Yes, sir, I described the church. We attend the
5 church sometimes. And I described the fire station,
6 which is the fire station on the opposite side of the
7 building, in between them two. That's where we were at,
8 at the stop sign.

9 Q. All right. And what happened at the stop sign?

10 A. We were at the stop sign debating whether we
11 should continue home or continue to the police station.
12 I hear my wife saying no, no, no. And before I could
13 say anything, I looked back and I seen a person. I
14 heard the shots and I see that they're shooting. And I
15 ducked down and I pulled my wife down, and I pressed her
16 leg on the gas so that the car lurked forward. And she
17 grabbed control of it while we were lurching forward,
18 and we ended up stopping right here by the 262, South
19 62, about right there in a row where we stopped and ---

20 Q. You're saying where it actually is written on
21 there?

22 A. Yes. Where we -- that was where we stopped after
23 the shooting, because my wife was livid. She just
24 jumped out of the car, she was so, you know?

25 Q. Okay. Did you look back and see the person or

1 just heard your wife's reaction?

2 A. I looked back.

3 Q. All right. And what did you see when you looked
4 back?

5 A. I seen Mr. Jerome Staggers out of his window.

6 Q. All right. Do you remember which hand he was
7 shooting with?

8 A. No, sir.

9 Q. All right. And at the time you did not know him
10 as Jerome Staggers?

11 A. No, sir.

12 Q. He called him Jerome, but...

13 A. Yes.

14 Q. The guy that -- was it the person you had been
15 confronted with in the parking lot?

16 A. Yes, sir.

17 Q. All right. Do you have a memory of how many
18 shots you heard?

19 A. It was more than four. Maybe five or six.

20 Q. Okay.

21 A. I'm not sure. I did a few shots. It was just
22 like we just went in a panic. You know, I was just
23 trying to keep my wife from getting hit, so the thing
24 was to get out of there safely.

25 Q. All right. Did you hear anything else other than

1 shots?

2 A. No, sir. Well, yes. I heard the car screech,
3 scurried off, while we scurried off because I pushed my
4 wife's leg down on the gas.

5 Q. All right. And you say your wife gets out of the
6 car around where it says South 262. What did you do
7 when she got out of the car?

8 A. I proceeded to the house and parked the car.

9 Q. Okay. So you got into the driver's seat?

10 A. Yes, sir.

11 Q. All right. And did you see where the car that
12 just shot went?

13 A. Yes. It went the opposite way that we went.

14 Q. All right. So you all went left at the stop sign
15 and they went right?

16 A. Yes.

17 Q. All right. This is State's 10. This is the
18 intersection you're referring to?

19 A. Yes, sir.

20 Q. And you all live down here?

21 A. Yes, sir.

22 Q. All right. So do you remember how you made it
23 home?

24 A. Yeah, some. I drove, I drove the car home real
25 fast, as fast as I could, you know, we had stuff going

1 on. Once I got home, I went to go proceed to go back
2 and get my wife, and at the same time dialed 911. And
3 my mom was asking, you know, what happened? What
4 happened? What happened? And I said, somebody shot at
5 the car.

6 Q. Okay.

7 A. As I'm going around the street to pick my wife
8 up, she's coming around and everything initiated from
9 there.

10 Q. All right. I want to show you State's 435. Is
11 this what your car looked like after the, the incident?

12 A. Yes, sir.

13 Q. All right. Will you look through them all?
14 Prior to being shot at, did -- this is State's Exhibit
15 8. This hole that's there, was that there prior to the
16 shooting?

17 A. No, sir.

18 Q. And this is State's 5, other side of that same
19 mirror, was that mark on there before the shooting?

20 A. No, sir.

21 Q. All right. This is State's Exhibit 6. Is that
22 what your car looked like before the shooting?

23 A. No, sir.

24 Q. All right. And this is State's 7. After this
25 was all over, was there glass in the back of, of your

1 truck?

2 A. Once it was over?

3 Q. Yeah.

4 A. Yes. Yes, sir.

5 Q. All right. Did you notice any other damage to
6 the vehicle, other than what we've just discussed there?

7 A. Yes, sir.

8 Q. What else?

9 A. I noticed indention over the back light, where it
10 looked like a bullet struck. Up at the top. Yes, more
11 at the top. Yes, around that. (Indicating.)

12 Q. Okay.

13 A. To be precise, between the red light and about
14 the part where it's sticking up at. Yes, right there.

15 Q. Okay. All right. Was there anything else that
16 you noticed?

17 A. Yes, sir. On the passenger's side, also there's
18 a -- you can see where a bullet had grazed it or skid by
19 it on that side.

20 Q. Okay.

21 A. On the lower part of the back, the back side
22 mirror.

23 Q. Okay.

24 A. About right there in the back, around where the
25 stitching at for the side, the trimming, right there,

1 there's two areas where you can tell the bullet had sped
2 by it.

3 Q. All right. And did law enforcement end up coming
4 out to your house?

5 A. Yes, sir. There were two law enforcement
6 officers that came up.

7 Q. All right. Can you describe the emotional state
8 your wife was in, what you observed from her?

9 A. She was in a state of mind of anyone that was
10 innocent in a situation that you just walked into and
11 someone tried to take your life.

12 Q. Okay.

13 A. She was very emotional.

14 MR. MORIN: Objection, Your Honor.

15 THE WITNESS: She was not upset.

16 THE COURT: All right. Hold on. There's an
17 objection, sir.

18 THE WITNESS: Yes, sir.

19 MR. MORIN: Your Honor, Ms. Otey testified. I
20 mean, this ---

21 THE COURT: Sustained.

22 SOLICITOR SMITH: Can I ask what she observed?

23 THE COURT: Yes, sir.

24 BY SOLICITOR SMITH:

25 Q. Okay. What did you observe about your wife?

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 A. She was very emotional and distraught and
2 stressed.

3 Q. All right. Did you speak with law enforcement?

4 A. Yes, sir.

5 Q. All right. Did you tell them the type of vehicle
6 that you testified today is the one that followed you
7 all?

8 A. Yes, sir.

9 Q. All right. And did you tell them that this had
10 started at work and followed you to Farley and Wofford
11 Street?

12 A. Yes, sir.

13 Q. Did you fill out a written statement at that
14 time?

15 A. Yes, sir.

16 Q. At that time or later?

17 A. I believe I just explained to the officer what
18 happened and he wrote it down because we were kind of
19 locked in a situation where they didn't know if it was
20 the city or the county.

21 Q. All right.

22 A. So, yes.

23 Q. And Crown would be in the county, right?

24 A. Yes, sir.

25 Q. And that Wofford and Farley Street, you believe

1 is in the city?

2 A. Is the city, yes.

3 Q. Okay. Did you ultimately end up going to City
4 Hall and speaking with Investigator Nelson at a later
5 date about what you had seen?

6 A. Yes, sir.

7 Q. All right. And did you tell him the same
8 information you're telling the jury?

9 A. Yes.

10 Q. Okay. And how long of an opportunity did you
11 have to -- between the parking lot, the drive, and the
12 shooting, how long of an opportunity did you have to
13 observe this person?

14 A. I had a good while. Mainly, the interaction we
15 had in the parking lot. Because, like I said, I'd never
16 seen him before in my life. So, I familiarized his face
17 then. And as we was riding, I glanced out my side
18 mirror. The one that has the hole in it, I was looking
19 at it, you know, watching the car follow us.

20 Q. All right. And do you have an estimation of how
21 long it took driving to get to where the shooting
22 happened?

23 A. Probably around 10, 11 minutes, maybe less.

24 Q. Do you recognize the person that confronted you
25 in the parking lot and shot at you that day?

DIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 A. Yes, sir.

2 Q. All right. Where is he in the courtroom?

3 A. Sitting in the defendant's seat.

4 Q. All right. Can you describe him?

5 A. Light skin, gold teeth, glasses, medium built.

6 Q. All right. And how confident are you that that's
7 the person that confronted you both in the parking lot
8 and shot at you?

9 A. I'm 100 percent confident. 100 percent sure.
10 I'm sorry.

11 Q. And did you describe the characteristics of the
12 person to the police --

13 A. Yes, sir.

14 Q. -- before you found out who it was?

15 A. Yes, sir.

16 Q. All right. And I know you referred to him as
17 Jerome, but you did not know him before this, correct?

18 A. No, sir. No, sir.

19 Q. And you never told police that it was Jerome or
20 Cornelius Staggers or anything?

21 A. No, sir.

22 Q. All right. You just described them to people?

23 A. Yes, I did. I gave them a full description of
24 the defendant and a description of the vehicle he was
25 driving.

1 Q. All right. Please answer any questions Mr. Morin
2 has.

3 CROSS-EXAMINATION

4 BY MR. MORIN:

5 Q. Now, Mr. Wilson, that morning when you went to
6 work, you were already planning to leave at 11, right?

7 A. Yes, sir.

8 Q. And your wife knew that you were planning on
9 leaving at 11?

10 A. She didn't know the exact time I was leaving.

11 Q. All right. And how did she know when to come get
12 you?

13 A. I text her.

14 Q. From the floor?

15 A. Yes.

16 Q. And you said come get me or this is what time to
17 come get me? What do you say?

18 A. I said, babe, I'm gonna try to get off at 11. I
19 have to speak with my general manager before I go.

20 Q. Right. But she already knew you were going to
21 try to get off at 11 before you went to work?

22 A. Yes.

23 Q. Right. So you told her that you had to talk to
24 the general manager?

25 A. Yes.

1 Q. Now, you've testified that she sent you some
2 texts; is that right?

3 A. Yes.

4 Q. Did you tell law enforcement that she had sent
5 you texts during that time?

6 A. No, sir.

7 Q. They didn't get -- they've never seen those
8 texts, have they?

9 A. No, sir. I didn't see the texts.

10 Q. Right. So when you go out and you get out of the
11 car and you drive over there and you're getting ready to
12 turn right, now the first person you spoke to was
13 Officer Arrowood?

14 A. Yes, sir.

15 Q. He was out there by himself, wasn't that right?

16 A. Yes, sir.

17 Q. Okay. And at that time do you know if you told
18 them about this Lexus that was in the road?

19 A. Excuse me? Can you rephrase?

20 Q. Did you tell them the part where you say -- you
21 were getting ready to turn -- you all were getting ready
22 to turn right?

23 A. Yes.

24 Q. And the other car was sitting in the road, not
25 going.

1 A. Yes, sir.

2 Q. Did you tell Officer Arrowood that?

3 A. Yes, sir, I believe so.

4 Q. All right. So then when you get to Farley Street
5 and Wofford --

6 A. Yes, sir.

7 Q. -- the stop sign --

8 A. Yes, sir.

9 Q. -- the testimony has been that the car was very
10 close to your car; is that right?

11 A. Yes.

12 Q. And you say at that point, were you -- how were
13 you -- I think you said you looked back, but you tell me
14 again. You were -- were you looking when the shots were
15 fired?

16 A. I glanced back. When she was saying no ---

17 Q. Huh?

18 A. I glanced, I glanced back.

19 Q. Right. Over your left shoulder like that
20 (indicating.)

21 A. Yes.

22 Q. Okay. And then you heard the shots?

23 A. Yes.

24 Q. They came fast?

25 A. Yes.

1 Q. Okay. Now, your wife got out of the car?

2 A. Yes.

3 Q. And you drove home?

4 A. Yes.

5 Q. You left her on the road?

6 A. Yes.

7 Q. Then after you got home, you called 911?

8 A. Yes.

9 Q. From your house?

10 A. No, from my cellphone.

11 Q. That's what I meant, but were you on Washington
12 Street when you called?

13 A. Yes.

14 Q. Okay. So you called 911, and then after that you
15 went back to get your wife?

16 A. No, sir.

17 Q. Okay. I -- that was my -- I wasn't sure. Where
18 did you go? Did you go anywhere after that?

19 A. Yes. I walked. Our road has like a, almost like
20 a U like that.

21 Q. Right.

22 A. By the time I walked to that U, she was coming
23 down the road.

24 Q. Okay, yeah. If you walk down to Washington
25 Street, it turns into -- I can't think of the name of

1 that street, but it turns into that street, right?

2 A. Yes.

3 Q. Okay. And that's where you saw her?

4 A. Yes.

5 Q. She has her phone?

6 A. Yes.

7 Q. Was she talking on her phone?

8 A. I don't recall.

9 Q. Okay. Now, after the day this happened, the
10 August 3rd --

11 A. Yes.

12 Q. -- about two weeks later other officers came to
13 the house; is that right?

14 A. Yes, sir.

15 Q. You got the new window put in.

16 A. I put it in, sir.

17 Q. Right. You went to a scrap yard and got one.

18 A. Yes, sir.

19 Q. Now, when that window's intact, it covers all of
20 that light, all the way around that we see in this
21 picture; isn't that right?

22 A. Yes, sir.

23 Q. Okay. And you're saying, if I understand you
24 correctly, that there's some sort of damage to right up
25 here (indicating).

CROSS-EXAMINATION OF CHARLES WILSON BY MR. MORIN

1 A. Yes, sir.

2 Q. Now, you've also testified to other damage inside
3 the vehicle, right?

4 A. No, sir. To the outside of the vehicle.

5 Q. Didn't you testify about a seat inside the
6 vehicle?

7 A. No, sir.

8 Q. Well, okay. Let me ask you this. Do these --
9 does this -- I'm gonna show you what's been marked
10 State's Exhibits 4 through 9.

11 A. Uh-huh.

12 Q. My question is, do these pictures show all of the
13 damage to your car?

14 A. No. No, sir. It shows some. Down here on the
15 lower panel on the back there's a, like a, like, I
16 guess, a piece knocked out all the way to the primer.

17 Q. Okay. Let me show you this. Do these -- does
18 this picture

19 A. Right here and right here (indicating).

20 Q. All right. Is that the other parts that ---

21 A. No, sir.

22 Q. There's more damage?

23 A. Yes, sir.

24 Q. That's not shown in these pictures?

25 A. Yes, sir.

1 Q. Okay.

2 A. When I took the window out, when I removed all of
3 this, it was a dent right here in the middle.

4 Q. Right.

5 A. Where you can tell a bullet had struck.

6 Q. Okay. Right.

7 A. Yes, sir.

8 Q. And that would have shattered the window?

9 A. Yes, sir.

10 Q. Okay. So is that all?

11 A. Yes, sir.

12 Q. Okay. Now, when the police officers came out two
13 weeks later, you'd already repaired that, hadn't you?

14 A. Not sure.

15 Q. Not sure?

16 A. Not sure.

17 Q. Okay. But you repaired it pretty quick after
18 that because you know how to do it?

19 A. Yeah.

20 Q. Okay. Now, while they were out there, did you
21 talk to them about someone named Carlos?

22 A. I think I might have mentioned his name.

23 Q. Uh-huh. And you got that name -- did you hear
24 that name from your wife?

25 A. No. Actually me and my wife was discussing the

REDIRECT EXAMINATION OF CHARLES WILSON BY MR. SMITH

1 car and I said he had a car like someone that used to
2 frequent our street, yes, sir.

3 Q. Right. And the police came out?

4 A. Yes, sir.

5 Q. You told them that?

6 A. Yes.

7 Q. They looked down the street?

8 A. Yes.

9 Q. You've lived on that street for a while?

10 A. Yes, sir.

11 Q. Mr. Stagers has never lived on that street, has
12 he?

13 A. No.

14 MR. MORIN: Just one moment, Your Honor. That's
15 all the questions I have, Your Honor.

16 REDIRECT EXAMINATION

17 BY SOLICITOR SMITH:

18 Q. Mr. Wilson, do you remember if your passenger
19 window was -- what condition it was in when the shooting
20 happened?

21 A. It was about halfway down.

22 Q. All right. And I want to talk about Carlos. Why
23 did you tell the police that name?

24 A. I don't know if the police took it as -- we were
25 not mentioning his name. We was having a discussion

1 amongst each other, it's that kind of car.

2 Q. Okay. But why did you share that information
3 with law enforcement?

4 A. I don't believe that I shared that info with law
5 enforcement. I believe law enforcement overheard us
6 talking about the car situation.

7 Q. But is this you all were trying to figure out who
8 had done that?

9 A. No. We were trying to figure out the exact car,
10 and I was explaining to my wife that it was a Lexus and
11 the color and the model.

12 Q. So, is this somebody that just you thought had a
13 car like that and maybe looked like the person --

14 A. No. I was ---

15 Q. -- or what -- help me understand why --

16 A. Because that car --

17 Q. -- you mentioned it.

18 A. -- I've seen that car on the street before.

19 Q. A gold Lexus?

20 A. Yes, sir.

21 Q. Okay. And did you know the person? Did you know
22 this Carlos person?

23 A. No, sir.

24 Q. Is that just a name that you had heard or...

25 A. Yes, sir.

1 Q. All right. Do you have any doubt that the
2 defendant is the person that confronted you and then
3 shot at you?

4 A. I have no doubt.

5 Q. All right. It's not Carlos?

6 A. No, sir.

7 SOLICITOR SMITH: All right. That's all I have,
8 Your Honor.

9 THE COURT: All right. Thank you, Mr. Wilson,
10 sir. You can return back to your seat.

11 (Witness leaves witness stand.)

12 SOLICITOR SMITH: Your Honor, do you want us to
13 call our next witness?

14 THE COURT: Yes, sir.

15 SOLICITOR SMITH: All right. The State calls
16 Investigator Louis Nelson.

17 (Witness comes forward.)

18 THE CLERK: Do you swear or affirm that the
19 testimony you give will be the truth, whole truth, and
20 nothing but the truth so help you God?

21 THE WITNESS: I do.

22 THE CLERK: Thank you. You can be seated.

23 INVESTIGATOR LOUIS NELSON,
24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY SOLICITOR SMITH:

2 Q. Will you please introduce yourself to the jury?

3 A. My name is Louis Nelson. I am currently serving
4 in the crime prevention bureau with the Spartanburg
5 Police Department. At the time of this incident I was
6 working in investigations. Thirty-plus years experience
7 in law enforcement.

8 Q. Is the majority of that with the City of
9 Spartanburg?

10 A. Yes, it is.

11 Q. All right. And can you just tell the jury, just
12 for their education, how a case goes from patrol to
13 getting referred to the investigative division that you
14 work at?

15 A. Sure. Basically our patrol officers are on the
16 street just patrolling. And when a call comes in,
17 dispatch gets all the information that they can from the
18 person that's making the call. The call is then
19 dispatched to an officer that's in the area. That
20 officer will then proceed to the area to try to locate
21 the complainant or the victim of that call. And once
22 they arrive on scene, they let dispatch know that
23 they're on scene, and then they'll from that point start
24 to gather information, names, the who, what, when,
25 where, and how of what, you know, took place during the

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 incident.

2 Q. All right. And if it's a rather simple incident,
3 does it just end there --

4 A. Yes. It it's ---

5 Q. -- with the patrol officer?

6 A. If it's something more along the lines of a
7 simple assault or a larceny, they generally, on simple
8 cases, they will handle that themselves and followup.
9 But if it seems like it's gonna be a little bit more
10 involved and it's gonna take a little leg work, a little
11 detail work, then oftentimes they'll try to gather
12 whatever evidence that they see on the scene, such as
13 taking pictures. Taking statements, if applicable, and
14 searching the crime scene for any potential evidence,
15 they'll collect whatever they can find, place that into
16 evidence. And from that point, generally, that report
17 will be forwarded to the criminal investigations bureau,
18 which is where I was working at the time. And it is at
19 that point assigned to an investigator and eventually
20 was assigned to me.

21 Q. Okay. And what was your first involvement on
22 this case?

23 A. My first involvement was, I have a partner. We
24 work together, Investigator Taylor, Chris Taylor. And
25 basically the first thing we want to do is to reach out

1 and make contact with the victim and try to get more
2 detailed information from the victim. We'll go out or
3 we'll make a call, try to set up a time to go out and
4 meet with them.

5 This particular incident, I went out and met with
6 them at their residence. When I was speaking about
7 them, Lakeisha Otey and Mr. Wilson. So I went out to
8 [REDACTED] Washington Street, knocked on the door, and I spoke
9 with Mr. Charles Wilson.

10 Q. And what date was this?

11 A. This was on the 12th of August.

12 Q. All right.

13 A. At 4:30.

14 Q. Okay. And did Mr. Wilson, although you can't
15 testify about what he told you, but did he give you
16 essentially a rundown of what had happened, why they had
17 contacted the police?

18 A. He told me what happened and filled in some gaps.
19 I would ask him some questions, so we had a conversation
20 about what took place and happened. It started at the
21 Crown and eventually led up to the incident, where the
22 incident happened itself.

23 Q. All right. And did you look at the car? Was the
24 car there?

25 A. I did look at the vehicle. The side, the

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 passenger side mirror, it had been replaced. He picked
2 it up. He went around either to the side of the house
3 or the back and retrieved it and he showed it to me as
4 it appeared in the picture.

5 Q. All right.

6 A. I walked around towards the back of the vehicle,
7 the back window at that point had been replaced already.
8 He had already replaced it, saying he went to the scrap
9 yard. And I noticed the roof line at the top where the
10 brake light is. I noticed that there was a crease from
11 my training and experience that there was a crease in
12 the roof line where a bullet struck it and kind of
13 creased it. Those, those were the two things that I
14 immediately noticed.

15 Q. All right. And did he give a description of the
16 person that had shot at him?

17 A. Yes, he did.

18 Q. Okay. And what was he -- what would you describe
19 his demeanor as when you met with him?

20 A. He, he was calm at that point. He was calm.

21 Q. All right. And did you understand that he worked
22 at Crown Healthcare?

23 A. Yes. I believe it's located on Old Greenville
24 Highway.

25 Q. All right. And what is the next involvement you

1 had after meeting with Mr. Wilson the first day or on
2 the 12th?

3 A. After I had spoken with Mr. Wilson on the
4 following day, my partner and I, we went to Crown
5 Healthcare located at 355 Old Greenville Highway, where
6 Mr. Wilson is employed. I went to the main office area
7 and I spoke with Blake Wizennett (phonetic), and during
8 our conversation about the incident, Travis Laycox, he
9 informed me that the incident in the parking lot was
10 recorded by the exterior camera.

11 When I first arrived at the building, I did
12 notice that there was one camera right about what I
13 considered to be the entrance to the office where I
14 entered the building. And I looked down the side of the
15 building, but I didn't see any other cameras. I didn't
16 notice any other cameras at that time. So, as we were
17 in the office having a conversation about this incident,
18 Mr. Laycox stated that he would have to confirm with
19 corporate there was not a violation to release the video
20 footage. And he said that once corporate gave him the
21 go ahead to release the video, that he could send it to
22 me by e-mail.

23 Q. Were you actually able to watch video that day,
24 the 13th, while you were there?

25 A. No, I did not.

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 Q. Okay.

2 A. I was not able to see any video that day.

3 Q. All right. And then you followed up later trying
4 to get that video as well, is that right, on the 17th?

5 A. Yes.

6 Q. All right. All right. And can you describe to
7 the jury what other efforts you made to try to find
8 cameras that might have captured this incident?

9 A. I did. I did notice that there was a camera on
10 the, on the side of what's the United?

11 Q. Bunton?

12 A. Bunton CME Church, yes. It's located on the
13 corner of Farley and Wofford. I did go by that church
14 on one or two different occasions to try to get someone
15 to reach out to someone, but there was, I guess. I
16 don't think they have a full-time staff, but I never --
17 I was never -- they didn't look at catching anyone at
18 the church.

19 I did role the route as it was described that
20 they did, that they took that day. I knew that there
21 was a camera at Biggerstaff Grocery. Having worked
22 previous incidents at Biggerstaff ---

23 Q. This business on State's 11?

24 A. Yes.

25 Q. The corner of Haynes and ---

1 A. This is a little convenience store for the
2 neighborhood.

3 Q. All right. I cut you off. You said from prior
4 experience?

5 A. Yeah. From prior working previous cases at that
6 location, I knew pretty much, you know, the angles of
7 the camera pretty much covered the parking lot area, so
8 I wouldn't have much luck in that aspect, so I would ---

9 Q. Have you worked a lot of cases at Biggerstaff
10 throughout your career?

11 A. I worked a few, yeah.

12 Q. Okay. All right.

13 A. Yeah. They have a lot of cameras on the inside
14 and they have like one or two ---

15 Q. For people who pass bad checks?

16 A. Yeah.

17 Q. Whatever efforts other than Biggerstaff and the
18 church?

19 A. I rode by the rest of the route and I didn't see
20 any cameras. You know, that's not to say I didn't
21 overlook it, but I didn't see any cameras --

22 Q. Okay.

23 A. -- anywhere else outside the place of employment.

24 Q. Well, there's been some testimony about this fire
25 station. Do you know what that is, what fire station

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 they're talking about?

2 A. The city, the city made plans. I think they had
3 already purchased the building or were in the process of
4 purchasing what used to be Integral Solutions. It's
5 located on the corner where the big -- I don't know if
6 you guys understand, know what a big iron bridge is
7 that's referred to. That's Forest Street. And then
8 Wofford is located right ---

9 Q. We got the -- this is Forest and Wofford
10 (indicating).

11 A. Yes.

12 Q. All right. But where is that ---

13 A. That's where the fire station is, and they have
14 cameras. But when I spoke with the fire marshall, he
15 said that the video footage had already been purged.

16 Q. Okay. And what's your understanding of where the
17 shooting could actually take place?

18 A. At the intersection of Wofford and Farley.

19 Q. All right.

20 A. At the stop sign.

21 Q. And that's here below this red marker?

22 A. Yes.

23 Q. And the fire department is down this way to the
24 right?

25 A. Yes.

1 Q. All right. Now, I want to talk about maybe
2 getting a potential lead about a guy named Carlos. Do
3 you remember how that came about?

4 A. Yes. I filled in information. If you'll give me
5 -- indulge me just a moment to find it.

6 Q. Sure.

7 A. On August the 18th, I think it was. Yes, on
8 August the 18th, we, my partner and I, went back, back
9 over to Washington Street where we were speaking with
10 the victim again. We went by the victims residence on
11 Washington Street and spoke with him regarding this
12 case. He showed us the side-view mirror that was
13 removed from his vehicle and the roof line of his Yukon
14 where a bullet creased the top, just above the back
15 window. And before we left, Wilson stated that his wife
16 told him that a guy named Carlos may be the suspect
17 driving the Lexus. He used to live in an orange house
18 down the street, at the end of the street down there.

19 Q. All right. And did you attempt to investigate
20 that?

21 A. Yes. Once we left the residence, we drove
22 straight down to [REDACTED] Moat Street to the orange house and
23 spoke with the black female who lived there. And she
24 said she's lived there since December 2020 and she did
25 not know anyone named Carlos, and that was the extent of

1 that.

2 Q. All right. At that point you considered that
3 resolved?

4 A. Yeah, I -- yeah.

5 Q. All right. And did you end up ultimately end up
6 responding back to Crown on August the 26th?

7 A. Yes, we did.

8 Q. And what was the purpose of trying to show up
9 there?

10 A. 1500 hours, Investigator Taylor and I went to
11 Crown and spoke with Mr. Laycox again about scheduling a
12 time to speak with Chris Stagger, who was the brother of
13 the defendant. I advised them that I had been
14 unsuccessful in making contact with him and did not want
15 to come up on his job, but I needed to resolve the case.
16 So Mr. Laycox said it was no problem and had Staggers
17 come to his office, along with the human resources
18 manager.

19 Q. You had made efforts previously to try to talk
20 with Chris Staggers?

21 A. I think I had, I think I had tried, but I'm not
22 -- I can't tell you exactly.

23 Q. Did you ultimately speak with Chris Staggers?

24 A. Yes, I did.

25 Q. All right. Would he tell you what his brother's

1 name was?

2 A. He did not. He did not want to tell me his
3 brother's name, but he asked me if I would give him a
4 card that he would get it to his brother and have his
5 brother contact me.

6 Q. All right. Did you explain to him kind of what
7 you were investigating or were you vague about what was
8 going on?

9 A. No. I told him exactly what I wanted to speak to
10 him about.

11 Q. All right. And did you, did you tell him it was
12 a shooting incident or what do you remember telling him?

13 A. I introduced myself and Taylor and provided him
14 with my business card. I did ask him to tell me what
15 happened and he said nothing really, that they had
16 words. And I'm understanding that that meant Charles
17 Wilson and Chris Staggers, that they had words and
18 cursed at each other and it was over.

19 Then I asked him what happened in the parking lot
20 and he said his brother and Wilson had words and then he
21 left. And I asked him what was his brother's name and
22 he dropped his head and said, you already know what the
23 answer is to that.

24 MR. MORIN: Objection.

25 THE WITNESS: Okay.

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 THE COURT: Sustained.

2 MR. MORIN: Move to strike, Your Honor.

3 THE COURT: The motion's granted. The
4 responsibility of keeping the identity will be stricken
5 from the record.

6 BY SOLICITOR SMITH:

7 Q. All right. But ultimately he would not tell you
8 what his brother's name was?

9 A. Correct.

10 Q. All right. Did you tell him that you needed to
11 speak with his brother --

12 A. Yes.

13 Q. -- regardless of what his name was?

14 A. Yes.

15 Q. All right. And did you give him a time that you
16 wanted to speak with him by?

17 A. I told, I told him that I need to hear from him
18 before 6 p.m. tomorrow, the next day.

19 Q. All right. And then did you -- and that was on
20 the 26th, correct?

21 A. Yes.

22 Q. Okay. All right. And then did you get a call
23 from the other Mr. Staggers the next day?

24 A. I did.

25 Q. All right. And what did you all, not exactly

1 what happened, but at the end of the call what was your
2 understanding of what was to happen?

3 A. He called at about 11, and the basic
4 understanding from that conversation was that we would
5 meet on -- we would meet and talk about the incident on
6 -- we will meet on September the 1st to talk about this
7 incident at 10 hundred hours.

8 Q. All right. And did that meeting end up
9 happening?

10 A. No, sir.

11 Q. All right. Did you then end up trying to go out
12 and find -- did you end up identifying who his brother
13 was, his actual name?

14 A. I did.

15 Q. And what was his name?

16 A. Cornelius Staggers.

17 Q. All right. And did you end up on September 8th
18 trying to go out to his residence or maybe a potential
19 residence for him?

20 A. Yes. We had observed, my partner and I had
21 observed the, the Lexus that was described as the
22 suspect vehicle. We had observed the vehicle parked at
23 [REDACTED] North Church Street, and we went by but we didn't
24 locate him at that time.

25 Q. And then what's your next involvement after that

1 September 8th?

2 A. On September 23rd we went, we went back to the
3 residence again and there was a Maria Jones that resided
4 at [REDACTED] North Church Street. We knocked at the door and
5 Ms. Jones answered the door. And I asked her if a
6 Cornelius Staggers was home and ---

7 Q. Don't get into what she said.

8 A. Okay.

9 Q. But did you end up with another address
10 potentially to look for him?

11 A. Yes. From speaking with her, we wound up with
12 another location to go check, which was [REDACTED] Fork Street.

13 Q. All right.

14 A. F-o-r-k, Fork Street.

15 Q. All right. And then as you were leaving there,
16 did you end up running into Mr. Cornelius Staggers?

17 A. Yes. We, we drove ---

18 Q. At the Fork Street location?

19 A. Say it again.

20 Q. Is that the Fork Street location where you ---

21 A. Yes, the Fork Street location. So we drove over
22 and it was a short dead end street. And as we drove
23 down the street, we saw Mr. Staggers out in the front
24 yard.

25 Q. All right.

1 A. And the gold Lexus SUV was also there.

2 Q. All right. And was your understand -- at that
3 time was the Lexus not working?

4 A. He said that it was broke down.

5 Q. Okay.

6 A. Or I was informed that it was broke down.

7 Q. All right. And did you ask him why you hadn't
8 got in touch with him?

9 A. Yes.

10 Q. What did he tell you?

11 A. I asked him why he never came to City Hall and he
12 stated that he had COVID.

13 Q. But at this time he ended up coming down to City
14 Hall and talking with you and Investigator Taylor,
15 correct?

16 A. He, he did; that's correct.

17 Q. All right. And he did that voluntarily, right?

18 A. Correct.

19 Q. You did not have arrest warrants for him at that
20 time?

21 A. No, sir.

22 Q. All right. The goal was to get if he wanted to
23 talk, whatever his version of events were?

24 A. That's correct.

25 Q. All right. And are you all's interview rooms fit

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 with recording equipment?

2 A. Yes.

3 Q. All right. And was the interview of Cornelius
4 Staggers recorded?

5 A. It was.

6 Q. I'll hand you State's Exhibit 3 and ask you if
7 you can tell me what that is?

8 A. This appears to be a CD with the video footage of
9 the recorded interview.

10 Q. Okay. Of Cornelius Staggers?

11 A. Yes.

12 SOLICITOR SMITH: Your Honor, at this time we
13 would move State's Exhibit 3. And I don't know if
14 they'd want to approach about this now.

15 MR. MORIN: Thank you.

16 (Bench conference was held off the record.)

17 BY SOLICITOR SMITH:

18 Q. All right. State's Exhibit 3 contains the
19 interview that you conducted with Mr. Staggers?

20 A. Yes, sir.

21 SOLICITOR SMITH: All right. Your Honor, at this
22 time we'd move State's Exhibit 3 into evidence.

23 MR. MORIN: No objection.

24 THE COURT: Yes, sir.

25 (State's Exhibit Number 3 was entered into the

1 record.)

2 Q. Did you read Mr. Stagers his Miranda Rights
3 before this interview?

4 A. I don't, I don't recall.

5 Q. All right.

6 A. It's not in my notes.

7 Q. If you didn't, do you know why you wouldn't have?

8 A. I'm sorry, say it again.

9 Q. If you didn't, do you now why you would not have?

10 A. Because at the time I just wanted to speak to him
11 about the incident.

12 Q. Okay. He wasn't under arrest, right?

13 A. Correct.

14 Q. And you all didn't force him to come, right?

15 A. No.

16 SOLICITOR SMITH: Your Honor, I'm gonna have to
17 ask for a break because I can't get the sound to go
18 through the TV. I have no idea why that might be,
19 but...

20 THE COURT: All right. This would be an
21 appropriate time to break for lunch, so we'll pick back
22 up after, after that.

23 So, ladies and gentlemen, we're going to break
24 for lunch. You're free to leave the courthouse. You
25 cannot talk with anyone about the case during the break.

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 You can't discuss anything, even with each other about
2 this case. If you see counsel or any witnesses out in
3 the hallway, do not speak to them, do not allow them to
4 speak to you. If someone does speak to you, I'm gonna
5 ask the foreman here to let me know by you can mention
6 it to one of the bailiffs and they will tell me. All
7 right? So at this time you can retire to your room and
8 you'll get further instructions when you need it.

9 (Jury leaves the courtroom at 12:20 p.m.)

10 All right. You can step down. We'll get you
11 back after lunch.

12 THE WITNESS: All right.

13 THE COURT: I have to take up a matter at about 2
14 o'clock, so we'll probably start back here about 2:30.

15 SOLICITOR SMITH: Yes, sir.

16 THE COURT: All right? All right, we'll be at
17 ease until 2:30.

18 SOLICITOR SMITH: I think we'll finish our case,
19 even with that time.

20 THE COURT: Yes, very good. Thank you.

21 (Witness leaves witness stand.)

22 (Lunch recess was held from 12:20 - 2:26 p.m.)

23 All right. Is there any matters to address with
24 the Court before we get started from the State?

25 SOLICITOR SMITH: No, Your Honor. We think the

1 technology is going to work, but we'll just see. But I
2 just tested it and it was working about ten seconds ago,
3 so...

4 THE COURT: All right. Mr. Morin?

5 MR. MORIN: No, we're ready.

6 THE COURT: All right. Very good, we'll bring
7 the jury back on in.

8 (Jury enters the courtroom at 2:27 p.m.)

9 THE COURT: All right. We'll start back this
10 afternoon with the State. You can pick up where you
11 left off, Mr. Smith. Puck up where you left off, Mr.
12 Smith.

13 SOLICITOR SMITH: Investigator Nelson?

14 (Witness resumes witness stand.)

15 SOLICITOR SMITH: Your Honor, at this time we're
16 going to play State's Exhibit 3.

17 (Plays video.)

18 SOLICITOR SMITH: Is that essentially the end of
19 the discussion about what happened on August the 3rd of
20 2021?

21 A. That's the gist of it.

22 Q. And he described to you how he left from there;
23 is that right?

24 A. Yes.

25 Q. All right. And you're familiar with Spartanburg?

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 A. Yes.

2 Q. The way he describes it, do you know which way he
3 would have left out of Crown?

4 A. Seems to me he would have made a right out of the
5 entrance or exit way and made a right and continued on
6 Old Graveyard Highway until you come to the traffic
7 light. And the traffic light, it's a rather odd
8 intersection, kind of like an X almost. And he would
9 have went straight across, went under that very tight
10 metal train bridge that people always -- one lane has to
11 wait on the other. And then go straight on. Go across
12 the intersection and straight by the Spartanburg County
13 detention facilities and go straight across Asheville
14 Highway.

15 Q. All right. But he would have left right out of
16 Crown?

17 A. He would have made a right, yes.

18 Q. All right. Do you know -- you ultimately got a
19 video from Crown; is that right?

20 A. Yes.

21 Q. Do you know if you had it at the time that you
22 conducted this interview with Mr. Stagers?

23 A. I think at the point when this the interview was
24 conducted, I think I most likely would have had it at
25 this point.

1 Q. Okay. And how did you receive it from Crown
2 Laundry? How did you receive State's Exhibit 1?

3 A. I received that through an e-mail.

4 Q. All right.

5 A. Via e-mail.

6 Q. And then you downloaded it?

7 A. Yes.

8 Q. All right. Did you ever have the ability to just
9 look at all of the footage from Crown?

10 A. You mean like different camera angles or
11 something?

12 Q. Well, I mean, we talked about when you arrived at
13 the facility that day you were not able to watch any
14 surveillance video?

15 A. No, sir. We just, we just talked about obtaining
16 the video footage of the altercation outside.

17 Q. All right. And then at any point did you ever --
18 were you ever to go to Crown and just you,
19 independently, review the video?

20 A. No, sir.

21 Q. All right.

22 A. Whatever they sent me, that's what they sent me.

23 Q. All right. And after you got that, did you
24 attempt any followup to, to try to get more?

25 A. No, sir, because at the time it had the

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 confrontation on it that it occurred in the parking lot,
2 which I felt, you know, at the time that was the most
3 important thing. You know, at the time of the
4 investigation it showed the victim leaving in the SUV,
5 in the blue Yukon. And then it showed Mr. Stagers
6 going back to his vehicle rather hastily and backing
7 out. And just as he backed out, he pulled -- or he
8 began to pull off and then that's it.

9 Q. All right.

10 A. There was no propping done or anything. That's
11 what they sent me period.

12 Q. Okay. The intersection of Farley and Wofford
13 Street, is that in the city and county of Spartanburg?

14 A. Wofford and Farley?

15 Q. Yes. Farley Avenue.

16 A. Yes, it is in the city.

17 Q. All right. And Mr. Stagers statement to you is
18 that there was no, was it, fighting words or harsh
19 words, something like that said?

20 A. Yes.

21 Q. Did you believe that was consistent with the
22 video that you got from Crown?

23 A. No.

24 Q. Why not?

25 A. Because reviewing it, I reviewed it quite a few

1 times because I was trying to hear over the background
2 noise. The beeping of vehicles backing or similar other
3 noise. I was trying to listen to what the exchange was.
4 And some of the exchanges ---

5 MR. MORIN: Objection.

6 THE COURT: Would you both approach?

7 SOLICITOR SMITH: Yes, sir.

8 (Bench conference was held off the record.)

9 THE COURT: Objection overruled.

10 BY SOLICITOR SMITH:

11 Q. What did you hear when you reviewed the
12 videotape?

13 A. I plainly heard that -- this is exactly what I
14 heard: You better leave my mother fucking brother
15 alone, you're playing with your life.

16 SOLICITOR SMITH: All right. Your Honor, we're
17 gonna play a portion of State's 1.

18 (Plays video.)

19 BY SOLICITOR SMITH:

20 Q. Was that last portion where you heard life?

21 A. Yes.

22 (Plays video.)

23 Q. All right. But Mr. Staggers, after the interview
24 ended, he was free to go, right? You did not arrest him
25 at that point?

DIRECT EXAMINATION OF INVESTIGATOR NELSON BY MR. SMITH

1 A. That's correct, he was free to go.

2 Q. All right. And ultimately did you then bring in
3 Mr. Wilson and Ms. Otey down to City Hall?

4 A. I did.

5 Q. All right. And you and Investigator Teylor
6 spoke with them on the recorded interview?

7 A. Yes, we did.

8 Q. And the purpose of that, was it just to go over
9 the details of the case one more time?

10 A. Yes. I wanted to make sure that I understood
11 everything correctly, so I had both of them come in
12 individually. We spoke with, I believe we spoke with
13 Ms. Otey -- no. I think we spoke with Mr. Wilson first,
14 and then we spoke with Ms. Otey.

15 Q. All right. And I believe -- did you write out a
16 written statement for Mr. Wilson?

17 A. I got -- I wrote -- I think I wrote out the, the
18 statement that says it was recorded. I don't have any
19 with me.

20 Q. Okay.

21 A. So I can't tell you a hundred percent exactly
22 what it was.

23 Q. I'm gonna hand you a document and look at --
24 well, look at it and see if you can tell me what it is.

25 A. Yes. This is a full-page statement that I wrote.

1 Q. Yeah. Don't get into what, what's in the
2 statement --

3 A. Okay.

4 Q. But you wrote that for ---

5 A. I wrote it on behalf of Mr. Wilson.

6 Q. All right. Because you've got better handwriting
7 or what's the reason for that?

8 A. A lot of times people just don't like to write.
9 And I get teased a lot because my mother was a school
10 teacher and spent extra time with me.

11 Q. But then did Mr. Wilson review it and sign it?

12 A. He did. He reviewed it and he signed it.

13 Q. All right. And then is it -- what did you do
14 after meeting with Mr. Wilson and Ms. Otey that final
15 time?

16 A. On September 30th, some cases we review with the
17 solicitor's office. On this particular day, on
18 September 30, we -- some cases we review with the
19 solicitor's office. On this particular day, on
20 September the 3rd, we did go in an review, go over this
21 case with one of the deputy solicitors and it was
22 determined there was probable cause to obtain an arrest
23 warrant.

24 Q. And then you went before a judge and got arrest
25 warrants for ---

CROSS-EXAMINATION OF INVESTIGATOR NELSON BY MR. MORIN

1 A. I did.

2 Q. All right. And what, what were those warrants
3 for?

4 A. One warrant ---

5 MR. MORIN: Objection, Your Honor, relevance.

6 THE COURT: Overruled. You can answer the
7 question.

8 THE WITNESS: One warrant was for the attempted
9 murder of Lakeisha Otey. The last four of the warrant
10 would be 1954. The second one was for attempted murder
11 on Charles Wilson. The last four would be 1955. And
12 the third warrant was discharging a firearm into a motor
13 vehicle. The last four of the warrant would be 1956.

14 Q. All right. And in your discussions with Mr.
15 Wilson and Ms. Otey, how adamant were they that the
16 person from the parking lot was the person that had shot
17 at them?

18 A. They were extremely, especially Ms. Otey. She
19 was very adamant. Very adamant. He was also, but she
20 was extremely adamant about what she saw and who, who
21 the person was.

22 Q. All right. Please answer any questions Mr. Morin
23 has.

24 CROSS-EXAMINATION

25 BY MR. MORIN:

1 Q. See this picture?

2 A. Yes, sir.

3 Q. Do you know what this is a picture of?

4 A. That is an overview of section on the northwest
5 side of Spartanburg.

6 Q. Okay.

7 SOLICITOR SMITH: Your Honor, can we identify the
8 number?

9 MR. MORIN: Oh, I'm sorry, this is State's
10 Exhibit Number 11.

11 BY MR. MORIN:

12 Q. Now, it's my understanding that this marker right
13 here is where the alleged shooting occurred; is that
14 right?

15 A. Well, that pin drop is on top of a church. It
16 would be more or less in the roadway, but right next to
17 that.

18 Q. Right. Now, do you notice anything -- this is
19 obviously an old photograph because there's something on
20 here that is missing. Are you -- do you know -- can you
21 see what it is? Well, let me ask you this, this area
22 right here is not an empty lot, is it?

23 A. Robert Smalls in midtown.

24 Q. Yeah. And it was -- and that opened in 2021,
25 correct?

CROSS-EXAMINATION OF INVESTIGATOR NELSON BY MR. MORIN

1 A. I think so.

2 Q. So this picture has to predate when it was built.
3 Is that fair to say?

4 A. Predate when Robert Smalls built?

5 Q. Right. Because you don't see Robert Smalls on
6 there, do you?

7 A. No, sir.

8 Q. Okay. Now, let's talk about what Robert Smalls
9 is. Robert Smalls is a housing complex that was built
10 on that lot; isn't that right?

11 A. 190 units.

12 Q. That's right. And all along Wofford Street,
13 between those two streets there is duplex, duplex,
14 duplex, duplex, right? Let me ask it this way. If I
15 drive up to that intersection and I'm on Farley and the
16 church is right here and I'm looking straight ahead,
17 what do I see?

18 A. You're gonna see apartments.

19 Q. All right. I'm gonna see apartments. Now, when
20 you investigated, did you speak to anybody at those
21 apartments?

22 A. Those apartments weren't occupied in '21.

23 Q. Well, if they weren't occupied, they were under
24 construction.

25 A. I think they were most likely under construction.

1 Q. Okay. Did you speak to anybody that was working
2 out there?

3 A. No, I did not.

4 Q. Okay. And are you aware if anybody reported
5 seeing a shooting or hearing a shooting while they were
6 out on that site?

7 A. There was nothing in the CARE report that
8 indicated that.

9 Q. There wasn't. And if the shooting happened the
10 way it's been described from Farley to Wofford, those
11 bullets, the ones that you're talking about creased the
12 roof would have gone into that construction site.

13 A. I think that's a fair assumption.

14 Q. All right. Now, you just testified that Ms. Otey
15 was adamant, okay? And she was pretty adamant when she
16 was on this witness stand. And she said you showed her
17 a longer video. Did you?

18 A. The video that was shown in court --

19 Q. That's right.

20 A. -- that's the only video I ever received and
21 that's the only video I ever showed anyone.

22 Q. So when she says she knows you showed her a
23 different video, she's, she's wrong, isn't she?

24 SOLICITOR SMITH: Your Honor, I have an objection
25 to that.

CROSS-EXAMINATION OF INVESTIGATOR NELSON BY MR. MORIN

1 THE COURT: Sustained.

2 MR. MORIN: Okay. Withdrawn, Your Honor.

3 BY MR. MORIN:

4 Q. Okay. All right. Now, Mr. Smith asked you about
5 when you first got started on the case; is that right?

6 A. (Witness nods head up and down.)

7 Q. And that was about nine days after this happened,
8 August 12th; is that right?

9 A. Yeah.

10 Q. A lot of what I'm going to be asking you, if you
11 need to refer to your report, I think you have it, okay?

12 A. Yes, sir.

13 Q. Okay. So we can move on. All right. When you
14 met with Mr. Wilson on the first day, were you aware
15 that Ms. Otey had abandoned the vehicle on Woodruff and
16 Wofford and was walking?

17 A. No, sir, I wasn't aware.

18 Q. And when you went out there that day, that nine
19 days later, he'd already repaired the damage; isn't that
20 right?

21 A. Yes, sir. He prepared the back window. And, if
22 memory serves me correctly, he replaced the side view
23 mirror on the passenger side.

24 Q. Right.

25 A. Yes, sir.

1 Q. Now, when you went to Crown and you met with them
2 out there, on August 13th, you told them you needed to
3 -- what did you tell them you needed?

4 A. I explained to them my purpose for being there is
5 I was following up on an investigation of a shooting
6 incident that began on -- was initiated on their
7 property. And supposedly this took place in the parking
8 lot and I asked them if they could provide me with the
9 video footage of the parking lot area.

10 Q. Okay. And you were also aware then that they had
11 claimed, Mr. Wilson -- because you didn't meet Ms. Otey
12 that first time out there, did you?

13 A. It does not appear that I spoke with her at the
14 initial -- on the 12th.

15 Q. Okay. But you certainly knew by the time you
16 went to Crown that the allegation was that the car had
17 pulled out in the road and was just sitting in road,
18 right?

19 A. I don't think it was made clear to me until
20 later.

21 Q. All right. Well, when you got the video, when
22 you received it in a video, were you aware of it then?

23 A. That the vehicle was ---

24 Q. The allegation was the vehicle was in the road
25 stopped.

CROSS-EXAMINATION OF INVESTIGATOR NELSON BY MR. MORIN

1 A. I saw it earlier, but now that I'm looking for
2 it... Mr. Morin?

3 Q. Yes.

4 A. I want to say that it was on the day that -- I
5 want to say it was on the day that Ms. Otey and Mr.
6 Wilson came to City Hall and I interviewed them.

7 Q. That was like September 30th?

8 A. I think that's when, if my memory serves me
9 correctly, that's when I was, I was informed that the
10 vehicle was out on the road.

11 Q. So about 60 days after this happened?

12 A. Yes.

13 Q. It was on August 3rd and you're all the way to
14 September 30th.

15 A. Yes. If it was the day that I think it was, yes,
16 that's correct.

17 Q. All right. Now, you testified that you had gone
18 by Buton Church a couple of times and no one answered
19 because they don't have anybody there full time.

20 A. Well, there were no cars in the parking lot. On
21 one of the occasions I did get out and kind of walked
22 around to a door, but like I said, there were no cars in
23 the parking lot. I didn't know what door to go to. It
24 just, it didn't appear that there was a daytime staff.

25 Q. Yeah.

1 A. And so I didn't really know.

2 Q. Well, you went out to see -- you went out to
3 Washington Street on August 18th. Do you remember that?

4 A. Yes.

5 Q. Okay. And while you were there, were you given a
6 phone number to contact Buton Church?

7 A. I was.

8 Q. Okay. Did you call that number?

9 A. No, sir, I didn't.

10 Q. Okay. Now, you testified you spoke to Chris, Mr.
11 Staggers' brother.

12 A. That's correct.

13 Q. Did you tell him that you needed his brother's
14 side of the story so that the judge would have the whole
15 story? And I'm referring to what you alleged was August
16 26th.

17 A. Yes. Yes, I did. I did tell him that because it
18 was important to me that I had a complete -- I wanted to
19 afford everyone an opportunity to put their side of the
20 story on the record and that's why I told him that.

21 Q. So when you went and got the warrant, you told
22 the judge what Mr. Staggers side?

23 A. Well, I give him a brief synopsis of everything
24 that happened and to just recall exactly what I said to
25 the judge --

1 Q. Well...

2 A. -- I can't tell you exactly what I said to the
3 judge at that time.

4 Q. I understand that. My question is, did you tell
5 the judge that you had spoken to Mr. Staggers and he
6 said he drove home?

7 A. I'm sure I did, but like I said --

8 Q. Okay.

9 A. -- I can't tell you one word of it.

10 Q. That's fine.

11 A. It's been a long time.

12 Q. Oh, I understand. Now, when you spoke to Mr.
13 Staggers and he said he lived where he lived, do you
14 remember?

15 A. Mr. Staggers?

16 Q. Mr. Staggers told you when he said he'd go home,
17 Pier Point. Do you remember that?

18 A. Yeah. He said he cut across Pier Point. Pier
19 Point was the last street that he advised me.

20 Q. Right. And that's in the direction that you
21 would take to go there.

22 A. Yes, sir.

23 Q. Okay. And he said that he had taken his
24 girlfriend up to work up at Wendy's that day.

25 A. I think it was Boiling Springs.

1 Q. That's right. Did you go to Boiling Springs and
2 check that part of the story out?

3 A. No, sir.

4 Q. Okay. Now, when you saw Mr. Staggers out there
5 that day, you said can you come and he came right down
6 there. You all didn't set up another time after that.
7 He got a ride and you all met at the filling station
8 right there.

9 A. Well, we had set up previous times where he never
10 showed and that's what prompted me to go out and
11 continue to search for him.

12 Q. Okay. And, and he was just standing in the front
13 yard?

14 A. He was in the front yard when we come down a
15 little dead end street.

16 Q. And you said, can you come to the police station
17 right now and he said sure?

18 A. Yeah, basically.

19 Q. And then he drove down?

20 A. Yes. Well, I don't know how he got there.

21 Q. Okay. Yes, he told you ---

22 A. He was there at the same time as we got there.

23 Q. Okay. And he told you that he had driven -- he
24 had been in the parking lot and that he had driven home?

25 A. Yes.

1 Q. Okay. Now, when you went to Washington Street
2 when you first saw the car, did you document these
3 damages to the right side of the vehicle anywhere?

4 A. Document them, no.

5 Q. Well, I know there's the crease in the top and I
6 know we have the right -- the passenger side rearview
7 mirror, but we've also heard that there's some other
8 damage to the right side of the vehicle in the back.

9 A. If there was -- I know what I saw personally.

10 Q. Right.

11 A. If there was some other damage, I may have -- I
12 could have overlooked it. I don't know, but the two
13 that I listed, the rail that he brought to me and showed
14 me that was on there that he replaced --

15 Q. Sure. Uh-huh.

16 A. It had a bullet hole. And the crease in the top,
17 in the very top, right above the brick line on the roof.

18 Q. Okay. And did you recover any bullet or bullet
19 fragments from the vehicle?

20 A. No, sir, I did not.

21 Q. So they're on September 30th when Ms. Otey and
22 Mr. Wilson came out to talk with you. You talked with
23 him eventually. You showed him the video; is that
24 correct?

25 A. That's correct.

1 Q. You showed it to him on the phone. The video
2 we've seen, correct?

3 A. Yes, sir.

4 Q. You asked if they saw the person who did it; is
5 that correct?

6 A. Yes, sir.

7 Q. Now, previous to that, they had both said they'd
8 never seen Mr. Stagers before; is that correct?

9 A. Yes, sir.

10 Q. And they had said that they had seen him some in
11 this parking lot and they had seen him as they were
12 driving this three-mile route to Wofford Street; is that
13 right?

14 A. Yes, sir, that's correct.

15 Q. And you had already met with Mr. Stagers. You
16 met with him on the 26th.

17 A. Yes, sir, that's correct.

18 Q. Which is like four days before you met with them.

19 A. Yes, sir.

20 Q. And at that time did you show either of them a
21 photo lineup?

22 A. No, sir.

23 Q. All right. There's -- okay.

24 Just one moment, Your Honor.

25 Oh, I almost forgot. Ms. Otey has testified that

REDIRECT OF INVESTIGATOR NELSON BY MR. SMITH

1 when she got there, Mr. Staggers was already there.

2 A. You mean at the crime?

3 Q. Yes.

4 A. Yes, sir, I heard her testify to that.

5 Q. But there's no video off that because you didn't
6 hear that until the 30th, is that right, or maybe later?

7 A. I don't recall. I don't recall exactly when that
8 came. I don't ---

9 Q. Well, let me ask you this. Other than the 30th,
10 did you ever meet with Ms. Otey prior to that?

11 A. Mr. Morin, it appears that my memory wants to
12 tell me that I did briefly speak with her on one of the
13 occasions I came to the house, but it's not in my notes,
14 so I can't -- I just can't say that. But it does on the
15 30th and so I have to go with that.

16 MR. MORIN: Okay. That's all the questions I
17 have, Your Honor.

18 REDIRECT EXAMINATION

19 BY SOLICITOR SMITH:

20 Q. On August 18th you testified you got a number
21 from a contact at the church. Who gave you that
22 number?

23 A. That would have been Ms. -- I think that was Ms.
24 Otey's mother. I think that was Ms. Otey's mother.

25 Q. All right. And where were you speaking with Ms.

1 Otey's mother?

2 A. We were standing in a roadway in front of their
3 residence at [REDACTED] Washington Street.

4 Q. All right. And did -- do Mr. Wilson and Ms. Otey
5 and Ms. Otey's mother all live together? Was that ---

6 A. I only knew that Ms. Otey and Mr. Wilson lived at
7 164 with their children. I don't know who else resides
8 with them.

9 Q. Okay. But the mother, whether she lived there or
10 not, she was also at the residence?

11 A. She drove up while we were standing out, you
12 know, having a conversation in front of the house.

13 Q. All right. Why did you not try to check with the
14 Wendy's in Boiling Springs?

15 A. I didn't think it was necessary.

16 Q. All right.

17 A. I didn't because of what I had already been told.
18 In speaking with Mr. Staggers and the description that I
19 received from Mr. Wilson and Ms. Otey.

20 Q. All right. And what, what day -- when you ended
21 up meeting with Mr. Staggers, was it September 23rd --
22 excuse me, Cornelius Staggers, for September 23rd; is
23 that right?

24 A. I think that is correct.

25 Q. It's on page three of your report.

1 A. Yes.

2 Q. All right.

3 A. September 23rd.

4 Q. And you had talked with his brother, Chris
5 Staggers on August 26th; is that right? The second page
6 at the bottom.

7 A. Yes. On August 26th at 1500 hours.

8 Q. All right. So nearly a month had passed?

9 A. Yes.

10 Q. All right. Did that influence your decision
11 about trying to find any video that could verify his
12 story?

13 A. In speaking with Mr. -- with his brother, Chris?

14 Q. No. I mean, the time -- the initial incident is
15 August 3rd, right, that we're trying to find footage
16 from. Is the fact of the amount of time that had passed
17 before --

18 A. Yes.

19 Q. -- you got it according to Mr. Staggers alleged
20 whereabouts that day. Did that, did that time gap
21 influence your decision about it?

22 A. Yes, the time gap?

23 Q. Yes.

24 A. Yes. A lot of the majority of the system that I
25 have built was dealing with people trying to take video.

1 That video footage usually in 7 to 14 days it purges
2 itself.

3 Q. All right. That's all I have, thank you.

4 THE COURT: All right. Thank you, Mr. Nelson.
5 You can step down, sir.

6 THE WITNESS: Thank you.

7 (Witness leaves witness stand.)

8 SOLICITOR SMITH: The State will call Justin
9 Martin next.

10 (Witness comes forward.)

11 THE CLERK: Do you swear or affirm the testimony
12 you give will be the truth, whole truth, and nothing but
13 the truth so help you God?

14 THE WITNESS: Yes.

15 JUSTIN MARTIN,

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY SOLICITOR SMITH:

19 Q. Will you please introduce yourself to the jury?

20 A. I'm Justin Martin.

21 Q. All right. And where are you employed, Justin?

22 A. Spartanburg County 911.

23 Q. All right. How long have you been with
24 Spartanburg 911?

25 A. Since February of 2004.

DIRECT EXAMINATION OF JUSTIN MARTIN BY MR. SMITH

1 Q. All right. And what is your current role with
2 911?

3 A. Public safety records coordinator.

4 Q. All right. And what does a public safety records
5 coordinator do?

6 A. I'm the keeper of the files, I guess, for
7 recordings and CAD reports or FOIA requests or to come
8 to court.

9 Q. All right. So if people request 911 either for a
10 criminal case or any sort of other case, you're the
11 contact point?

12 A. Yes, sir.

13 Q. All right. And can you explain how 911 calls are
14 stored and what type of information is stored?

15 A. So the whole recording is stored for 1,095 days
16 or three years, and after that it purges itself. It's
17 kept on a secured server. Nobody can tamper with it or
18 anything.

19 Q. Okay. And there's been some testimony about a
20 CAD sheet. Can you explain what a CAD sheet is?

21 A. It's basically a summary of what the caller said
22 to the dispatcher that took the call. And then once
23 it's given to the police dispatcher or EMS dispatcher,
24 it's a summary of what unit went or when they got on
25 scene or when they cleared what they said. And

1 important information they relay to us.

2 Q. All right. And were you able to listen to a 911
3 call that occurred on this day, August 3rd of 2021 about
4 a shooting?

5 A. Yes, sir.

6 Q. I'll hand you State's Exhibit 2 and ask if you
7 can identify what that is.

8 A. This appears to be the disc that I listened to.

9 Q. All right. And how do you know that?

10 A. I initialed it and dated it.

11 SOLICITOR SMITH: Your Honor, at this time we
12 would move State's Exhibit 2 into evidence.

13 MR. MORIN: No objection.

14 THE COURT: All right.

15 (State's Exhibit Number 2 was entered into the
16 record.)

17 BY SOLICITOR SMITH:

18 Q. Do you know when this call was made?

19 A. August 3rd, 2021 at 11:12.

20 Q. 11:12?

21 A. Yes, sir.

22 Q. In the morning?

23 A. Yes, sir.

24 (Plays 911 call.)

25 SOLICITOR SMITH: All right. Please answer any

DIRECT EXAMINATION OF LAKEISHA OTEY BY MR. SMITH

1 questions Mr. Morin has.

2 CROSS-EXAMINATION

3 BY MR. MORIN:

4 Q. Is this the only 911 tape you have from that day?

5 A. This is the only one I'm aware of. '

6 MR. MORIN: Thank you. No further questions.

7 SOLICITOR SMITH: That's all I have, Your Honor.

8 THE COURT: All right. Thank you, sir. You can
9 step down, Mr. Martin.

10 (Witness leaves witness stand and courtroom.)

11 SOLICITOR SMITH: Your Honor, we'd call Lakeisha
12 Otey, briefly recall her.

13 (Witness comes forward.)

14 THE COURT: Ms. Otey, please come forward.

15 THE CLERK: Do you swear or affirm the testimony
16 you give will be the truth, whole truth, nothing but the
17 truth so help you God?

18 THE WITNESS: I do.

19 LAKEISHA OTEY,

20 having been sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR SMITH:

23 Q. Ms. Otey, we just listened to State's Exhibit 2.
24 Is that your voice talking to the 911 operator?

25 A. Yes, sir.

1 Q. All right. And at the end of it, it was kind of
2 hard to hear. Do you know what you told them about
3 where you were going?

4 A. I think I probably said I'm walking home.

5 Q. All right. And did you tell them your address
6 then?

7 A. Yes.

8 SOLICITOR SMITH: All right. That's all I have.

9 MR. MORIN: No questions.

10 THE COURT: Thank you, Ms. Otey.

11 (Witness leaves witness stand.)

12 SOLICITOR SMITH: Your Honor, at this point the
13 State would rest.

14 THE COURT: All right, very well. At this time
15 we will ask the jury to step back into the jury room.
16 There will be some matters of law that I'll need to take
17 up with the State. We'll get back with you just as soon
18 as possible. Thank you.

19 (Jury leaves courtroom at 3:21 p.m.)

20 THE COURT: All right. Anything further at this
21 time? Any motions?

22 MR. MORIN: The defense moves for a directed
23 verdict based on the fact that the identity of the
24 defendant would only result from speculation on the part
25 of the jury.

1 THE COURT: Mr. Smith?

2 SOLICITOR SMITH: Your Honor, both Ms. Otey and
3 Mr. Wilson identified him as the person that shot at
4 them. The credibility of their testimony is for the
5 jury to decide and the evidence should be weighed in the
6 light most favorable to the State, so we would ask that
7 the case be submitted to the jury.

8 THE COURT: All right, thank you. Both of the
9 victims are here. Ms. Otey and Mr. Wilson have both
10 identified the defendant as being the person who
11 brandished a weapon and fired shots at them both. It
12 will certainly be up to a jury to decide whether or not
13 they believe part or all of their testimony. And that
14 is an issue for the jury to decide. So the Court at
15 this time would respectfully deny your motion for a
16 directed verdict.

17 MR. MORIN: Having said that, we do not intend to
18 call any witnesses, Your Honor. This is a conversation
19 I've had with Mr. Stagers over the last couple of
20 weeks. I haven't told him about they will probably ask
21 his regarding his right to remain silent, but I think
22 he's well aware of it.

23 THE COURT: Very good. What I think we'll do is
24 -- it's kind of late in the day to charge the jury, so I
25 think we'll start with that in the morning. So you can

1 be seated for right now, Mr. Stagers, and we'll be
2 going over some jury charges and things of that nature.
3 But we'll bring the jury back. At this time I'm gonna
4 go ahead and let them go for the afternoon and bring
5 them back at 9 o'clock in the morning, but we'll stay
6 here and address any matters we have for tomorrow
7 morning. We'll take care of that this afternoon. You
8 can bring the jury back in.

9 (Jury enters the courtroom at 3:25 p.m.)

10 THE COURT: All right. Ladies and gentlemen, the
11 State has rested its case today, and at this time we're
12 going to break for the afternoon. You guys have spent
13 most of the day here. And tomorrow morning we will
14 complete this trial. That will include the Court giving
15 its charge to you, and also hearing closing statements
16 from the plaintiff, or in this matter the State, and the
17 defendant if they both wish to present that.

18 So I'm gonna ask you gain to be mindful of the
19 instructions that I gave to you earlier today. Do not
20 discuss this case with anyone, not even yourselves, or
21 read anything about the case. I don't think that this
22 has any media attention that I'm aware of, but don't try
23 to do any research of your own on this case. Don't look
24 it up or do anything that you would be doing to try and
25 investigate the facts in this case. All right. That

1 will be all we need tonight. You guys drive safely and
2 we'll see you at 9 o'clock tomorrow morning. You are
3 dismissed. (

4 (Jury leaves courtroom at 3:28 p.m.)

5 THE COURT: All right. Mr. Morin, do you want to
6 wait until tomorrow to decide finally whether your
7 client wants to present any other witnesses or testify
8 or has that decision been made?

9 MR. MORIN: That has been final with us for quite
10 a while, Your Honor.

11 THE COURT: All right. Mr. Stagers, would you
12 stand up, and Madam Clerk, would you place him under
13 oath, I have a few questions to ask of him?

14 THE CLERK: Please raise your right hand, sir.
15 (Complies.)

16 Do you swear or affirm the testimony you give
17 will be the truth, whole truth, and nothing but the
18 truth so help you God?

19 THE DEFENDANT: Yes, ma'am.

20 THE CLERK: Thank you.

21 THE COURT: All right. Mr. Stagers, when you
22 are charged with a crime, you have an absolute right to
23 remain silent. Nobody can require that you testify
24 during trial. Nobody can require that you make any
25 statement. No one can require that you answer any

1 questions that relate to the charges that have been
2 brought against you, because the constitution provides
3 that you have an absolute right to remain silent and to
4 require the State to come to court and prove its case.
5 It's the burden on the State to prove that you're guilty
6 of these charges beyond a reasonable doubt. That burden
7 rests only with the State. That burden rests only with
8 the State.

9 You don't have to assist the State in their
10 efforts to prove you guilty by you taking the stand or
11 making any statements or even asking questions that
12 might tend to prove to your guilt. At the same time, if
13 you wish to provide this jury with any additional
14 testimony or evidence, now is the only time and
15 opportunity that you will have to do that. And your
16 attorney has informed the Court that you have declined
17 to do that.

18 If you choose to take the witness stand, you have
19 to answer questions, not only by your lawyer, but also
20 by the State. You have to answer questions put to you
21 by the prosecutor to the extent that they are relevant.
22 And even in response, if responses to those questions
23 might tend to prove your guilt of some crime that the
24 State claims that you have committed. Do you understand
25 your right to testify, as well as not to testify?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And have you and your attorney
3 discussed your right to testify and not testify?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: And have you and your attorney
6 discussed your right to testify and not testify?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: And have you and your attorney
9 discussed the advantages and disadvantages of you
10 testifying, as well as you not testifying?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And do you appreciate what those
13 advantages are and what those disadvantages may also be?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Have you had time to reflect upon
16 your decision as to whether or not you wish to testify?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And have you made a decision today
19 about whether you wish to testify?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And what is your decision?

22 THE DEFENDANT: I don't wish to testify.

23 THE COURT: And is that a decision that you've
24 made of your own free will and accord?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Are you satisfied with that decision?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Do you need anymore time to discuss
4 this with your attorney?

5 THE DEFENDANT: No, sir.

6 THE COURT: Are you satisfied with his services?
7 Has he not done a good job for you?

8 THE DEFENDANT: Yes, sir. Yes, sir.

9 THE COURT: All right. You may be seated.

10 All right. Mr. Staggars has indicated that he
11 does not wish to testify and this matter will conclude
12 without his testimony. And so tomorrow we will be --
13 we'll receive closing arguments and we will be charging
14 the jury. Are there any proposed charges from either
15 party? I think you have a rough draft of my charges. I
16 certainly would like you guys to take the time to go
17 through those. So let's take about a 10, 15-minute
18 break. I'll let you do that and then we'll come back
19 and talk about it. Court will be at ease.

20 (A recess was had from 3:32 p.m. - 3:52 p.m.)

21 THE COURT: I gave you guys my proposed
22 instructions. I'm not going to read anything about
23 expert witnesses because we didn't have expert
24 witnesses.

25 MR. MORIN: Right.

1 THE COURT: And I gave you guys up the verdict
2 form that I intend to use.

3 MR. MORIN: Uh-uh.

4 THE COURT: Mr. Smith, any thoughts about what
5 you've seen so far?

6 SOLICITOR SMITH: I'm just getting to the juicy
7 part of attempted murder, but so far I --

8 THE COURT: What's the juicy part?

9 SOLICITOR SMITH: -- kind of like it. I had
10 State v. Taylor.

11 THE COURT: Un-huh.

12 SOLICITOR SMITH: And I think you kind of have
13 the part that I was looking to get covered in your
14 charge, but I'll keep going.

15 THE COURT: Okay.

16 SOLICITOR SMITH: There was a part about talking
17 to the alternate juror that I didn't know if you were
18 gonna read that or not, but...

19 THE COURT: And we'll talk about it again
20 tomorrow morning before we bring in a jury. You guys
21 can just look this over between now and the morning. If
22 there are any other thoughts about it, let me know.
23 What are your thoughts on the verdict form, Mr. Smith?

24 SOLICITOR SMITH: That looks fine to me.

25 THE COURT: Okay.

1 MR. MORIN: Yeah, that's fine.

2 THE COURT: Mr. Morin, anything jump out to you
3 as being problematic here?

4 MR. MORIN: I -- this part down here where it
5 says specific intent is not an element of attempted
6 murder. I think it is.

7 THE COURT: Yes. What page are we looking at?
8 I've scratched through the numbers, but...

9 MR. MORIN: I'm sorry.

10 SOLICITOR SMITH: It's got like footnote
11 309 S.C. ---

12 MR. MORIN: It's like --

13 SOLICITOR SMITH: Towards the end of it.

14 MR. MORIN: On your attempted murder --

15 THE COURT: Yeah.

16 MR. MORIN: -- it's page three.

17 THE COURT: Right.

18 MR. MORIN: At the bottom.

19 THE COURT: Okay.

20 MR. MORIN: Where it says: Specific intent to
21 kill is not an element of attempted murder, but there
22 must be a general intent. I'm pretty sure that's not
23 normal.

24 SOLICITOR SMITH: I agree with that, Your Honor.

25 THE COURT: Yeah, yeah, yeah, yeah.

1 MR. MORIN: That'll get you.

2 SOLICITOR SMITH: Yeah, it would.

3 MR. MORIN: Whether it's me or somebody.

4 THE COURT: We're gonna take that out of there.

5 MR. MORIN: Okay.

6 THE COURT: All right.

7 MR. MORIN: And I'm gonna ask ---

8 SOLICITOR SMITH: And I don't know, like, some of
9 the attempted murder cases they talk about attempt and
10 it's like to try to carry out the specific act. Or
11 maybe I can find one and send it to Your Honor.

12 MR. MORIN: Yeah.

13 THE COURT: Okay.

14 SOLICITOR SMITH: There, intent means intending
15 the result, which -- well, which actually occurs.

16 THE COURT: All right. All right. Intent means
17 intending the result which actually occurs.

18 MR. MORIN: I don't know about that either. That
19 feels -- I was about to say ---

20 SOLICITOR SMITH: There's parts -- there's some
21 cases where they talk about attempt just generally.

22 MR. MORIN: Right.

23 SOLICITOR SMITH: And, you know, it's to ---

24 THE COURT: Yeah, I'll think about that there
25 too. All right.

1 MR. MORIN: That one just jumped out as I was
2 looking through them.

3 THE COURT: Yeah. Yeah. That's good.

4 SOLICITOR SMITH: It doesn't have the use of a
5 deadly weapon.

6 MR. MORIN: That's right. My brain was also
7 looking for that.

8 SOLICITOR SMITH: Or at least it does talk about
9 what they use, but it's more of a they may --

10 MR. MORIN: As long as it's not inferred from it.

11 SOLICITOR SMITH: -- consider it.

12 THE COURT: Okay.

13 SOLICITOR SMITH: Your Honor, I was gonna -- I've
14 got a copy of a case. I didn't make one for Mike, but I
15 can e-mail it to him or I can give it to him and pull up
16 another one.

17 THE COURT: Okay.

18 SOLICITOR SMITH: I don't know if it -- I don't
19 know if it's something that gets into the jury charge
20 necessarily, but it's State v. Williams.

21 THE COURT: What's the cite on that?

22 SOLICITOR SMITH: It is 437 S.C. 100. I've got a
23 copy of it for you.

24 THE COURT: Oh, okay, good.

25 SOLICITOR SMITH: Kind of they pulled that,

1 what's it, Cardoza (phonetic) danger case.

2 THE COURT: Okay.

3 SOLICITOR SMITH: But it kind of deals with -- it
4 deals with somebody shooting into a group of people
5 trying to kill one specific person. And they basically
6 say that when you are shooting at a group, if you let
7 out multiple shots it can be ---

8 MR. MORIN: You're getting into transfer intent.

9 SOLICITOR SMITH: This is the law as of now.

10 MR. MORIN: Well...

11 SOLICITOR SMITH: It's an interesting case to
12 read, but...

13 MR. MORIN: You bet.

14 SOLICITOR SMITH: Another good example of they're
15 still struggling.

16 THE COURT: A 2022 case, okay.

17 SOLICITOR SMITH: But they specifically -- you
18 can't charge transferred intent, and so this was almost
19 like another way --

20 MR. MORIN: Around saying that.

21 SOLICITOR SMITH: -- of not transferred intent.

22 MR. MORIN: Transferred intent without intent.

23 SOLICITOR SMITH: It's Court of Appeals. But
24 they did it more on a -- it was as to a directed
25 verdict, which was weird because the State had argued

1 transferred intent and then subsequently that was ruled
2 to be improper. But they upheld it anyway under, under
3 this theory.

4 THE COURT: Uh-huh.

5 MR. MORIN: Oh, okay. If you can send me that,
6 I'd appreciate it.

7 SOLICITOR SMITH: Here, you can take mine.

8 MR. MORIN: Okay.

9 SOLICITOR SMITH: And State v. Taylor is the
10 other one I have. I'll give you both a copy. Though, I
11 think your charge kind of has that.

12 THE COURT: Uh-huh.

13 SOLICITOR SMITH: Taylor they were arguing
14 basically that almost you have to have direct words,
15 like I'm going to kill you. Taylor is talking about
16 inferences that can be drawn, but I do think your charge
17 covered what I was trying to get out of Taylor.

18 THE COURT: Yeah.

19 SOLICITOR SMITH: But if there is anything else
20 in there.

21 THE COURT: Okay.

22 SOLICITOR SMITH: That was a -- Williams is
23 interesting because he got convicted of murder, so it's
24 purely an academic appeal.

25 MR. MORIN: When did the Court of Appeals just

1 like, let's talk about this, it doesn't even matter? I
2 thought that was a rule.

3 THE COURT: They kind of stay away from that,
4 don't they?

5 MR. MORIN: Yeah.

6 SOLICITOR SMITH: There's another one, there was
7 like a barbeque at a house, and I think it's Williams
8 too.

9 THE COURT: Uh-huh.

10 SOLICITOR SMITH: And it's like, dude at the
11 barbecue gets into it with the man and woman of the
12 house. They end up on the front yard and he shoots at
13 them. Bullets miss them, go into a child's bedroom and
14 they found him guilty of assault and battery first for
15 the baby. And there was no evidence that he knew that
16 the baby was there, and they ended up overturning -- and
17 it was an A&B first too. You still have to have -- they
18 basically said because it's A&B first is offer or
19 attempt, it has that specific attempt. Basically, you
20 can't be attempting to do something you don't know is
21 possible. Like, if you don't know that there's a baby
22 in there, you can't be trying to assault the baby.

23 THE COURT: Was he shooting at the house or
24 shooting at the people in the yard?

25 SOLICITOR SMITH: I think he was shooting in

1 front.

2 THE COURT: In front, yeah.

3 SOLICITOR SMITH: And bullets just went through.

4 Now, if you hit and killed the baba, that's a murder.

5 THE COURT: That is, yeah. Yeah.

6 SOLICITOR SMITH: But these attempt things are

7 different.

8 THE COURT: Yeah.

9 MR. MORIN: We thought we were doing such a good
10 thing when we did attempted murder instead of ABWIK and
11 all we did --

12 SOLICITOR SMITH: And did not.

13 MR. MORIN: -- was crash the car.

14 SOLICITOR SMITH: Yeah, they did not.

15 THE COURT: Yeah.

16 SOLICITOR SMITH: Murder, ABWIK, and AWIK and it
17 sounded pretty cool compared to what today is, so...

18 THE COURT: Well, all right.

19 SOLICITOR SMITH: And old ABHAN, which was
20 everything under the sun.

21 MR. MORIN: That's right.

22 SOLICITOR SMITH: No touching.

23 MR. MORIN: No touching.

24 SOLICITOR SMITH: No beating, shooting.

25 MR. MORIN: I'm probably gonna argue tomorrow,

1 I've got to put some arguments together for assault and
2 battery first as a lesser included.

3 THE COURT: As a lesser included?

4 MR. MORIN: Yes, sir.

5 THE COURT: Okay. Well, all right. Well, we'll
6 start off tomorrow. So, I guess, you'll start with your
7 -- if you decide to make your argument ---

8 SOLICITOR SMITH: I'm gonna exercise my option.
9 Mike can be quiet if he wanted to just rest on the
10 verdict.

11 THE COURT: That could be interesting.

12 MR. MORIN: I've got four kids that'll tell you
13 daddy doesn't stay quiet.

14 THE COURT: I bet not. I bet not. All right.
15 Well, we'll pick it up at 9 o'clock tomorrow morning.

16 SOLICITOR SMITH: All right. Thank you, Your
17 Honor.

18 MR. MORIN: Thank you, Your Honor.

19 THE COURT: All right. Everyone drive home
20 safely.

21 (Court concluded at 4:23 p.m.)

22

23

24

--- THIS ENDS DAY TWO OF TRIAL ---

25

1 THE STATE OF SOUTH CAROLINA V. CORNELIUS JEROME STAGGERS

2 DAY THREE OF TRIAL

3 THE COURT: Mr. Smith, Mr. Morin, would you
4 approach, please?

5 SOLICITOR SMITH: Yes, sir.

6 (Bench conference was held off the record.)

7 THE COURT: All right. Good morning, everyone.
8 We're going to go back on the record in the matter of
9 The State versus Cornelius Jerome Staggars. I see Mr.
10 Staggars is present here this morning with his attorney.
11 The State is present as well.

12 Mr. Staggars, I want to put you under oath and
13 ask you a few more questions.

14 Madam Clerk?

15 THE CLERK: Please raise your right hand.

16 (Complies.) Do you swear or affirm the testimony you
17 give will be the truth, whole truth, and nothing but the
18 truth so help you God?

19 THE DEFENDANT: Yes, ma'am.

20 THE CLERK: Thank you.

21 THE COURT: Thank you. Before we broke on
22 yesterday, Mr. Staggars, we had gone over a few
23 questions with you in regards to whether or not you
24 would want to testify in this trial. And I think I
25 explained to you that you certainly have a right to

1 testify if you wanted to, and your indication to the
2 court at that time is that you did not choose to
3 testify.

4 I did want to remind you, and I don't think I did
5 say this on yesterday, that in the event you choose not
6 to testify, I will instruct the jury that they are not
7 to consider that in any way in their deliberation or
8 consideration of whether you are guilty or innocent of
9 these charges. And so, that will be something I will
10 tell them during my charge to the jury.

11 Knowing that and having the night to think about
12 it, have you changed your mind at all as to whether or
13 not you wish to testify?

14 THE DEFENDANT: No, sir.

15 THE COURT: And your decision is that you choose
16 not to testify; is that correct?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right, Mr. Staggars. Thank you.
19 You can be seated.

20 We had a preliminary conversation on yesterday, I
21 did with the attorneys in this matter, and we were
22 discussing some possible charges, charges that I would
23 give to the jury. We may revisit on the record exactly
24 what I determined from that.

25 But before we address that, Mr. Morin, do you

1 have any motion or anything you'd like to present to the
2 Court in regards to charges?

3 MR. MORIN: Yes, Your Honor. Your Honor, we
4 would request that assault and battery first be charged
5 as a lesser included offense. It's defined as a lesser
6 included offense in the statute. In 16-3-600 B(1)(b)
7 says that it's assault and battery first if a person
8 offers or attempts to injure another person with the
9 present ability to do so and it is accomplished by a
10 means likely to produce death or great bodily injury.

11 Basically, what it's done, in my opinion, Your
12 Honor, is it's taken out if there is no specific intent.
13 That's the only thing that I really think has changed.
14 And if the jury was to not find that one element, it
15 would -- this would be a lesser included and we would
16 request that they be charged on that lesser included.

17 THE COURT: All right, thank you.

18 Mr. Smith, I'd be glad to hear from you.

19 SOLICITOR SMITH: Your Honor, obviously he didn't
20 testify to what his intention was, so we just have to
21 infer it from the facts which, of course, we brought the
22 indictment for attempted murder so we can prove the
23 higher charge. But I don't think that we should
24 necessarily oppose the A&B first. Obviously, it's up to
25 Your Honor if you believe the facts are present. But

1 because intent is difficult to prove, and I know, as
2 your charge says, there's no way to definitely prove it
3 than from the circumstances surrounding it. I mean, I
4 think a jury could think he was trying to scare them or
5 something like that. And I think while there may not be
6 an expressed statement from the defendant that that's
7 what his intention was, I don't think that that's a
8 completely impossible result for the jury to potentially
9 reach based off of the inferences of the facts that they
10 have.

11 THE COURT: All right, thank you. Any other
12 matters before we bring the jury back in?

13 MR. MORIN: No, sir. I don't have any other
14 matters for that.

15 THE COURT: All right.

16 SOLICITOR SMITH: Can I -- they just brought the
17 exhibits out. Can I get some things set up technology
18 wise?

19 THE COURT: Momentarily.

20 SOLICITOR SMITH: Yes, sir.

21 THE COURT: I think we're gonna take another
22 break before we bring them in. I just wanted to see
23 whether there were any other matters we needed to
24 discuss. In fact, over the last evening and this
25 morning, giving some thought to what I anticipated would

1 be a motion from the defendant in regards to assault and
2 battery in the first degree. I am inclined to grant the
3 motion to include that as a lesser included as a part of
4 my charge.

5 Even though Mr. Stagers didn't testify, I think
6 it could be reasonably concluded that perhaps his intent
7 was something lesser than what the original charges are.
8 So I will grant the motion and we will include that in
9 the charge. And I will make some modifications to the
10 charge and we'll go back over that before we actually
11 address the jury this morning.

12 So, let me work on that. We're gonna take a
13 little break. And if counsel wants to start preparing
14 with the exhibits, we'll go ahead and get that done over
15 the break.

16 SOLICITOR SMITH: Your Honor, I have one more
17 housekeeping thing.

18 THE COURT: Yeah.

19 SOLICITOR SMITH: We had a bench conference but
20 we didn't put it on the record. State's Exhibit 3, I
21 think. State's Exhibit 3 contains more than just the
22 interview of Cornelius Stagers on it, and the jury only
23 saw a portion of Cornelius Stagers' interview. So, our
24 intention, and the defense and I agree on this, is that
25 if they wish to watch that video again, that they would

1 be brought back into the courtroom and play the portion
2 that they watched.

3 There's an interview that Mr. Wilson and Ms. Otey
4 on there as well. That's not before the jury. Won't go
5 back in evidence. Won't go back with them. I believe
6 we started the video at 14:35, maybe 20. It's
7 essentially when Louis Nelson enters the interview room
8 is where we started it. I believe it's 14:35:50 is
9 where Mr. Louis Nelson initially speaks, saying he wants
10 to talk about the incident that happened at Crown.

11 And then we ended it at 14:43:30, where Mr.
12 Stagers said, if I had something to hide, I wouldn't be
13 here. And that's where it ended and that's all that
14 should be before the jury when they reach their
15 deliberation. I just wanted to put that on the record.
16 I know we had a side conference and agreed on this,
17 but...

18 THE COURT: Yes, sir. In the event the jury
19 would like to review the evidence in regards to Exhibit
20 Number 3, they may do so in the courtroom and we will
21 certainly only allow that portion which has already been
22 entered into evidence and played during trial to be
23 shown to the jury. All right. Court will be at ease.

24 (A recess was had from 9:27 a.m. - 9:44 a.m.)

25 THE COURT: You may all be seated. Let me have

1 counsel approach.

2 (Bench conference was held off the record.)

3 All right. We're back on the record in this
4 matter. I have had a conference, actually several
5 conferences in regards to my proposed instructions and
6 charge to the jury.

7 Mr. Smith, any comments about those instructions?

8 SOLICITOR SMITH: Your Honor, I believe we're in
9 agreement on the instructions and the verdict form.

10 THE COURT: Mr. Morin?

11 MR. MORIN: No objection to the charge, other
12 than the verdict form.

13 THE COURT: All right, very good. I was just
14 gonna put on the record about the verdict form. We've
15 gone over that and there are no objections to the
16 verdict form as well. All right. Anything else before
17 we bring the jury in, from the State?

18 SOLICITOR SMITH: No, Your Honor.

19 THE COURT: Defendant?

20 MR. MORIN: No, sir.

21 THE COURT: All right. Let's have the jury.

22 (Jury enters the courtroom at 9:47 a.m.)

23 Good morning.

24 THE JURY: Good morning.

25 THE COURT: On yesterday the State presented its

1 case and rested his case. And at this time it would be
2 the defendant who has the option to provide a case. I
3 recognize Mr. Morin at this time.

4 MR. MORIN: Thank you, Your Honor. Your Honor,
5 at this time the defense rests.

6 THE COURT: Very good. The defense has rested.
7 And so at this time, ladies and gentlemen, the parties
8 have concluded all of the evidence and testimony that
9 will be presented to you at this time in this case.
10 This would be the opportunity for both the State and the
11 Defendant to present any closing arguments that they
12 would like to present to you. That is their option. I
13 ask that you give them your fullest attention at this
14 time.

15 Mr. Smith?

16 SOLICITOR SMITH: Thank you, Your Honor.

17 CLOSING ARGUMENT

18 BY SOLICITOR SMITH:

19 New York, your bitch ass better leave my brother
20 alone. You better leave my motherfucking brother alone.
21 Messing with my brother is like messing with your life.
22 Those are the words Cornelius Staggers spoke to Charles
23 Wilson ten minutes before he leaned out of the car and
24 fired multiple shots at Ms. Otey and Mr. Wilson.

25 You'll hear it on the tape and you heard it from

1 Charles Wilson, that's what happened. I mean, he admits
2 that he made some comments, though he said they were
3 different.

4 . How I'm gonna structure my closing, I'm gonna
5 start with one of the elements you're gonna hear is that
6 we have to prove is the identity, that the person who
7 did this crime is Cornelius Staggers. I'm gonna start
8 first with the reasons I believe the evidence shows
9 Cornelius Staggers committed this crime.

10 And then I'm gonna talk to you about what the law
11 is. Ultimately the judge is going to give you the law
12 as well. But I'm gonna give you mine, but you listen to
13 him ultimately on the law. And then I'm gonna talk
14 about why the crime that Cornelius Stagger committed is
15 two counts of attempted murder and one count of
16 discharging a firearm into a vehicle.

17 And the number one reason that we know that
18 Cornelius Staggers is the person who committed this
19 crime, is because of Charles Wilson and Lakeisha Otey,
20 who immediately reported this crime to law enforcement,
21 called 911, gave specific details in the 911 call that
22 matched up with later evidence gathered from the parking
23 lot and from talking with Mr. Staggers.

24 They were respectful of my questions, of Mr.
25 Morin's questions. They talked with police that day.

1 They followed up with the police. They offered possible
2 locations that video could be found to try to assist the
3 police in catching the person who had tried to kill
4 them.

5 They came back then again to give a video
6 recording, another statement to law enforcement. So
7 they were very cooperative with law enforcement. I know
8 there's testimony about Ms. Otey was initially not
9 cooperative, but we know Ms. Otey was in a very
10 heightened state. She jumped out of the car and is
11 walking separate from her husband after this.

12 And you can hear her panic on the 911 call. This
13 is a traumatic event that she just went through. She's
14 just going to pick her husband up from work, thinking
15 that they're gonna go out of town. And the next thing
16 she knows, she's being shot at. The back window of her
17 car is shot out, as she sees -- makes eye contact with a
18 man holding a firearm shooting at her and her husband.

19 The judge is gonna talk to you about prior
20 inconsistent statements and I want you to think about
21 the questions that they were asked on cross-examination.
22 How much were they able to prove was inconsistent of
23 anything that they had said to law enforcement in the
24 past.

25 They had Officer Arrowood who talked with them.

1 Could have asked about contradictions between what was
2 said to Officer Arrowood. They had Louis Nelson who
3 talked with them. Could have asked about
4 contradictions. They didn't.

5 Those police officers kept talking with them and
6 the case kept moving forward because they gave the same
7 information the day of the crime that they gave two
8 months after the crime and in between. And then that
9 they gave two years after the crime here to you in court
10 because it's the truth. It's what happened to them.
11 They know it's what happened and they're never going to
12 forget it.

13 Both of them dead certain since the beginning
14 that it was the person who followed them from the
15 parking lot is the person who shot at them. 100 percent
16 certain. Ms. Otey said it. They were asking about it.
17 It was two months later when you identified him. She
18 said it could be 100 years later, I won't forget the man
19 that tried to kill me.

20 Think about their demeanor, how they presented,
21 how they talked with Mr. Morin. It didn't appear that
22 they were hiding any information. In fact, they're
23 trying to help the police advance the case forward
24 because they're interested in catching the person who
25 tried to kill them. But it's not just asking you to

1 believe there were and nothing else. There is other
2 evidence that supports that Cornelius Staggers is the
3 person who confronted them in the parking lot, followed
4 them and then tried to kill them on Wofford Street and
5 Farley Avenue.

6 Blythe, will you play the 911?

7 And the first being the 911 call, which is the
8 first interaction we have.

9 (Plays audio.)

10 Immediately after the crime, Ms. Otey is saying
11 that it's a light-skinned dude. She's describing the
12 gold vehicle. She's describing he leaned out of the
13 passenger side and shot. And she's describing that she
14 just almost got killed. She was just -- somebody just
15 tried to murder her. Right after the crime she
16 immediately calls and reports these details that she
17 shared with the police and that she shared with you.

18 The timing is also important. If you'll recall,
19 Mr. Wilson says he got up at 11 a.m., the 911 call is at
20 11:12 a.m. There's testimony that it's maybe a seven to
21 ten minute drive. There's the small interaction in the
22 parking lot. It all lines up. The threat is made, 12
23 minutes later their car's getting shot.

24 If somebody has a confrontation like that in the
25 parking lot, your house gets shot up, that night you'd

1 probably think it's the person that was making a threat
2 to you earlier on. But this wasn't a night or the next
3 day or two weeks later, this was ten minutes later. And
4 they had constant contact of watching this person follow
5 them from the parking lot to the location where it
6 happened.

7 I want to listen to the surveillance video as
8 well. You can hear the threats that are made in the
9 surveillance video. We'll play it loud and you'll have
10 it back in the jury room and maybe we'll give you some
11 headphones or something if you can't hear it in here,
12 but...

13 (Plays video.)

14 New York. Can you pause it?

15 (Video paused.)

16 This is a person they don't know. Both said that
17 they've never met him. Only connection he has is that
18 he had gotten into an argument with his brother, who
19 didn't even know it was his brother other than him
20 saying not to mess with his brother. Somebody
21 approaching him in a parking lot, he does not know and
22 his opening line is cuss words and threats made at him.
23 You can hear it.

24 And what else do we have? We have Mr. Stagers's
25 statement that he gave Louis Nelson. He came in

1 voluntarily just minutes after they invited him, wasn't
2 arrested. Didn't get arrested after he gave his
3 statement. Didn't have to talk to him if he didn't
4 want. He had already not talked to them for the time
5 before it took to schedule up the meeting. He's allowed
6 to do that.

7 But what did he say? He says that's him. Says
8 he was at Crown that day. Says he was there in a Lexus,
9 the car he had. Louis also saw the car. He told him
10 that he had it and the car was broken down. And he says
11 that he had words. Although, the way he says it to me
12 is like it was more like between his brother and Mr.
13 Wilson than his own involvement, but he did say, I said
14 some words to him, but it wasn't any bad words and it
15 wasn't any fighting words. That's a lot. You can
16 objectively tell that that's a lie.

17 Mr. Wilson's statement about what happened lines
18 up directly with what this video says. Cornelius
19 Stagers' statement does not line up with objective
20 evidence of what we have. But he does admit to
21 confronting him and he admits to know that there was a
22 beef. So that's the motive for why he stalks them and
23 shoots at them.

24 What else did he admit? He says they went their
25 way and I went my way, but they both actually went the

1 same way, even from his own description. He says he
2 went towards Howard Street, which Investigator Nelson
3 told you would be going to the, right, which is the same
4 direction the victims went.

5 So even in his own admission, he followed them.
6 Whether he was following -- he doesn't admit to follow
7 them. That may be a little bit strong. He admits to
8 going out in the same direction that they went. So he
9 confirms a lot of the story.

10 He doesn't want to admit it to the, the part
11 where he followed them and shot at them. I certainly
12 understand that. But you can just tell he's being
13 dishonest from this video because he did issue fighting
14 words. He did say bad words, and he did threaten the
15 victim, Charles Wilson. And he heard it and you can
16 hear it on this tape.

17 Talk about his brother. Louis Nelson talks about
18 he goes and tries to speak to his brother pretty early
19 on in the investigation relative to when we end up
20 talking to Cornelius Staggers. And when he asks him his
21 brother's name, he puts his head down and then refuses
22 to give his brother's name. Why? Why would that be?
23 Because his brother just drove home and then took his
24 girlfriend to Wendy's? I mean, why would he not say
25 what his brother's name is? It doesn't make any sense.

1 Because he probably knows. Probably knows what
2 happened. Knows what his brother did and he doesn't
3 want to tell law enforcement.

4 MR. MORIN: Objection, Your Honor. There's no
5 evidence of that at all and I move to strike.

6 THE COURT: Sustained. The last comment will be
7 stricken from the record.

8 SOLICITOR SMITH: Another thing I want to talk
9 about is he says he's up here to get some money from his
10 brother, which we don't have video for that. But if
11 he's just there to pick up some money, he's got the time
12 to get money and get out of there and get on to doing
13 whatever else he was supposed to be doing that day, but
14 he's waiting in the parking lot for Charles Wilson. You
15 can see him. And as soon as he sees him -- doesn't know
16 Charles, and so you can presume his brother told him
17 that's him, uses his nickname.

18 He hollers at him from across the parking lot and
19 starts approaching him. But the question is, why did he
20 leave when he left? He left when he left because he was
21 following them and he was planning on shooting them
22 later on down the road. But he wants you to believe
23 that he left just at the time that Ms. Otey and Ms.
24 Wilson pulled out, just because he was done talking with
25 his brother, he'd gotten his money, but -- if you'll

1 back it up, Blythe and then replay it.

2 (Plays video.)

3 He hands something to his brother there. I don't
4 know. He's supposed to be getting money from him. He
5 closes the door. So why does he walk back to his
6 vehicle, why does he get in, and why does he leave right
7 when they leave if he had no business with them and he
8 was just going to do something else? Why hadn't he left
9 before? Because his business was with Mr. Wilson. He
10 wanted to tell him not to mess with his brother,
11 threaten him, and then follow him, and ultimately shoot
12 at him and his wife. That's why.

13 You can see when he goes back to the car, he's
14 determined. It's not that he's just randomly decided
15 that it's time to leave and go about my other business.
16 He could sit there and talk with his brother out in the
17 parking lot if he wants to. It looks like the brother's
18 on break, I don't know. He's obviously out in the
19 parking lot for some reason.

20 And the judge is gonna talk to you about
21 reasonable doubt. And he's gonna define reasonable
22 doubt as the type of doubt that would cause a reasonable
23 person to hesitate to act. He's also gonna describe it
24 as being firmly convinced of something that you would do
25 in your own affairs. It does not have to be beyond any

1 doubt. It has to be beyond a reasonable doubt. Of
2 course, the defendant doesn't have to prove anything,
3 but his statement is that he just went his way.

4 So the question is, what happened to them if
5 that's true? There's only a couple possibilities and I
6 don't think any of them are reasonable. One of the
7 possibilities would be that Ms. Otey and Mr. Wilson
8 staged this somehow. That they shot their own car, made
9 a panicked 911 call, followed up with the police.
10 Happen to have a video of this person threatening them.
11 Don't think that that's believable based off of their
12 testimony, based off of the 911 call, based off of the
13 physical evidence in the pictures you'll see of the
14 vehicle.

15 This crime happened, no doubt. The other options
16 could be that it's somebody else that shot up the car,
17 and I think there's two options there. It would either
18 be that they're mistaken and it's not the person that
19 just threatened them, it's somebody else in a gold,
20 another light-skinned male in a gold vehicle that just
21 happened to have been caught up with them right after
22 they had just got threatened by another light-skinned
23 male in a gold vehicle. That's possible? No, that's
24 not possible. They're 100 percent certain, and it would
25 be some coincidence for them to be mistaken.

1 The other opportunity -- the other possibility
2 would be that somebody else did it and they just decided
3 to blame it on the guy back from the parking lot. But
4 we don't have any reason to show why they would have any
5 reason to do this to Mr. Stagers. They don't know him.
6 The only interaction they've had with them was in the
7 parking lot. No evidence of bias that they have against
8 them or reason that they would want to fabricate
9 something like this up. And in doing so, they would be
10 letting off the person that actually shot at them and
11 tried to kill them. That's not reasonable.

12 Cornelius Stagers confronted Mr. Wilson,
13 followed Ms. Otey and Mr. Wilson until he got to the
14 point that he was ready, and then he leaned out of his
15 car and he fired multiple shots into the passenger
16 compartment of the vehicle. That's what happened.

17 I'll talk a little bit about the opening where
18 this is an edited case. It's true that there must be
19 more tape than this, but what would it show? What's the
20 implication? It ultimately would have to say that
21 something else is going on, other than what the
22 witnesses are telling you, what the 911 tape tells you,
23 what Mr. Stagers is telling you.

24 But it's not the victim's fault that maybe we
25 didn't get the video from the church. They gave a phone

1 number to law enforcement to try to do that. That would
2 also support the idea that they didn't stage this.
3 They're actively trying to get law enforcement involved
4 in the case, to try to solve the case for them.

5 You know, ideally I'd like the video to be
6 longer, but what does it change? What else would
7 happen? He admits that he went out to the right. He
8 admits to being there. The confrontation all occurs on
9 the video that you have. What they say from the witness
10 stand is evidence too. It doesn't have to be a video of
11 it. A witness's testimony is evidence.

12 Ultimately it's up to you to decide whether you
13 think it's credible and to believe it, but it is
14 evidence for you to weigh. It doesn't have to be a
15 tangible thing. Their words are evidence. That's not
16 reasonable.

17 But they have been assisting the case, trying to
18 move it forward. And if there is some additional work
19 the police could do, it's not the victim's fault and it
20 wasn't their doing that held that evidence back from
21 you. They have been consistent throughout.

22 Blythe, can we switch to the ELMO?

23 Let me get to the, the law. This is the crime of
24 attempted murder. The person who with intent to kill
25 attempts to kill another with malice aforethought,

1 either expressed or implied, commits the offense of
2 attempted murder. So, person, we've got to prove it's
3 Cornelius Staggers. That's an element. We have to
4 prove that he had an intent to kill, and that he then
5 did attempt to kill. And that when he attempted to kill
6 he had malice. Those are the elements of the crime.

7 The judge is gonna tell you expressed or implied
8 malice is a difference. Express can be words, like
9 messing with my brother is like messing with your life.
10 It shows ill will towards another person, hatred,
11 maliciousness, but it's expressed. Something that's
12 explicitly said.

13 Implied is what you can glean from the
14 circumstances of the case. And one of the things the
15 judge will tell you is that lying in wait can be like
16 where somebody's waiting outside in the bushes to attack
17 somebody. Well, that's similar to what happened here.
18 He wasn't lying in wait, but he followed them and
19 stalked them. That's malice. Actions that are designed
20 to take another person's life can also be malice.
21 Shooting to and at two human beings inside of a car is
22 also that.

23 Specific intent to kill, I assume may be a part
24 that the defense tries to talk about, about maybe you'll
25 conclude that it was Cornelius Staggers that did this,

1 but you have a question about what his intention was.
2 Maybe he was trying to scare them or something like
3 that, I think could be something they might say.

4 And ultimately that would be your decision to
5 make, but the evidence shows that he fired multiple
6 shots. You know what Mr. Wilson said, four, five, is
7 what he said. Ms. Otey did not have as good of an idea,
8 as she knew it was multiple but she didn't have a
9 specific count. But those shots are fired into the
10 compartment where the passengers are in this car, where
11 the driver and the passenger are.

12 It shot through the back window, which if you
13 were trying to kill somebody in a car and you were
14 directly behind them, that is where you would shoot to
15 try to kill somebody. You wouldn't shoot the bumper.
16 You wouldn't shoot the tire. You would shoot into the
17 compartment where people are and that's what he did.

18 You can also infer his intent through his
19 explicit statement, explicit threat that he makes in the
20 parking lot prior to the shooting. That was his
21 intention. Messing with my brother is like messing with
22 your life. He's telling you what his intention is 10
23 minutes down the road.

24 We talk about -- oh, one thing to the shot too,
25 the shot to the side-view mirror. As we know, their

1 testimony is, is that there was a stop sign and Mr.
2 Stagers is behind them close, and that he leans out of
3 the car, obviously through the driver's side, and he's
4 shooting at them. And we know one of the shot's knocked
5 out the back window. And we know that Mr. Wilson has
6 his window, at least partially down.

7 So I would submit that the shot did not hit his
8 side-view mirror. It very likely could have come
9 through the, the car area, the area of the car and gone,
10 perhaps, over Mr. Wilson and has ducked down, trying to
11 save his life and hit the side-view mirror. It would be
12 very difficult from where he is to hit the side-view
13 mirror in any other way because the car would be
14 blocking him. So those are shots absolutely aimed at
15 Mr. Wilson.

16 There's also, we don't know where all of the
17 shots went, but we know that one, at least one went in
18 there and another one because there was evidence of it
19 going along the roof line. We know one, and then we
20 know there's one into side-view mirror.

21 When you take a handgun and point it at a car
22 with people inside of it and you knowingly pull the
23 trigger, not once, not twice, but three, four, five
24 times, and you already, ten minutes before, said that
25 messing with their brother is like messing with their

1 life, that is the intent to kill and it is an attempt to
2 act on that intent.

3 Poor marksmanship and divine intervention is not
4 a criminal defense. It does not lessen his culpability.
5 It's a failed attempt. That's why it's attempted murder
6 and not murder, because this could easily have been a
7 murder case. Easily, from the actions he took that day.

8 And he's trying to scare them. He already scared
9 them just by following them. He might have scared them
10 just from the confrontation in the parking lot. Could
11 have leaned out and flashed the gun, not shot. Ms. Otey
12 was going no, no, no. So he's clearly scaring her when
13 they made eye contact, because he leans out before he
14 starts shooting. Mission accomplished if the purpose
15 was to scare. He could have fired a shot up in the air.
16 He could have fired at the tires or the bumper or
17 somewhere else, but that is not where he fired. He
18 fired into the compartment where Ms. Otey and Mr. Wilson
19 were seated. Absolutely an attention to kill and
20 absolutely an attempt to kill both of them.

21 The judge is gonna tell you, you don't have to
22 have motive, but we the motive. Couldn't get over
23 whatever argument that happened at the work place. You
24 can see his anger on the video we have and then he acted
25 upon it ten minutes later down the road. The story

1 they've told since day one.

2 The judge -- we -- flip to the next -- the white
3 page underneath the ---

4 So, the judge is gonna give you -- ultimately
5 you're gonna have two options on the attempted murder
6 indictments. You're gonna have attempted murder and
7 you're gonna have assault and battery first. I believe
8 that the evidence supports a conviction for attempted
9 murder, but if you have a question, a reasonable doubt
10 about what his intention was when he fired multiple
11 shots into the back of an occupied vehicle, people that
12 he had just threatened, you can convict him of assault
13 and battery first. It requires an offer or an attempt
14 to injure another and that it's accomplished by means
15 likely to produce death or great bodily injury.
16 Clearly, clearly that's the case, but we believe that
17 it's more than that. It's an attempted murder.

18 But clearly, there was an offer or an offer that
19 doesn't even require that you shoot at -- it can just be
20 threats with a gun out or something like that could meet
21 this. Obviously this case goes more. Bullets are
22 actually fired. An actual attempt is made to murder
23 people. But this is going to be an option. And I would
24 submit that if there is a question about the intention,
25 because the judge is gonna tell you, each of these

1 indictments are separate. You have to make a factual
2 determination on each of three indictments separately
3 and you can decide attempted murder on one and assault
4 and battery first on the other or any combination of
5 whatever you all ultimately decide what the evidence is.
6 But I would submit if there is any doubt about the
7 specific intent to kill, it may be to Ms. Otey, but it's
8 not to Mr. Wilson. When you look where the shots were
9 fired, he was trying to kill Mr. Wilson, completely
10 indifferent to Ms. Otey's presence in the car,
11 obviously. And we would ask that you convict on
12 attempted murder on Ms. Otey's charge as well.

13 But if you do have a question and think maybe she
14 was just kind of a bystander in the, you know, in the
15 danger zone, you can convict on assault and battery
16 first for Ms. Otey and you can convict on attempted
17 murder for Mr. Wilson. The person he actually has
18 animus to, because he's actually expressing hatred and
19 ill will towards ten minutes before the shots are
20 ultimately fired.

21 Discharging a firearm into a vehicle, the judge
22 is only going to give you a little instruction about it
23 because it's pretty easy. If you shoot into a car
24 that's occupied by human beings, you're guilty of that,
25 if you're a person that committed that. There's not a

1 lot more to say that will even make a nice Word document
2 for it.

3 Certainly, if you believe that Cornelius
4 Stagers, if you've come to the conclusion that there's
5 no reasonable doubt that Mr. Stagers is the person that
6 fired into this vehicle, then he's guilty of discharging
7 a firearm into a vehicle.

8 Ultimately, you've got to weigh the evidence, and
9 the judge is gonna tell you the fact that you go back
10 there and deliberate about the case does not mean that
11 you have hesitated to act. Mr. Morin, I'm sure, will
12 tell you we all want you to look at the evidence. We
13 want you to consider it fully, listen to the video,
14 listen to the audio, look at the pictures, look at the
15 maps, talk about it amongst yourselves. That's not what
16 hesitate to act means. But it's when you concluded
17 that, if you are firmly convinced of his guilt, then you
18 must return a verdict of guilty against him.

19 And I'll just leave that Charles Wilson and Ms.
20 Otey have been consistent throughout their involvement
21 with the police and they were consistent with you in
22 court in the testimony that they gave, that the man that
23 followed them from the -- that was at a parking lot and
24 threatened them is the same man that shot at them. And
25 Ms. Otey on the 911 tape says if I see him again I know

1 him. And she told you here today she won't forget him
2 for a 100 years. She's not mistaken, she has not forgot
3 his face, and she never will forgive his face. He's
4 guilty of two counts of attempted murder and discharging
5 into a vehicle and I ask you to find him guilty. Thank
6 you.

7 THE COURT: Thank you.

8 Mr. Morin?

9 CLOSING ARGUMENT

10 BY MR. MORIN:

11 Now, sometimes, most times people say I'm going
12 on trial, I am on trial. Mr. Stagers is on trial. Mr.
13 Stagers is presumed innocent. What this trial is, is
14 the trial of the State's proof against Mr. Stagers.
15 They're on -- their case is on trial. When I stood up
16 here earlier and I said there was editing, that became
17 apparent from the minute I got this case. The minute.
18 The first report I get from Officer Arrowood says there
19 was conflicting statements about where it occurred.
20 That was the first thing I saw on this case. It's on
21 the first of this one-page report.

22 Now, I don't know and he -- the State says I
23 didn't ask him about the conflicting -- he had a video
24 of it and it's gone. It's gone. So, they spend a lot
25 of time talking about what happened in the parking lot.

1 A lot. He's not charged with anything that happened in
2 the parking lot. And it turns out, and I'm not sure,
3 because I asked Mr. Lennox from Crown at the time, I
4 said, how did you determine what you were gonna do? And
5 then he used the word chopped off. But he said that he
6 was acting on the direction of Mr. Nelson. And Mr.
7 Nelson said, I didn't see any of it, Lennox picked it
8 out.

9 Why is that important? Corroboration, okay?
10 Because what we have is, I know we have Ms. Otey and we
11 have Mr. Wilson. And I said during the trial, well,
12 when you're married like that, you communicate a lot,
13 okay? So we have what they say happened, and we have
14 what my client said happened. And my client said he
15 drove down that road and he kept going under the bridge
16 and he drove home.

17 Mr. Wilson and Mr. Nelson said, yeah, that's the
18 way he goes to his house. They say he filed a pass to
19 turn off there at Five Points in Union. So where's the
20 corroboration? And that's been the driving force for
21 most of the questions I have. Did anybody in broad
22 daylight in front of an active construction site see
23 anybody shoot anyone, hear it fired? No. That's why I
24 asked about those videos. Anywhere, including one that
25 Officer Nelson had the phone number to call the person

1 to see about the video. Did you call? No. All I'm
2 asking for is where is the corroboration? My client
3 says he went home, they say he followed them. That's
4 it. That's their case. Do they have anything, anything
5 other than that?

6 They don't have a bullet. Ms. Otey, who's a 100
7 percent sure is also positive that she saw a video that
8 Officer Nelson says doesn't exist. She says that she
9 saw him when they -- she got there. Well, we don't know
10 that. We don't know that, because we can't see it
11 because we don't have it on there.

12 And that's what I've been talking about this
13 whole time about the editing. I didn't even know that
14 she was gonna claim she had seen him in an aggressive
15 manner when she got there. I don't know who got there
16 first. They have the ability to do that. And if
17 Officer Nelson had spoken to her before 60 days passed,
18 he could have asked Mr. Lennox to get a more thorough
19 video. But we know from Mr. Lennox, after 60 days we
20 don't have anymore.

21 So, she also said he was being aggressive and I
22 don't understand. And this is up to you all, but Mr.
23 Wilson said she was sending him texts, but he did not
24 send her anything. So I don't know what those texts
25 were, but they were about an argument he had with Chris

1 Staggers. And it could have been an argument about Mr.
2 -- his brother because he hadn't even seen him. So, why
3 was she watching him? How many of us have gone
4 somewhere to pick somebody up in the last ten years?
5 And when you're waiting, how many of us are looking at
6 your cellphone like she had, and how many of us are just
7 glancing around, looking in the parking lot? That's,
8 that's common sense that that doesn't make sense.

9 She got out of the car. The State says
10 somebody's trying to kill her. She gets out of the car
11 and starts walking, and not just walking home, walking
12 the long way. Walking the long way.

13 The State only gives you three options about why
14 it might not be my client, and they're all crazy. What
15 about number two, according to what Mr. -- what the
16 government just said? What about number two, another
17 person? They tried to brush away the search for Carlos.
18 They tried. Mr. Wilson said, well, we were talking at
19 the table and they overheard us. Wilson says he
20 probably didn't see Ms. Otey until 60 days passed, so
21 there was no table conversation.

22 Officer Nelson -- Detective Nelson then got on
23 the stand and said specifically, they told me the
24 shooter, Carlos, lived on Washington Street. And I
25 asked Mr. Wilson, does Mr. Staggers ever live on

1 Washington Street? No. You've lived there for a while?

2 Yes.

3 So then we get to what evidence we do have. All
4 right. So we've got this shot, alleged shot. We all
5 had this mirror because Detective Nelson can't remember,
6 so we're going by the picture. So Ms. Otey says he was
7 way up on me and he was leaning out the window, top half
8 of his body, and he shoots. And the State's theory is
9 the bullet goes through the window.

10 And now this is a Chevy Yukon. You can see in
11 this picture. This is not a low to the ground vehicle.
12 Goes through the window. Doesn't hit any seats of any
13 car. Misses the partially open window and goes through
14 that. And I asked Mr. Wilson, because I got -- I missed
15 something and I said, are you saying there was damage to
16 the inside of this vehicle? And he said, no.

17 Now, mind you, their theory of the case is the
18 car is right up on it, close, and he's firing. The only
19 evidence they've been able to even indicate -- but let
20 me stay on this mirror for a minute. Now, even if their
21 theory of this angle is correct, this bullet or this
22 bullet hole is directly through. It's not on an angle.
23 It's going right there and coming out right there,
24 straight on. There's no way that can happen, so where
25 is the conflicting stories that are happening?

1 But there's more, because when Mr. Wilson got up,
2 he said there's actually damage to the back passenger
3 side part of the car. And Detective Nelson said, yeah,
4 I saw that.

5 SOLICITOR SMITH: Your Honor, I have an
6 objection. I don't think that's what the testimony was,
7 but...

8 THE COURT: I don't recall that exact statement.
9 I'm going to sustain the objection. Continue with the
10 argument.

11 MR. MORIN: He describes other damage to the
12 outside of the car, and I submit it was not on the
13 driver's side. There's no way anybody shooting, the way
14 they claim it happened, could cause that damage. So,
15 ladies and gentlemen, that's the point of the defense.
16 We say we went home. They say they follow -- we
17 followed them. They say they have proof out there, and
18 then we talk about videos that don't exist. Never
19 existed possibly.

20 It all comes back to the beginning when they
21 determine they call it emotional. Officer Arrowood
22 calls it not cooperative. They don't speak to Ms. Otey
23 for 60 days. An identification is made of the back
24 video that they're so proud of at the Crown. And I, you
25 know, little things come out too.

1 I asked Mr. Lennox, how many cameras do you got
2 out there? You got four, right? Yeah, four. Right
3 after that, Detective Nelson gets up and goes I think
4 they had one. Mr. Lennox said there was four. That's
5 where the editing is going on. That's where the
6 evidence -- that's the evidence. That's the evidence.
7 That's the only corroborating evidence they're trying to
8 get in, and they're asking you to speculate about
9 bullets that magically pass through cars and don't hit
10 anything and pass through. They don't hit anybody.

11 I asked Mr. Lennox, I said, what were you doing
12 when the shots and he said I stayed down. So now the
13 State says, well, he's so fast, when he heard the first
14 shot, he could duck before a second shot. That evidence
15 does not support what they're describing. And that's
16 the only thing they have to try to corroborate that
17 that's what happened. I submit to you, that mirror
18 alone is reasonable doubt. That mirror alone.

19 You can go into where's the -- no, no bullets hit
20 any other part of the car. Knocked out the top window,
21 but it creased it, so we don't have that either. He
22 says, I talked to him. He testified he went up to his
23 mom, someone shot at my car. She says, someone shot at
24 my car. That's reasonable doubt. That's evidence.

25 I know they want to say that their testimony is

1 evidence and they may believe what they're saying. They
2 may believe that they saw a longer video. They may
3 believe that the person that they had some -- he had
4 some words with is the person that did it, but is there
5 anything to corroborate that? Anything? There's not.

6 There was things that they could have looked for,
7 they didn't look. There were people that -- there were
8 people in the area. Did they talk to them? No. What
9 they did was is they went, well, they got arguing so he
10 must be the guy. Let's bring him in. And he comes in.
11 He says what happened. I was out there and I went home.
12 Do they, do they even -- they didn't. That's their
13 case. That's the case that's on trial here. That's the
14 case that my client has to defend. That's the case that
15 they want you to find him guilty. That's not good
16 enough. That's not beyond a reasonable doubt. Thank
17 you.

18 JURY CHARGE

19 THE COURT: Mr. Foreman and members of the jury,
20 the State of South Carolina charges the defendant,
21 Cornelius Jerome Staggers, with the crimes of attempted
22 murder, two counts of attempted murder, and discharging
23 a firearm into a vehicle. You will, of course, bear in
24 mind that the defendant has pled not guilty. And by
25 that plea, the defendant denies the charge as alleged in

1 these indictments. The defendant comes into this court
2 clothed with a presumption of innocence. And this
3 presumption of innocence continues throughout the case.
4 It entitles the defendant to a verdict of not guilty
5 unless and until it's dispelled by evidence satisfying
6 you, the jury, beyond a reasonable doubt, that the
7 defendant is guilty of the offense charged and the State
8 has proved each and every element of the alleged crime
9 beyond a reasonable doubt.

10 The same constitution in law which makes you, the
11 jury, the finders of the fact and the evidence, as I
12 have discussed with you, makes me, as the judge, the
13 sole and only instructor of the law. You must accept as
14 correct the law, which I instruct, and apply to it the
15 evidence as you find it and reach a verdict.

16 If I should make an error in the law, as I
17 instruct it to you, there is another time and place
18 where that error can be considered and, if necessary,
19 corrected. But for the purpose of this case today, you
20 must accept the law as I instruct it. And in that
21 regard, I tell you that neither you nor I, for that
22 matter, should be concerned about what we believe or
23 think the law ought to be, but only concern ourselves
24 with the instruction you the law in fact to be.

25 In a criminal prosecution, the State has the

1 burden of proof. The defendant has no burden, as the
2 defendant is presumed to be innocent. In this case,
3 according to our constitution, the prosecution must
4 prove their case to the standard of beyond a reasonable
5 doubt before he can be found guilty. If the State fails
6 to meet this high burden, the defendant is entitled to a
7 verdict of not guilty.

8 Under the constitution and laws of the State of
9 South Carolina, you are the sole finders of the facts in
10 this case. I am not allowed to suggest in any way what
11 I think or what I may think about the guilt or innocence
12 of the defendant. You also are the judges of the
13 credibility and believability of the witnesses who have
14 testified in this case.

15 In passing upon their credibility, you may take
16 into consideration many things, such as what was the
17 manner and appearance of the witness who testified? Was
18 he or she straight forward or was he or she hesitant in
19 answering? How did, how did the witness come to know
20 the facts that he or she testified to or what was his or
21 her ability to know the facts?

22 Is there some reason a witness would want to give
23 testimony which would help or hurt one side or the
24 other? In other words, was the witness biased or
25 prejudiced and was the testimony of a witness

1 strengthened or weakened by other evidence or testimony?

2 You, the jury, may believe as much or as little
3 of each witness's testimony as you think proper. You
4 may believe the testimony of a single witness against
5 that of many witnesses or just the opposite. You may
6 believe part of a witness's testimony and disbelieve the
7 rest. The fact that testimony is not controverted does
8 not mean you must accept it as true or undisputed. You
9 still must gage the credibility of a witness to
10 determine the believability or truth of the facts
11 offered through the testimony.

12 As the sole fact finders, you should have
13 listened closely to the evidence presented, weighed the
14 evidence in its entirety. It's a mental process. You
15 must weigh the evidence using your good judgment and
16 common sense.

17 Now, there are two types of evidence, which are
18 generally presented during a trial. Direct and
19 circumstantial evidence. Direct evidence is the
20 testimony of a person who asserts or claims to have
21 actual knowledge of a fact, such as an eyewitness.
22 Circumstantial evidence is proof of a chain of facts and
23 circumstances indicating the existence of a fact.

24 The law makes absolutely no distinction between
25 the weight or value to be given to either direct or

1 circumstantial evidence, nor is a greater degree or
2 certainty required of circumstantial evidence than of
3 direct evidence. For circumstantial evidence to be
4 sufficient to warrant the finding of a fact, the
5 circumstances must lead to that fact with reasonable
6 certainty.

7 The facts and circumstances should be considered
8 in light of ordinary experience and common sense. The
9 existence of a fact cannot be based on speculation,
10 surmise, or conjecture. After weighing all the
11 evidence, if you're not convinced of the guilt of the
12 defendant beyond a reasonable doubt, you must find the
13 defendant not guilty.

14 So what is reasonable doubt? It is simply this.
15 A reasonable doubt is the kind of doubt that would cause
16 a reasonable person to hesitate to act. Reasonable
17 doubt may arise from evidence which in the case or from
18 the lack or absence of evidence in the case. Beyond
19 reasonable doubt -- proof beyond a reasonable doubt is
20 proof that leaves you firmly convinced of the
21 defendant's guilt. It is a doubt to which one can
22 assign a reason, if the assignment can be done
23 reasonably, firmly, and convincingly. A reasonable
24 doubt is the kind of doubt that would make a person or a
25 reason -- reasonable, conscientious, honest and sincere

1 person hesitate to act in a manner important to his own
2 affairs.

3 I further charge you that a defendant is entitled
4 to every reasonable doubt that may arise in the case.
5 What that means is simply this: If any of you,
6 including the alternate juror, have any doubt about
7 anything during this trial, you will be required to
8 resolve that doubt in favor of the defendant. The very
9 fact, however, that the jury engages in a full and free
10 discussion of the issue of guilt or non guilt in this
11 case does not automatically mean that reasonable doubt
12 exists in this case.

13 You, the jury, must make the determination of
14 whether or not reasonable doubt exists as to the guilt
15 of the defendant. If you find that the State has not
16 met the burden of proof beyond a reasonable doubt, the
17 defendant is entitled to a verdict of not guilty.

18 Criminal intent is a necessary element of each
19 crime that must be proved by the State beyond a
20 reasonable doubt. Criminal intent is always a matter
21 that must be determined by the jury from the
22 circumstances surrounding the situation. There's no way
23 to prove intent to a mathematical certainty. There's no
24 way medical science can dissect a person's brain and
25 determine what he or she had in mind. So the law states

1 criminal intent may be inferred from the circumstances
2 shown to have existed or before and after the fact.
3 This is how you, the jury, makes a determination of
4 whether or not the element requiring an intent was
5 present.

6 Criminal intent is a state of mind that operates
7 jointly with an act or omission in the commission of a
8 crime. Criminal intent is a mental state or conscious
9 worrying, so it's up to you, the jury, to determine what
10 the defendant intended to do based on the circumstances
11 shown to have existed. I tell you that the State must
12 prove criminal intent beyond a reasonable doubt, just as
13 the State must prove every element beyond a reasonable
14 doubt, as I previously explained to you.

15 An issue in this case is the identification of
16 the defendant as the person who committed the crime
17 charged. The State has the burden of proving identity
18 beyond a reasonable doubt. You must be satisfied beyond
19 a reasonable doubt of the accuracy of the identification
20 of the defendant before you may convict the defendant.
21 Identification testimony is an expression of belief or
22 impression by a witness.

23 You must determine the accuracy of the
24 identification of the defendant. You must consider the
25 believability of each identification witness in the same

1 weight as any other witness. You may consider whether
2 the witness had an adequate opportunity to observe the
3 offender at the time of the offense. This will be
4 affected by things like how long or short a time was
5 available, how far or close the witness was, the
6 lighting conditions, and whether the witness had the
7 chance to see or know the person in the past.

8 Once again, I instruct you, the burden of proof
9 is on the State and it extends to every element of the
10 crime charged. And this specifically includes the
11 burden of proving beyond a reasonable doubt the identity
12 of the defendant as the person who committed the crime.

13 If after examining the testimony you have a
14 reasonable doubt as to the accuracy of the
15 identification, you must find the defendant not guilty.
16 There has been evidence presented that witnesses have
17 made prior statements which are not consistent with the
18 witness's present testimony. You may use the evidence
19 to decide whether to believe the witness. You may also
20 use evidence of the earlier contradictory statement to
21 determine the truth of those statements. It is up to
22 you to decide whether to believe the earlier statements
23 or the testimony given at trial.

24 If a witness is shown to have knowingly testified
25 untruthfully concerning any material matter, you may

1 consider this in determining whether the trust --
2 whether to trust the witness's testimony as to whether
3 -- as to other matters. You may reject all testimony of
4 that witness or give all or part of the testimony the
5 weight you think it deserves.

6 A statement alleged to have been made -- have
7 been made by the defendant has been admitted into
8 evidence into this case. Now, the Court has determined
9 that that statement is admissible, but while I've done
10 that, I instruct you that you make the ultimate decision
11 of whether or not the defendant made the statement.

12 If the defendant did make the statement, you must
13 determine whether the statement was made by the
14 defendant voluntarily and of his own free will. This
15 means that the statement was not caused by pressure,
16 force, fear, threats, coercion or intimidation or by
17 hope or a promise of leniency or a reward of any kind.

18 In determining whether the statement was
19 voluntary, you should consider both the characteristics
20 of the defendant and the details of the questioning.
21 Some of the factors you must consider are, one, the age
22 of the defendant. Two, the defendant's education or
23 lack of education. Three, the defendant's mental
24 ability or capacity. Four, the defendant's IQ or
25 intelligence. Five, the defendant's background and

1 environment. Six, the place and length of detention.
2 Seven, the nature of the questioning. And, eight, the
3 advice or lack thereof.

4 To the defendant of his constitutional rights
5 including, but not limited to, the right to remain
6 silent. That any statement could be used against him or
7 her in a court of law. The right to have a lawyer
8 present. That if he could not afford a lawyer, a lawyer
9 would be appointed to represent him without any cost and
10 that he could stop making a statement at any time.

11 You must carefully consider all of the
12 surrounding circumstances before you give any weight to
13 any alleged statement. The State has the burden of
14 proving beyond a reasonable doubt that the alleged
15 statement was voluntary. And if you determine it was,
16 you may give the statement any further consideration
17 that you deem proper. You must decide what weight, if
18 any, should be given to the alleged statement. If you
19 determine the alleged statement was not the free and
20 voluntary statement of the defendant, you should not
21 consider the statement at all.

22 I instruct you and emphasize that the fact that
23 the defendant did not testify is not a factor to be
24 considered by you in any way in your deliberation and in
25 your consideration on the question of the guilt or the

1 innocence of the defendant. It must not be considered
2 by you in any manner whatsoever.

3 A defendant has the constitutional right to
4 remain silent, and the assertion of his right must not
5 be considered by you in your deliberations. And I
6 repeat, under your oath, you are to draw no conclusion
7 whatsoever from the fact that the defendant in this case
8 did not testify.

9 The fact that this defendant did not testify,
10 should not even be discussed in the jury room. The
11 burden of proof, as I have stated to you, is on the
12 State. The defendant is not required to prove his
13 innocence. The burden of proof remains on the State to
14 prove guilt beyond a reasonable doubt.

15 The indictments in this case allege different
16 offenses against the defendant. Each indictment charges
17 a separate and distinct offense. You must decide each
18 indictment separately on the evidence and the law
19 applicable to it, uninfluenced by your decision as to
20 any other indictment.

21 The defendant may be convicted or acquitted on
22 all or any of the offenses charged. You will be asked
23 to write a separate verdict of guilt or not guilt for
24 each indictment.

25 In this case the defendant is charged with

1 attempted murder. In order to prove this crime, the
2 State must prove the defendant attempted to kill another
3 person with malice aforethought, either expressed or
4 implied. The State must prove beyond a reasonable doubt
5 that the defendant had a specific intent to kill a
6 person. A specific intent to kill is necessary to
7 convict the defendant for attempted murder. In other
8 words, you cannot convict the defendant of attempted
9 murder unless you find that the defendant had the
10 specific intent to kill the victim.

11 Intent means intending the result which actually
12 occurs, not accidentally, involuntarily. Intent may be
13 shown by acts and conduct of the defendant and other
14 circumstances from which you may naturally and
15 reasonably infer intent. Intent may be inferred when it
16 is demonstrated that the defendant voluntarily and
17 willfully commits an act, the natural tendency of which
18 is to destroy another person's life.

19 Malice is hatred, ill will, or hostility towards
20 another person. It is the intentional doing of a
21 wrongful act without just cause or excuse and with an
22 intent to inflict an injury or under circumstances that
23 the law will infer an evil intent.

24 Malice aforethought does not require that malice
25 exists for any particular time before the act is

1 committed, but malice must exist in the mind of the
2 defendant just before and at the time the act is
3 committed. Therefore, there must be a combination of
4 the previous evil intent and the act.

5 Malice aforethought may be expressed or inferred.
6 These terms, expressed and inferred, do not mean
7 different kinds of malice, but merely the manner in
8 which malice may be shown to exist. That is either by
9 direct evidence or by inference from the facts and
10 circumstances which are proof.

11 Express malice is shown when a person speaks
12 words which express hatred or ill will for another or
13 when the person prepared beforehand to do the act which
14 was later accomplished. For example, lying in wait for
15 a person or any other act or preparation going to show
16 that the deed was in the defendant's mind would be
17 expressed malice.

18 Malice may be inferred from conduct showing a
19 total disregard for human life. If facts are proved
20 beyond a reasonable sufficient fact, beyond a doubt that
21 sufficient to raise an inference of malice to your
22 satisfaction. This inference would be simply an
23 evidentiary fact to be considered by you, the jury,
24 along with the other evidence in the case and you may
25 give it the weight you decide that he should receive.

1 The defendant is charged under the Statute
2 16-23-440, with discharging firearms at or into a
3 dwelling, structure, enclosure, vehicle, or equipment.
4 That statute reads as follows:

5 It is unlawful for a person to discharge or cause
6 to be discharged unlawfully firearms at or into a
7 dwelling or the building, structure or enclosed
8 regularly occupied person -- occupied by a person. A
9 person who violates the provisions of the ---

10 SOLICITOR SMITH: Your Honor?

11 THE COURT: Excuse me.

12 SOLICITOR SMITH: Can we approach?

13 THE COURT: Yes, sir.

14 (Bench conference was held off the record.)

15 Thank you, counsel.

16 And, B, it is unlawful for persons to discharge
17 or cause to be discharged unlawfully firearms at or into
18 any vehicle, aircraft, watercraft, or other convenience
19 device or equipment while it is occupied.

20 There's also a lesser included charge that the
21 Court has decided would be appropriate, and that is of
22 assault and battery in the first degree. A person
23 commits the offense of assault and battery in the first
24 degree if the person unlawfully offers or attempts to
25 injure another person with the present ability to do so

1 in the act either is accomplished by means likely to
2 produce death or great bodily injury or occurred during
3 the commission of a robbery, burglary, kidnapping, or
4 theft.

5 In conclusion, Mr. Foreman, members of the jury,
6 as you retire to begin your deliberations, I wish to
7 express the hope that each of you will be mindful of the
8 importance of your responsibility. You are not called
9 upon to serve as jurors very often. You and I are
10 acting for the community and that is why we must see to
11 it that the trial is fair and the verdict is just.

12 It is my responsibility as the judge in this case
13 to see that every person tried here receives fair and
14 impartial justice. I am not trying to tell you how you
15 should decide this case. As I have already told you,
16 that under the laws of the State of South Carolina you,
17 the jury, are the sole judge of all questions of fact.
18 It would be highly improper for me to influence you in
19 the performance of that duty.

20 Additionally, I am not trying to tell you what
21 your verdict should be, but as the presiding officer of
22 this Court, I am vitally convinced that whatever verdict
23 you find will be the result of your going into that jury
24 room and confining your consideration to the evidence in
25 the law that you've heard in this courtroom, weighing it

1 fairly and impartially and following my instructions on
2 the applicable law, I am convinced and have every
3 confidence that you will do that.

4 That is the conclusion of my charge to you as
5 members of the jury. Mr. Foreman, ladies and gentlemen,
6 you will be sent back to the jury room with a copy of my
7 verdict form. And this has already been examined. And
8 this is a two-page form. You have one, two, three,
9 four, five different questions on this form. The form
10 instructs you as to how you have to reach your decision,
11 either guilty or not guilty on each of the questions.

12 The first question is in regards to the
13 indictment involving the charge of attempted murder as
14 to the victim Lakeisha Otey. Your verdict would need to
15 be either guilty or not guilty and you would select one
16 of those two choices. And if your verdict for question
17 number one is guilty, this would direct you to the next
18 question that you must answer. If it is not guilty, it
19 would once again direct you to the next question that
20 you must answer.

21 The questions will be as follows. I will read
22 all three of them -- actually all five of them. As to
23 the indictment of or the allegation of attempted murder
24 Lakeisha Otey, your verdict would have to be either
25 guilty or not guilty as to the indictment regarding the

1 alleged attempted murder of Mr. Charles Wilson, your
2 verdict will be guilty or not guilty. There's also a
3 charge in regard to assault and battery in the first
4 degree as to Ms. Otey. Your verdict would be guilty or
5 not guilty. There's a question in regards to the guilt
6 or innocence in regards to the assault and battery
7 referring -- in the first degree, referring to Mr.
8 Charles Wilson. Again, your verdict will be guilty or
9 not guilty. And the last question will be in regards to
10 the charge of discharging a firearm into a vehicle. And
11 once again, your choice would be guilty or not guilty.

12 So at this time, I will ask you to retire to your
13 jury room. Do not begin your deliberation until I send
14 back this verdict form and all the evidence for your
15 review. Thank you.

16 (Jury leaves the courtroom at 11:04 a.m.)

17 THE COURT: All right. Anything to address with
18 the Court before we send those exhibits back to the
19 court -- to the jury, Mr. Smith?

20 SOLICITOR SMITH: Your Honor, I have a little bit
21 of an issue or maybe I just didn't think it was totally
22 clear. I think the verdict form is clear of what
23 they're supposed to do, but the way that you instructed
24 it, I think it's possible that they might end up finding
25 him like guilty of attempted murder and guilty of

1 assault and battery first. Like it wasn't if you -- we
2 didn't explicitly say if you find him guilty of
3 attempted murder, you don't consider this. I know the
4 verdict form does, but I just have some worry about the
5 way that it was explained that, that it might not have
6 been clear.

7 MR. MORIN: I share that concern, Your Honor.

8 THE COURT: Okay.

9 MR. MORIN: I was a little bit concerned that
10 they may take that to mean that they have to find him
11 guilty or not guilty on every single charge and we could
12 end up with a weird result.

13 THE COURT: Well, why don't I bring them back and
14 I just read the form verbatim?

15 SOLICITOR SMITH: Yeah. Or just, if you find him
16 guilty of attempted murder you move on to the next
17 indictment. That would be the end of -- and if you find
18 him not guilty, then you're to consider assault and
19 battery first.

20 THE COURT: Okay.

21 MR. MORIN: Well, I don't even know -- with all
22 due respect.

23 THE COURT: Certainly.

24 MR. MORIN: I don't even know if you want to say
25 if you find him not guilty of this, then you can find

1 him guilty of that. They have to -- you see what I'm
2 saying?

3 SOLICITOR SMITH: Well, they go to that question
4 then.

5 MR. MORIN: Right. But I don't know how they're
6 gonna get there. And if you're saying you've got to
7 find him not guilty before you decide the thing, then
8 that's a different problem.

9 THE COURT: I think reading it verbatim may be
10 the best --

11 MR. MORIN: Okay.

12 THE COURT: -- way to address the issue.

13 MR. MORIN: All right.

14 SOLICITOR SMITH: I just don't want a --

15 THE COURT: Mr. Smith?

16 SOLICITOR SMITH: I just don't want a situation
17 where they can find him guilty of attempted murder and
18 A&B first. And I think the instructions to the court
19 [sic] that they just got gives the impression they have
20 five questions to answer. They very well may only have
21 three questions to answer. If they find him guilty of
22 attempted murder, they're not to consider -- I mean,
23 they should start ---

24 THE COURT: And I think the form tells them that.

25 SOLICITOR SMITH: And I agree with that, I do.

1 THE COURT: Yes.

2 SOLICITOR SMITH: I'm just a paranoid person over
3 years of doing this.

4 MR. MORIN: I'm equally paranoid with him on
5 that. So if, I think if you read it verbatim that's
6 probably going to be the best way at this point.

7 THE COURT: Mr. Smith, what do you think about
8 that?

9 SOLICITOR SMITH: Yeah, that's fine. I just, I
10 just don't want them to convict him of both. That's the
11 situation I'm trying to avoid.

12 THE COURT: I don't think that they could do that
13 if they follow the instructions on the verdict form.

14 MR. MORIN: Yes, sir.

15 THE COURT: I don't see how they could do that,
16 because you wouldn't go to the next question if you, if
17 you find him guilty on one. But I'm happy to ---

18 SOLICITOR SMITH: But it doesn't have anything
19 about like you don't -- I guess -- it just says, move on
20 to this question. I, I just don't know if they then
21 realize they don't have to answer that question.

22 THE COURT: All right. So if they -- if he's
23 found guilty on the attempted murder, then they're not
24 going to consider assault and battery.

25 SOLICITOR SMITH: Right. And I'm not trying to

1 get -- they can start the deliberation. The verdict
2 form is the verdict form. It's got to be in some order.
3 I mean, they can start talking about A&B first. I'm not
4 trying to influence that, but how their thought process
5 goes, but just if you convict of this one, that's the
6 end of that indictment, you should move on to the next
7 indictment.

8 MR. MORIN: I would suggest, Your Honor...

9 THE COURT: Or, perhaps, maybe what I just need
10 to tell them is they can't convict him of both assault
11 and battery and attempted murder. It would have to be
12 one or the other or none.

13 MR. MORIN: Yes. I'm good with that.

14 SOLICITOR SMITH: I think that might be the --

15 MR. MORIN: That would be the easiest way and --

16 SOLICITOR SMITH: -- correct way.

17 MR. MORIN: -- most direct way, yes.

18 THE COURT: All right. Any other concern before
19 I bring them back in?

20 SOLICITOR SMITH: No, Your Honor, and I'm sorry
21 for interrupting you.

22 THE COURT: No. And thank you for bringing to my
23 attention that other situation, because I should have
24 scratched through that.

25 SOLICITOR SMITH: That's all right. I was just

1 like, uh-oh. I was glad I was following along.

2 THE COURT: Yes, sir. Good timing on that, by
3 the way. All right. Let's bring the jury back in.

4 (Jury enters the courtroom at 11:10 a.m.)

5 THE COURT: Ladies and gentlemen, I just want to
6 be certain that the Court doesn't confuse you about the
7 verdict form. I think the verdict form is pretty clear
8 when you see it. I want you to understand that when you
9 are making your deliberation, you make your decision
10 here, you cannot find Mr. Stagers guilty of both
11 attempted murder and assault and battery. You can find
12 him not guilty of all of those things, but if you find
13 him guilty of anything, it would have to be one or the
14 other, it could not be both. And the form will explain
15 that to you. And if you just follow the instructions
16 one, two, three, four. And they're not in any
17 particular order of importance. There are several
18 charges, so they all had to be put on a piece of paper.
19 Not one charge is more important than the other, but he
20 could not be found guilty of both attempted murder and
21 also assault and battery first degree, okay?

22 All right, thank you. You can retire. We'll be
23 sending those exhibits back to you momentarily.

24 (Jury leaves courtroom at 11:12 a.m.)

25 THE COURT: Anything further from the State?

1 SOLICITOR SMITH: No, Your Honor. I think that
2 was clear.

3 THE COURT: The defense?

4 MR. MORIN: No, sir.

5 THE COURT: All right, very good. All right.
6 You can examine these exhibits and we'll be sending that
7 back with the verdict form.

8 SOLICITOR SMITH: Your Honor, I believe they're
9 all there. We've got a laptop that's got nothing other
10 than like a media player on it and we're gonna maybe try
11 to get a blue tooth speaker or something that they can
12 hook up.

13 THE COURT: You're holding number three back
14 here?

15 MR. MORIN: Yes. It's ---

16 SOLICITOR SMITH: Yea. I didn't know if we
17 wanted to instruct them that, you know, it's hear if
18 they want it.

19 THE COURT: We'll just wait to see if they have a
20 question.

21 SOLICITOR SMITH: Okay. I just didn't want them
22 to think that they're missing one, which they will be.
23 And, Your Honor, I don't mean to -- are we -- is the
24 alternate gonna get pulled when we bring the exhibit?

25 THE COURT: Yes. Once I'll talk with her.

1 SOLICITOR SMITH: All right. I heard a horror
2 story one time that --

3 THE COURT: Oh, she won't be able to deliberate.

4 SOLICITOR SMITH: -- a very experienced judge of
5 ours had. Forgot once.

6 THE COURT: Yes, sir. Actually, my bailiff has
7 already put me on notice that she was be coming out.

8 SOLICITOR SMITH: Ben is on top of things.

9 THE COURT: He's on.

10 Yes, sir. My bailiff has already put me on
11 notice.

12 SOLICITOR SMITH: Ben is on top of things. Your
13 Honor, we've got the laptop here.

14 THE COURT: Okay.

15 (Alternate juror enters the courtroom at 11:22
16 a.m.)

17 THE COURT: All right. You are our alternate?

18 ALTERNATE JUROR: Uh-huh.

19 THE COURT: We won't be needing you right yet.

20 ALTERNATE JUROR: Okay.

21 THE COURT: So we're gonna separate you from the
22 jury. He's gonna show you where you can be. You may
23 have to come back at a later time. If not, we'll let
24 you go home, okay?

25 ALTERNATE JUROR: Yes, sir.

1 THE COURT: Okay, thank you.

2 (Alternate juror leaves the courtroom at 11:23
3 a.m.)

4 All right. Court will be at ease.

5 (Recess was held from 11:23 a.m. - 12:17 a.m.)

6 THE COURT: All right. Exhibit Number 3, do you
7 got it cued up?

8 SOLICITOR SMITH: There's two camera angles on
9 the same exhibit.

10 MR. MORIN: Okay. I'm like, huh?

11 THE COURT: All right. Let's bring in the jury.
12 (Jury enters courtroom at 12:18 p.m.)

13 THE COURT: Okay. Mr. Foreman, I understand the
14 jury would like to see a part of the interview at the
15 police station, correct?

16 MR. FOREMAN: Yes, sir.

17 THE COURT: All right. It's cued up.

18 (Plays video.)

19 All right. Mr. Foreman, after you complete your
20 verdict form, you are to sign it and date it. Thank
21 you. Retire back to your room.

22 (Jury leaves the courtroom at 12:27 p.m.)

23 All right. Court will be at ease.

24 SOLICITOR SMITH: Your Honor, can we put the
25 times of ---

1 (Recess was held from 12:28 p.m. -1:28 p.m.)

2 THE COURT: All right. Let's go back on the
3 record. I understand that there is an inquiry from the
4 jury. Who has a copy of what's been sent in a note form
5 or record form?

6 THE BAILIFF: I can get that right now, Your
7 Honor.

8 THE COURT: All right. Yes, sir.

9 All right. I have a note here from the jury that
10 says: We, the jury, are unable to come to a unanimous
11 decision regarding all charges. It is signed by the
12 foreperson and dated August the 17th. All right. We'll
13 make this Court's Exhibit Number 1.

14 (Court's Exhibit Number 1, Jury Note, was marked
15 for identification.)

16 (Court's Exhibit Number 1 was entered into the
17 record.)

18 Mr. Smith, Mr. Morin, I imagine we'll need to do
19 an Allen charge on this issue. Anything from the State
20 on that?

21 SOLICITOR SMITH: I would be in favor of it, but
22 I don't know if you have it ready. I know that they can
23 be viewed as coercive and there's kind of a test for
24 that, so I would just like to see the language before we
25 do it, not ruling anything and you make a decision.

1 THE COURT: Yes, sir. Okay.

2 Mr. Morin, any objection?

3 MR. MORIN: No, sir.

4 THE COURT: You can both approach.

5 (Bench conference was held off the record.)

6 THE COURT: All right. Let's have the jury.

7 (Jury enters the courtroom at 1:37 p.m.)

8 THE COURT: All right. Mr. Foreman, ladies and
9 gentlemen, I understand that you have been unable to
10 reach a unanimous decision up until this time. At this
11 time I would like to share with you a little bit of
12 information that may help you with your dilemma.

13 You stated that you have been unable to agree on
14 a verdict in this case. As I instructed you earlier,
15 the verdict of this jury must be unanimous. When a
16 matter is in dispute, it isn't always easy for even two
17 people to agree, so when 12 people must agree, it
18 becomes even more difficult.

19 In most cases absolute certainty cannot be
20 reached or expected. However, you have a duty to make
21 every reasonable effort to reach a unanimous verdict.
22 In doing this, you should consult with one another,
23 express your own views and listen to the opinions of
24 your fellow jurors. Tell each other how you feel and
25 why you feel that way. Discuss your differences with

1 open minds.

2 Although the verdict of the jury must be
3 unanimous, every one of you has a right to your own
4 opinion. The verdict you agree to must be your own
5 verdict. The result of your own convictions. And you
6 should not give up your firmly held beliefs merely to be
7 in agreement with your fellow jurors.

8 The majority should consider the minority's
9 position. The minority should consider the majority's
10 position. You should carefully consider and respect the
11 opinions of each other and re-evaluate your position for
12 reasonableness, correctness, and impartiality. You must
13 lay aside all outside matters and re-examine the
14 questions before you base -- before you, based on the
15 law and evidence in this case.

16 If you do not agree on a verdict in this case, I
17 must declare a mistrial. In that case, it does not mean
18 that anybody wins. It just means that at some future
19 time I will try this case with some other jury sitting
20 here, sitting where you are today.

21 The same participants will come in and the same
22 lawyers will ask basically the same questions and get
23 basically the same answers and we'll go through the
24 whole process again. You were selected in the same
25 manner and from the same source as any future jury would

1 be, and there is no reason for me to suppose that the
2 case can't -- will ever be submitted to 12 more
3 intelligent, impartial, conscientious, and competent
4 jurors than you or that more or clearer evidence will be
5 produced on one side or the other. I, therefore, ask
6 you to return back to your deliberations. Thank you.

7 (Jury leaves courtroom at 1:38 p.m.)

8 THE COURT: Okay. The Court will be at ease.

9 (A recess was held from 1:38 p.m. - 2:16 p.m.)

10 THE COURT: All right. I understand we have a
11 verdict. You may bring in the jury.

12 THE BAILIFF: Yes, sir.

13 (Jury enters the courtroom at 2:17 p.m.)

14 THE COURT: Okay. Mr. Foreman, I understand that
15 you have reached a verdict; is that correct?

16 MR. FOREMAN: Yes, Your Honor.

17 THE COURT: Please hand the verdict form to the
18 bailiff.

19 Madame Clerk, publish the verdict.

20 Mr. Stagers, please stand up.

21 (Complies.)

22 VERDICT

23 THE CLERK: In the State of South Carolina in the
24 court of General Sessions, the State of South Carolina
25 versus Cornelius Jerome Stagers, as indictment number

1 2021-GS-42-1876, alleging attempted murder as to the
2 victim Lakeisha Otey, we, the jury, unanimously find the
3 defendant not guilty.

4 As to indictment number 2021-GS-42-1876, alleging
5 assault and battery in the first degree as to victim
6 Lakeisha Otey, we, the jury, unanimously find the
7 defendant guilty.

8 As to indictment 2021-GS-42-1877, alleging
9 attempted murder to the victim, Charles Wilson, we, the
10 jury unanimously find the defendant guilty.

11 As to indictment 2021-GS-42-1875, alleging
12 discharging a firearm into a vehicle, we, the jury,
13 unanimously find the defendant guilty.

14 Signed by the foreperson this 17th day of August,
15 2023. Ladies and gentlemen of the jury, if this is your
16 verdict and still your verdict? If so, please raise
17 your right hand. So say you all.

18 THE COURT: Thank you. All right. Mr. Morin, do
19 you wish to poll the jury?

20 MR. MORIN: Yes, Your Honor.

21 THE COURT: Madam Clerk?

22 MADAM CLERK: Yes, sir.

23 Ladies and gentlemen of the jury, at this time I
24 would pose a question. My question being if this is
25 your verdict and still your verdict? When I call your

1 juror number, please stand and respond to the question.

2 Juror number 150.

3 JUROR 150: Yes.

4 THE CLERK: Is this your verdict and still your
5 verdict?

6 JUROR 150: Yes, ma'am.

7 THE CLERK: Thank you. You can be seated.

8 Juror number 139, is this your verdict and still
9 your verdict?

10 JUROR 139: Yes.

11 THE CLERK: Thank you.

12 Juror number 107, is this your verdict and still
13 your verdict?

14 JUROR 107: Yes, ma'am.

15 THE CLERK: Number 131. Is this your verdict and
16 still your verdict?

17 JUROR 131: Yes, ma'am.

18 THE CLERK: Number 113. Is this your verdict and
19 still your verdict?

20 JUROR 113: Yes.

21 THE CLERK: Juror number 155. Is this your
22 verdict and still your verdict?

23 JUROR 155: Yes.

24 THE CLERK: Thank you.

25 Juror number 154, is this your verdict and still

1 your verdict?

2 JUROR 154: Yes, ma'am.

3 THE CLERK: Thank you.

4 Juror number 110, is this your verdict and still
5 your verdict?

6 JUROR 110: Yes, ma'am.

7 THE CLERK: Juror number 11, is this your verdict
8 and still your verdict?

9 JUROR 11: Yes, ma'am.

10 THE CLERK: Juror number 42, is this your verdict
11 and still your verdict?

12 JUROR 42: Yes, ma'am.

13 THE CLERK: Juror number 71, is this your verdict
14 and still your verdict?

15 JUROR 71: Yes, ma'am.

16 THE CLERK: Thank you.

17 Juror number 68, is this your verdict and still
18 your verdict?

19 JUROR 68: Yes.

20 THE CLERK: Thank you.

21 THE COURT: Thank you, ladies and gentlemen. We
22 gratefully appreciate the service that you have granted
23 to your community here today. I know this is a
24 difficult decision. I'm happy that you were able to
25 reach a unanimous decision. At this time I'm gonna ask

1 you to retire to your jury room here. You will be
2 dismissed momentarily. I will ask the foreman to sign a
3 couple of documents before he leaves and I'll come back
4 and talk with you before you leave. Thank you.

5 Foreman, you can sit, just move aside.

6 (Jury leaves the courtroom, except the foreman,
7 at 2:22 p.m.)

8 (Foreman signs documents and exits the courtroom
9 at 2:24 p.m.)

10 THE COURT: All right. We're going to take about
11 account 20 minutes, then we will return back for
12 sentencing.

13 SOLICITOR SMITH: Thank you, Your Honor.

14 (A recess was held from 2:24 p.m. - 2:39 p.m.)

15 THE COURT: Thank you. You may be seated.

16 THE CLERK: May I approach?

17 THE COURT: Yes, ma'am.

18 All right. In the matter of the State of South
19 Carolina versus Cornelius Jerome Staggers, the Court has
20 issued its verdict. Mr. Staggers has been found guilty
21 of assault and battery in the first degree as to Ms.
22 Lakeisha Otey. He has been found guilty of discharging
23 a firearm into a vehicle, and he has been found guilty
24 of attempted murder in regards to Charles Wilson.

25 Before the Court enforces a sentence on these

1 convictions, the Court will be glad to hear from both
2 the State and the defendant.

3 Mr. Smith, you're recognized.

4 SOLICITOR SMITH: Your Honor, I'm gonna hand up,
5 we'd like to make a Court's exhibit the life without
6 parole notice and his certified prior convictions. I'll
7 hand those up.

8 And then he does have other prior convictions,
9 Your Honor. 2007, shoplifting and disturbing schools,
10 burglary third first offense and trespassing.

11 2010, two counts of unlawful carry of a pistol,
12 burglary second non-violent. Burglary second violent.

13 2013, two assault and battery seconds. Two
14 attempted armed robberies. He was found guilty at
15 trial, I believe, and got ten years on both of those.
16 Possession of a weapon during a violent crime. And
17 burglary second violent.

18 And 2019, an assault and battery third.

19 I did do his time calculation. I believe he has
20 679 days credit in the detention center since he was
21 arrested.

22 All right. And I think Mr. Wilson wishes to
23 address the Court. We don't have anything other than
24 Mr. Wilson, Your Honor.

25 THE COURT: Thank you, Mr. Smith.

1 Mr. Wilson, I'd be glad to hear from you, sir.
2 Please stand up.

3 MR. WILSON: I just want the defendant to know
4 that he caused a lot of damage between me and my family,
5 as far as, you know, they don't feel safe driving in a
6 car. I had to convince them. But I just want him to
7 understand that he put a lot of toll on my family
8 financially, physically, and emotionally, and we're
9 still trying to get back to this day.

10 I hope you understood -- understand what you did
11 was wrong. You should have been a man and accepted
12 whatever it was they was coming to you with. But I just
13 want you to know that I hope you remember my face and I
14 hope you remember my wife's face, because we will never
15 forget you or anybody else that had anything to do with
16 this. Thank you, Your Honor.

17 THE COURT: Thank you, sir.

18 Anything else from the State?

19 SOLICITOR SMITH: No, Your Honor.

20 THE COURT: Mr. Morin?

21 MR. MORIN: Your Honor, I've discussed this
22 situation and the potential sentence situation with my
23 client and we don't have anything to add.

24 THE COURT: Thank you, sir.

25 At this time, the Court would impose sentence.

1 In the matter of the State versus Cornelius Jerome
2 Stagers, the charge of discharging into an occupied
3 vehicle, for which Mr. Stagers has been found guilty,
4 the sentence will be ten years in the Department of
5 Corrections.

6 In the matter of State versus Cornelius Jerome
7 Stagers, for the charge of assault and battery in the
8 first degree for which he has been found guilty, the
9 sentence will be ten years in the Department of
10 Corrections. That's to be served concurrently with the
11 prior sentence.

12 In the matter of the State versus Cornelius
13 Jerome Stagers for the charge of attempted murder for
14 which he has been found guilty, the sentence will be for
15 a term of imprisonment for life without the possibility
16 of parole. Good luck to you, sir.

17 SOLICITOR SMITH: Thank you, Your Honor.

18 THE COURT: That concludes this, this term of
19 court. Thank you.

20 SOLICITOR SMITH: Thank you, Your Honor.

21 (Court's Exhibit Number 2, LWOP Notice and
22 Certified Prior Convictions, was marked for
23 identification.)

24 (Court's Exhibit Number 2 was entered into the
25 record.)

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(Court concluded at 2:45 p.m.)

--- THIS ENDS REQUESTED TRANSCRIPT ---

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COURT REPORTER CERTIFICATE

I, the undersigned Julie A. Cendroski, Court Reporter for the Seventh Judicial Circuit Court of the State of South Carolina, do hereby certify that to the best of my ability the foregoing is a true, accurate, and complete transcript of record of all the proceedings and evidence introduced in the hearing and/or trial of the captioned case, relative to appeal, in the Court of GENERAL SESSIONS for Spartanburg County, South Carolina, on the days of August 15th - 17th of August, 2023.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

s/o Julie A Cendroski

Julie A. Cendroski
Circuit Court Reporter III
Seventh Judicial Circuit

WITNESSES

Spartanburg Police Department

[Handwritten Signature]

ARREST WARRANT NUMBER

2021A4210101954

ACTION OF GRAND JURY

True Bill

Danielle Woodward

Foreperson of Grand Jury
Date: APR 20 2022

VERDICT

guilty

Joseph Skove

08/17/23

Foreperson of Petit Jury
Date:

DOCKET NO. **22-GS-42-1876**

The State of South Carolina

County of Spartanburg

Barry Barnette, *Solicitor*

COURT OF GENERAL SESSIONS

APR 25 2022

TERM

THE STATE

vs.

Cornelius Jerome Stagers

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029

CDR Code: 3410

Class FEL-A

[Handwritten Initials]

FILED

2022 APR 25 11 09 12

CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED

AUG 23 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG)


INDICTMENT

At a Court of General Sessions, convened on APR 20 2022 the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That the Defendant, Cornelius Jerome Staggers, did in Spartanburg County on or about August 3, 2021, with intent to kill, attempt to kill Lakeisha Otey with malice aforethought, expressed or implied, by shooting at the victim, in violation of Section 16-3-0029, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



ASSISTANT SOLICITOR

WITNESSES

Spartanburg Police Department

[Handwritten signature]

ARREST WARRANT NUMBER

2021A4210101955

ACTION OF GRAND JURY

[Handwritten text]

[Handwritten signature]

Foreperson of Grand Jury

Date: 12/20/22

VERDICT

Guilty

[Handwritten signature]

08/17/23

Foreperson of Petit Jury
Date:

DOCKET NO. 22-66-42-1877

The State of South Carolina

County of Spartanburg

Barry Barnette, Solicitor

COURT OF GENERAL SESSIONS

APR 25 2022

TERM

THE STATE
vs.

Cornelius Jerome Staggers

Indictment for

ATTEMPTED MURDER

SC Code: 16-3-0029

CDR Code: 3410

Class FEL-A

[Handwritten initials]

FILED

2022 APR 25 11 09 12

CLERK OF COURT
SPARTANBURG COUNTY
SOUTH CAROLINA

RECEIVED

AUG 23 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF SPARTANBURG) .

INDICTMENT

APR 20 2022

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

ATTEMPTED MURDER

That the Defendant, Cornelius Jerome Staggers, did in Spartanburg County on or
about August 3, 2021, with intent to kill, attempt to kill Charles Wilson with malice
aforethought, expressed or implied, by shooting at the victim, in violation of Section 16-3-
0029, Code of Laws of South Carolina, (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such
case made and provided.



ASSISTANT SOLICITOR

DOCKET NO

22-GS-42-1875

WITNESSES

Spartanburg Police Department

H. O. Howard

ARREST WARRANT NUMBER

2021A4210101956

ACTION OF GRAND JURY

True Bill

Danielle Woodward

Foreperson of Grand Jury
Date: APR 20 2022

VERDICT

Guilty

Joseph Stevens

08/17/23

Foreperson of Petit Jury
Date:

The State of South Carolina

County of Spartanburg

Barry J. Barnette, Solicitor

COURT OF GENERAL SESSIONS

APR 25 2022

TERM

THE STATE

vs.

Cornelius Jerome Stagers

Indictment for

DISCHARGING FIREARM
INTO VEHICLE

SC Code:16-23-440(B)

CDR Code: 2907

Class FEL/E

SOL

FILED

APR 25 11 09:42
CLERK OF COURT
SPARTANBURG COUNTY
AMY W. COX

RECEIVED

AUG 23 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)

INDICTMENT

APR 20 2022

At a Court of General Sessions, convened on _____ the
Grand Jurors of Spartanburg County present upon their oath:

DISCHARGING A FIREARM INTO A VEHICLE

That Cornelius Jerome Staggers, did in Spartanburg County on or
about August 3, 2021 discharge or cause to be discharged a firearm at or
into an occupied vehicle, in violation of §16-23-440(B) of *THE CODE OF
LAWS OF SOUTH CAROLINA*, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made
and provided.



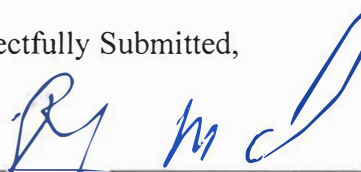
ASSISTANT SOLICITOR

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

RECEIVED**May 24 2024****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of May, 2024.

RECEIVED

May 24 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Spartanburg County

Honorable Daniel E. Martin, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

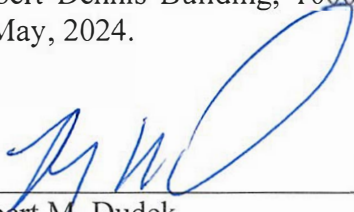
CORNELIUS JEROME STAGGERS,

APPELLANT

APPELLATE CASE NO. 2023-001361

CERTIFICATE OF SERVICE

I certify that a copy of the Record on Appeal in the above-referenced case has been served upon Mark Farthing, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 24th day of May, 2024.


Robert M. Dudek
Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT