

**RECEIVED**

**Jun 10 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GREENWOOD COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

---

Appellate Case No. 2022-001441

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The State, .....Respondent,

v.

Deshawn Chazz Hurley,.....Appellant.

---

**RECORD ON APPEAL – VOLUME I OF III**

---

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**State's Exhibits 1-82, 96, 109-127, 130-138, and 141, co-defendant Reed's Exhibits 4 and 16, And Court Exhibits 1-15 will be transported to the Court.**

## ARREST WARRANT

2020A2410200377

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Narkevious Manquese Reid

Address: 131 Independence Way St  
Greenwood, SC 29646-Phone: (864)321-2350 SSN: [REDACTED]  
Sex: M Race: B Height: 5 7 Weight: 140

[REDACTED] Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the  
☐ County/ ☐ Municipality ofThe accused  
is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant Narkevious Reid

on 7/29/20

RW Murdock 314  
Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

AFFIDAVIT

ORIGINAL 1

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant John M Murdock

who

being duly sworn deposes and says that defendant Narkevious Manquese Reid

did within this county and state on or about 4/8/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, &amp; Trivoriaye Alston (deceased) did aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to 1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video shows 2015 black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street

Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020

defendant Narkevious Manquese Reid

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood

) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable  
Sworn to and subscribed before me

on 4/14/2020

[Signature] (L.S.)  
Signature of Issuing Judge

Cheryl Warren

Judge Code: 7430

Judge's Address Greenwood County Courthouse

Greenwood, SC 29646-

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

000059

## ARREST WARRANT

2020A2410200378

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Narkevious Manquese Reid

Address: 131 Independence Way St

Greenwood, SC 29646-

Phone: (864)321-2350

SSN:

Sex: M Race: B Height: 5 7 Weight: 140

Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to defendant Narkevious Reid on 7/29/20

RWmolly 316  
Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

ORIGINAL

ORIGINAL

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ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

AFFIDAVIT

ORIGINAL R. 2

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant John M Murdock

who

being duly sworn deposes and says that defendant Narkevious Manquese Reid

did within this county and state on or about 4/8/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, &amp; Trivoriaye Alston (deceased) did on April 8, 2020 in the county of Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to 1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. sustained gunshot wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video shows 2015 black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street

Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020

defendant Narkevious Manquese Reid

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood

) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 4/14/2020

Cheryl Warren (L.S.)  
Signature of Issuing Judge

Cheryl Warren

Judge Code: 7430

Judge's Address Greenwood County Courthouse

Greenwood, SC 29646-

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

000060



## ARREST WARRANT

2020A2410200379

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Narkevious Manquese Reid

Address: 131 Independence Way St

Greenwood, SC 29646-

Phone: (864)321-2350

SSN: [REDACTED]

Sex: M Race: B Height: 5 7 Weight: 140

Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Offense Code: 0049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant Narkevious Reid

on 7/29/20

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

## AFFIDAVIT

ORIGINAL 3

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant John M Murdock

who

being duly sworn deposes and says that defendant Narkevious Manquese Reid

did within this county and state on or about 4/8/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April-8, 2020 in the county of Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to 1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video shows a 2015 Black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street

Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020

defendant Narkevious Manquese Reid

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood

) as set forth below:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 4/14/2020

Signature of Issuing Judge (L.S.)

Cheryl Warren

Judge Code: 7430

Judge's Address Greenwood County Courthouse

Greenwood, SC 29646-

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

000061

## ARREST WARRANT

2020A2410200380

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Xayvion Hill

Address: 14401 Hwy 25 N

Honca Path, SC 29654-

Phone: SSN:

Sex: M Race: B Height: Weight:

DL State: DL #:

DOB: Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to defendant Xayvion Hill on 4-15-2020

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Personally appeared before me the affiant John M Murdock

being duly sworn deposes and says that defendant Xayvion Hill

did within this county and state on or about 4/8/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Narkevius Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April 8, 2020 in the county of Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to 1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. ■ sustained gunshot wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video shows a 2015 Black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street

Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020

defendant Xayvion Hill

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood

) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 4/14/2020

Signature of Issuing Judge (L.S.)

Cheryl Warren

Judge Code: 7430

Judge's Address Greenwood County Courthouse

Greenwood, SC 29646-

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

000028

DEFENDANT COPY

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 516

## ARREST WARRANT

2020A2410200381

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Xayvion Hill

Address: 14401 Hwy 25 N

Honea Path, SC 29654-

Phone: \_\_\_\_\_ SSN: \_\_\_\_\_

Sex: M Race: B Height: \_\_\_\_\_ Weight: \_\_\_\_\_

DL State: \_\_\_\_\_ DL #: \_\_\_\_\_

DOB: [REDACTED] Agency ORI #: SC0240000Prosecuting Agency: Greenwood County SheriffProsecuting Officer: John M Murdock - 0239Offense: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathOffense Code: 0549Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

## RETURN

A copy of this arrest warrant was delivered to

defendant XAYVION HILLon 4-15-2020

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions

528 Monument Street

Room 114

Greenwood, SC 296462623

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Personally appeared before me the affiant John M Murdock whobeing duly sworn deposes and says that defendant Xayvion Hilldid within this county and state on or about 4/8/2020 violate the criminal laws of theState of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime. if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April 8, 2020 in the county of Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to 1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video shows a 2015 Black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield StreetGreenwood, SC 29646-

Affiant's Telephone \_\_\_\_\_

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020 defendant Xayvion Hill

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood ) as set forth below:DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 4/14/2020

Signature of Issuing Judge

Cheryl Warren

Judge Code: 7430Judge's Address Greenwood County CourthouseGreenwood, SC 29646-Judge's Telephone (864)942-8655Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

000027

DEFENDANT COPY

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518



## ARREST WARRANT

2020A2410200382

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Xayvion Hill

Address: 14401 Hwy 25 N

Honea Path, SC 29654-

Phone: SSN:

Sex: M Race: B Height: Weight:

DL State: DL #:

DOB: Agency ORI #: SC0240000

Prosecution: Greenwood County Sheriff

Prosecution: John M Murdock - 0239

Offense: Conspiracy / Criminal Conspiracy, Common Law  
defined

Offense Code: 0049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused  
is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant  
onXAYVION HILL  
4-15-2020

Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

## AFFIDAVIT

DEFENDANT  
COPYForm Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

Personally appeared before me the affiant John M Murdock

who

being duly sworn deposes and says that defendant Xayvion Hill

did within this county and state on or about 4/8/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)

in the following particulars:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April 8, 2020 in the county of  
Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to  
1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots  
at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot  
wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video  
shows a 2015 Black Camery pull up. Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly  
after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street  
Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020

defendant Xayvion Hill

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood

) as set forth below:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before me

on 4/14/2020

Signature of Issuing Judge  
Cheryl Warden

(L.S.)

Judge Code: 7430

Judge's Address Greenwood County Courthouse  
Greenwood, SC 29646-

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

000026

## ARREST WARRANT

2020A2410200383

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Dashawn Chazz Hurley

Address: 202 Creswell Ave E

Greenwood, SC 29646-3402

Phone: SSN [REDACTED]

Sex: M B Height: 5 2 Weight: 145

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Assault / Attempted Murder

Offense Code: 3410

Code/Ordinance Sec: 16-03-0029

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant

on

Dashawn Chazz Hurley  
4/9/20[Signature]  
Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Personally appeared before me the affiant John M Murdock

being duly sworn deposes and says that defendant Dashawn Chazz Hurley

did within this county and state on or about 4/8/2020

violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of

Greenwood

in the following particulars:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April 8, 2020 in the county of Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to 1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video shows a 2015 Black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street

Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020

defendant Dashawn Chazz Hurley

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood

) as set forth below:

DESCRIPTION OF OFFENSE: Assault / Attempted Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 4/14/2020

[Signature]  
Signature of Issuing Judge

Cheryl Warren

Judge Code: 7430

Judge's Address Greenwood County Courthouse

Greenwood, SC 29646-

Judge's Telephone (864)942-8655

Issuing Court: ☒ Magistrate☐ Municipal☐ Circuit

000144

ORIGINAL

Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518

## ARREST WARRANT

2020A2410200384

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Dashawn Chazz Hurley

Address: 202 Creswell Ave E

Greenwood, SC 29646-3402

Phone: SSN: [REDACTED]  
Sex: M Race: B Height: 5 2 Weight: 145

Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Weapons / Poss. weapon during violent crime, if  
not also sentenced to life without parole or death

Offense Code: 0549

Code/Ordinance Sec: 16-23-0490

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused  
is to be arrested and brought before me to be  
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to  
defendant on 7/9/20RW Murdock 316  
Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

## AFFIDAVIT

Personally appeared before me the affiant John M Murdock who  
being duly sworn deposes and says that defendant Dashawn Chazz Hurley  
did within this county and state on or about 4/ 8/2020 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)  
in the following particulars:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April 8, 2020 in the county of  
Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to  
1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots  
at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot  
wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video  
shows a 2015 Black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly  
after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield Street  
Greenwood, SC 29646-

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/ 8/2020 defendant Dashawn Chazz Hurley  
did violate the criminal laws of the State of South Carolina (or ordinance of  
☒ County/ ☐ Municipality of Greenwood) as set forth below:

DESCRIPTION OF OFFENSE: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or death

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before meon 4/14/2020Cheryl Warren (L.S.)  
Signature of Issuing Judge  
Cheryl Warren  
Judge Code: 7430Judge's Address Greenwood County Courthouse  
Greenwood, SC 29646-Judge's Telephone (864)942-8655Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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## ARREST WARRANT

2020A2410200385

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

THE STATE

209698

against

Dashawn Chazz Hurley

Address: 202 Creswell Ave E

Greenwood, SC 29646-3402

Phone: SSN: [REDACTED]

Sex: M Race: B Height: 5 2 Weight: 145

Agency ORI #: SC0240000

Prosecuting Agency: Greenwood County Sheriff

Prosecuting Officer: John M Murdock - 0239

Offense: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Offense Code: 0049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

## RETURN

A copy of this arrest warrant was delivered to

defendant Dashawn Chazz Hurley  
on 7/9/20[Signature]  
Signature of Constable/Law Enforcement Officer

## RETURN WARRANT TO:

General Sessions  
528 Monument Street  
Room 114  
Greenwood, SC 296462623

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STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

## AFFIDAVIT

ORIGINAL R. 9  
Form Approved by  
S.C. Attorney General  
April 21, 2003  
SCCA 518Personally appeared before me the affiant John M Murdock who  
being duly sworn deposes and says that defendant Dashawn Chazz Hurley  
did within this county and state on or about 4/8/2020 violate the criminal laws of the  
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Greenwood)  
in the following particulars:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

I further state that there is probable cause to believe that the defendant named above did commit  
the crime set forth and that probable cause is based on the following facts:In that Narkevious Reid, Xayvion Hill, Dashawn Chazz Hurley, & Trivoriaye Alston (deceased) did on April 8, 2020 in the county of  
Greenwood aid, assist and abet one another in the commission of the crime of Attempted Murder. Reid, Hill, Hurley and Alston went to  
1522 Parkway Court Bldg G in Greenwood County with the intent to kill Justin Parks and Gabriel Goode by firing numerous shots  
at them from the corner of the building. Parks and Goode who were seated on the top steps in front of Apt. [REDACTED] sustained gunshot  
wounds that required treatment at Self Regional Healthcare. Witnesses gave a description of the suspects. Self Regionals ER video  
shows a 2015 Black Camery pull up, Hurley and Reid pulled Alston from the vehicle and flee the scene. Hill is brought shortly  
after by another witness. R/O Murdock

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Greenwood

Affiant's Address 528 Edgefield StreetGreenwood, SC 29646-2046

Affiant's Telephone

## ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 4/8/2020 defendant Dashawn Chazz Hurley

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Greenwood) as set forth below:

DESCRIPTION OF OFFENSE: Conspiracy / Criminal Conspiracy, Common Law conspiracy defined

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or  
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as  
soon thereafter as is practicable  
Sworn to and subscribed before meon 4/8/2020[Signature]  
Signature of Issuing Judge

Cheryl Warren

Judge Code: 7430

Judge's Address Greenwood County CourthouseGreenwood, SC 29646-Judge's Telephone (864)942-8655Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

000146

THE STATE OF SOUTH CAROLINA

I hereby waive presentment to the Grand Jury.

COUNTY-OF-GREENWOOD

WITNESSES

Matthew D. Nance  
Greenwood County Sheriff's Department

COURT OF GENERAL SESSIONS

Defendant

October Term, 2020

Indictment # 2020GS24-01062

WARRANT NUMBER

2020A2410200383

TRUE BILL

THE STATE

vs.

DASHAWN CHAZZ HURLEY

Witness:

Stanley B.  
Foreman of the Grand Jury

Date: 10-9-20

INDICTMENT FOR

ATTEMPTED MURDER

SC Code: § 16-03-0029

VERDICT

CDR: 3410

Foreman

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

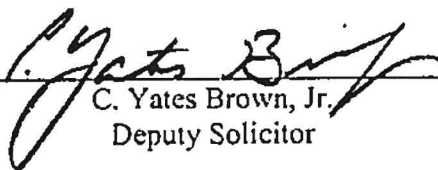
ATTEMPTED MURDER

§16-03-0029

At a Court of General Sessions, convened on the 9th day of October, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Dashawn Chazz Hurley, did on or about April 8, 2020, in Greenwood County, South Carolina, did unlawfully, with malice aforethought, either express or implied, and with the intent to kill, attempted to kill Justin Deaundrea Parks. All in violation of 16-03-0029, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

  
C. Yates Brown, Jr.  
Deputy Solicitor

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.



THE STATE OF SOUTH CAROLINA

I hereby waive presentment to the Grand Jury.

WITNESSES

COUNTY OF GREENWOOD

Matthew D. Wmack  
Greenwood County Sheriff's Department

COURT OF GENERAL SESSIONS

Defendant

October Term, 2020

Indictment # 2020GS24-01063

WARRANT NUMBER

2020A2410200384

TRUE BILL

THE STATE

Witness:

vs.

DASHAWN CHAZZ HURLEY

Stanley Br  
Foreman of the Grand Jury

Date: 10-9-20

INDICTMENT FOR

VERDICT

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

SC Code: § 16-23-0490

CDR: 0549

Foreman

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

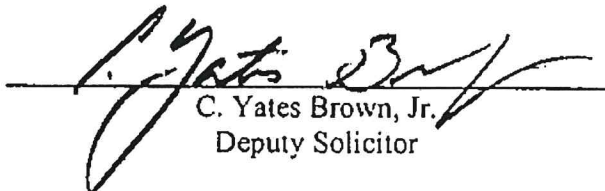
§16-23-0490

At a Court of General Sessions, convened on the 9th day of October, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Dashawn Chazz Hurley, did on or about April 8, 2020, in Greenwood County, South Carolina, while committing the violent crime of attempted murder, possess a firearm. All in violation of 16-23-0490, South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

  
C. Yates Brown, Jr.  
Deputy Solicitor

THE STATE OF SOUTH CAROLINA

I hereby waive presentment to the Grand Jury.

WITNESSES

COUNTY OF GREENWOOD

Matthew D. Womack  
Greenwood County Sheriff's Department

COURT OF GENERAL SESSIONS

Defendant

October Term, 2020

Indictment # 2020CS24-01064

WARRANT NUMBER

2020A2410200385

TRUE BILL

THE STATE

vs.

DASHAWN CHAZZ HURLEY

Witness:

Stanley B. Jr.

Foreman of the Grand Jury

Date: 10-9-20

VERDICT

INDICTMENT FOR

CRIMINAL CONSPIRACY

SC Code: § 16-17-0410

CDR: 0049

Foreman

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

THE STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

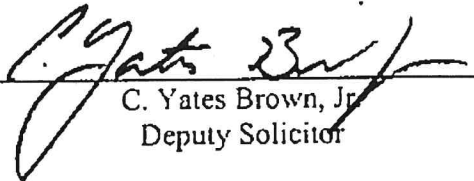
INDICTMENT FOR  
CRIMINAL CONSPIRACY  
§16-17-0410

At a Court of General Sessions, convened on the 9th day of October, 2020, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Dashawn Chazz Hurley, did on or about April 8, 2020, in Greenwood County, South Carolina, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree, or have tacit understanding with Narkevious Reid, Xayvion Hill and Trivoriaye Alston for the purpose of committing the crime of murder, all in violation of Section 16-17-0410, Code of Laws of South Carolina (1976, amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

  
C. Yates Brown, Jr.  
Deputy Solicitor

## WITNESSES

Matthew D. Warrick  
Greenwood County Sheriff's Department

## WARRANT NUMBER

2020A2410200377

## TRUE BILL

Meddie B. Partridge  
Foreman of the Grand Jury

Date: 04/09/2021

## VERDICT

Foreman

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

April Term, 2021

Indictment # 2021GS24-0382

## THE STATE

vs.

NARKEVIOUS MANQUESE REID

## INDICTMENT FOR

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR: 3410

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S.C.



## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## INDICTMENT FOR

ATTEMPTED MURDER

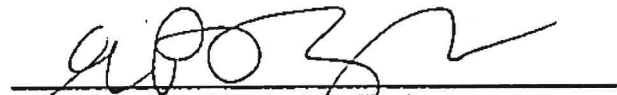
§16-03-0029

At a Court of General Sessions, convened on the 9th day of April, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Narkevious Manquese Reid, on or about April 8, 2020, in Greenwood County, South Carolina, did unlawfully, with malice aforethought, and with the intent to kill, attempted to kill Justin Parks. All in violation of 16-03-0029, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
CHASTITY C. COPELAND  
C.C.C.P. AND S.S.  
GREENWOOD COUNTY  
S.C.

  
Elizabeth P. Taylor  
Assistant Solicitor

## WITNESSES

Matthew D. Womack  
Greenwood County Sheriff's Department

## WARRANT NUMBER

2020A2410200378

## TRUE BILL

Heidia Spaulding  
Foreman of the Grand Jury  
Date: 04/08/2021

## VERDICT

Foreman

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

April Term, 2021

Indictment # 2021GS24-0383

## THE STATE

vs.

NARKEVIOUS MANQUESE REID

## INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

SC Code: § 16-23-0490

CDR: 0549

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S.C.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

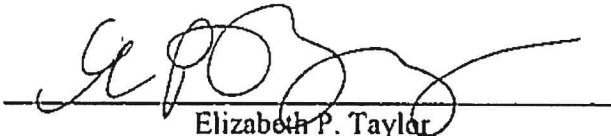
INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME  
§16-23-0490

At a Court of General Sessions, convened on the 9th day of April, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Narkevious Manquese Reid, did on or about April 8, 2020, in Greenwood County, South Carolina, while committing the violent crime of Attempted Murder, possess a handgun. All in violation of 16-23-0490, South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

  
Elizabeth P. Taylor  
Assistant Solicitor

ATTEST A TRUE COPY  
OF THE ABOVE  
CHRISTY COPELAND  
CLERK AND GS  
GREENWOOD COUNTY  
S.C.

WITNESSES  
Matthew D. Womack  
Greenwood County Sheriff's Department

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

I hereby waive presentment to the G  
Jury.

WARRANT NUMBER

2020A2410200379

COURT OF GENERAL SESSIONS

April Term, 2021

Indictment # 2021GS24-0384

Defendant

TRUE BILL

Meddia P. P. P. P.  
Foreman of the Grand Jury  
Date: 04/09/2021

THE STATE

vs.

NARKEVIOUS MANQUESE REID

Witness:

VERDICT

Foreman

INDICTMENT FOR

CRIMINAL CONSPIRACY

SC Code: § 16-17-0410

CDR: 0049

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

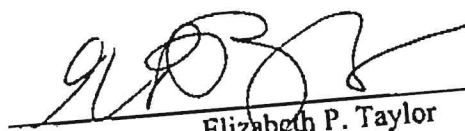
THE STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

INDICTMENT FOR  
CRIMINAL CONSPIRACY  
§16-17-0410

At a Court of General Sessions, convened on the 9th day of April, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Narkevious Manquese Reid, did on or about April 8, 2020, in Greenwood County, South Carolina, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree, or have tacit understanding with Xavion Hill, Trivoriaye Alston, and Dashawn C. Hurley for the purpose of committing the crime of Attempted Murder, all in violation of Section 16-17-0410, Code of Laws of South Carolina (1976, amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

  
Elizabeth P. Taylor  
Assistant Solicitor

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.



## WITNESSES

Jonathon P. Davis  
Greenwood County Sheriff's Department

## WARRANT NUMBER

2020A2410200380

~~TRUE BILL~~

Meddian Partridge  
Foreman of the Grand Jury

Date: 07/23/2021

## VERDICT

Foreman

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

July Term, 2021

Indictment # 2021GS24-1230

THE STATE

vs.

XAYVION MARQUIS HILL

## INDICTMENT FOR

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR: 3410

I hereby waive presentment to the Grand  
Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

THE STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

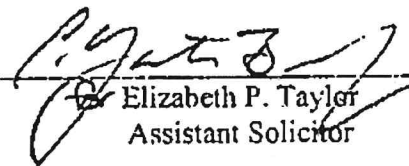
INDICTMENT FOR  
ATTEMPTED MURDER  
§16-03-0029

At a Court of General Sessions, convened on the 23rd day of July, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Xayvion Marquis Hill, on or about April 8, 2020, in Greenwood County, South Carolina, did unlawfully, with malice aforethought, and with the intent to kill, attempted to kill Gabriel Dion Goode and Justin Deaundrea Parks. All in violation of 16-03-0029, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

  
Elizabeth P. Taylor  
Assistant Solicitor

## WITNESSES

Jonathon P. Davis  
Greenwood County Sheriff's Department

## WARRANT NUMBER

2020A2410200381

## TRUE BILL

Neddia Brantidge  
Foreman of the Grand Jury  
Date: 07/23/2021

## VERDICT

Foreman

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

July Term, 2021

Indictment # 2021GS24-1231

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

## THE STATE

vs.

XAYVION MARQUIS HILL

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

## INDICTMENT FOR

POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME

SC Code: § 16-23-0490

CDR: 0549

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## INDICTMENT FOR

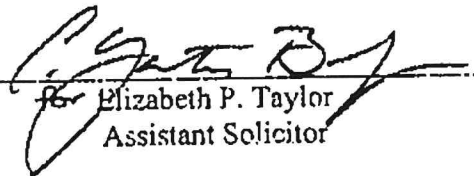
POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME  
§16-23-0490

At a Court of General Sessions, convened on the 23rd day of July, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Xayvion Marquis Hill, did on or about April 8, 2020, in Greenwood County, South Carolina, while committing the violent crime of Attempted Murder, possess a handgun. All in violation of 16-23-0490, South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

  
Elizabeth P. Taylor  
Assistant Solicitor

## WITNESSES

Jonathan P. Davis  
Greenwood County Sheriff's Department

## WARRANT NUMBER

2020A2410200382

## TRUE BILL

Freddie Partudez  
Foreman of the Grand Jury

Date: 07/23/2021

## VERDICT

Foreman

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

July Term, 2021

Indictment # 2021GS24-1232

## THE STATE

vs.

XAYVION MARQUIS HILL

## INDICTMENT FOR

CRIMINAL CONSPIRACY

SC Code: § 16-17-0410

CDR: 0049

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S.C.



THE STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD

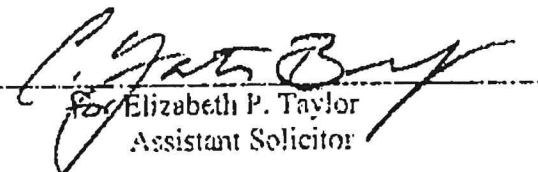
INDICTMENT FOR  
CRIMINAL CONSPIRACY  
§16-17-0410

At a Court of General Sessions, convened on the 23rd day of July, 2021, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Xayvion Marquis Hill, did on or about April 8, 2020, in Greenwood County, South Carolina, willfully, knowingly, and feloniously unite, combine, conspire, confederate, agree, or have tacit understanding with Deshawn Chaz Hurley, Trivoryae Alston, and Narkevious Reid for the purpose of committing the crime of Murder, all in violation of Section 16-17-0410, Code of Laws of South Carolina (1976, amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

  
Elizabeth P. Taylor  
Assistant Solicitor

## WITNESSES

Matthew D. Womack  
Greenwood County Sheriff's Department

WARRANT NUMBER

DIRECT INDICTMENT

**TRUE BILL**

Meddie Partidge  
Foreman of the Grand Jury

Date: 09/17/2021

VERDICT

Not guilty  
Michael Blackwell  
Foreman August 24, 2022

**THE STATE OF SOUTH CAROLINA**

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

September Term, 2021  
Indictment # 2021GS24-1695

**THE STATE**

vs.

XAYVION MARQUIS HILL

INDICTMENT FOR

MURDER

SC Code: § 16-03-0010

CDR: 0116

I hereby waive presentment to the Grand  
Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## INDICTMENT FOR

MURDER  
§16-03-0010

At a Court of General Sessions, convened on the 17th day of September, 2021, the Grand Jurors of Greenwood County present upon their oath:

That Xayvion Marquis Hill, on or about April 8, 2020, in Greenwood County, did, along with others, willfully, feloniously, and with malice aforethought kill one Trivoriaye Alston by means of shooting and that the said Trivoriaye Alston did die in Greenwood County as a proximate result thereof on or about April 8, 2020 in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

*P. Yates Brown*  
Elizabeth P. Taylor  
Assistant Solicitor  
C. Yates Brown, Tr. signed  
for Elizabeth Taylor

## WITNESSES

Matthew D. Womack  
Greenwood County Sheriff's Department

WARRANT NUMBER

DIRECT INDICTMENT

## TRUE BILL

Meddie B. Partudoge  
Foreman of the Grand Jury  
Date: 09/17/2021

## VERDICT

Not guilty.  
Michael Blackall  
Foreman Aug 24, 2022

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

September Term, 2021  
Indictment # 2021GS24-1696

## THE STATE

vs.

DASHAWN CHAZZ HURLEY

## INDICTMENT FOR

MURDER

SC Code: § 16-03-0010

CDR: 0116

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

## THE STATE OF SOUTH CAROLINA

## INDICTMENT FOR

COUNTY OF GREENWOOD

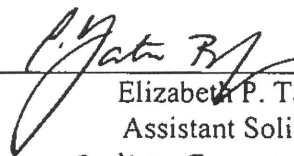
**MURDER**  
§16-03-0010

At a Court of General Sessions, convened on the 17th day of September, 2021, the Grand Jurors of Greenwood County present upon their oath:

That Dashawn Chazz Hurley, on or about April 8, 2020, in Greenwood County, did, along with others, willfully, feloniously, and with malice aforethought kill one Trivoriaye Alston by means of shooting and that the said Trivoriaye Alston did die in Greenwood County as a proximate result thereof on or about April 8, 2020 in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.



Elizabeth P. Taylor  
Assistant Solicitor

*C. Yates Brown, Jr.*  
Signed for Elizabeth Taylor

## WITNESSES

Matthew D. Wanack  
Greenwood County Sheriff's Department

WARRANT NUMBER

DIRECT INDICTMENT

## TRUE BILL

Meddie Partin  
Foreman of the Grand Jury

Date: 09/17/2021

## VERDICT

Not guilty.  
Michael Blackwell  
Foreman August 24, 2022

## THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

September Term, 2021

Indictment # 2021GS24-1705

THE STATE

vs.

NARKEVIOUS MANQUESE REID

## INDICTMENT FOR

MURDER

SC Code: § 16-03-0010

CDR: 0116

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.



THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

MURDER  
§16-03-0010

At a Court of General Sessions, convened on the 17th day of September, 2021, the Grand Jurors of Greenwood County present upon their oath:

That Narkevious Manquese Reid, on or about April 8, 2020, in Greenwood County, did willfully, feloniously, and with malice aforethought kill one Trivoriaye Alston by means of shooting and that the said Trivoriaye Alston did die in Greenwood County as a proximate result thereof on or about April 8, 2020 in violation of Section 16-3-10 of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

*C. Yates Brown, Jr.*  
Elizabeth P. Taylor  
Assistant Solicitor

*C. Yates Brown, Jr.*  
Signed for Elizabeth Taylor

## WITNESSES

Jonathon P. Davis  
Greenwood County Sheriff's Department

## WARRANT NUMBER

## DIRECT INDICTMENT

## TRUE BILL

Ken Martin  
Foreman of the Grand Jury  
Date: 8-12-2022

## VERDICT

Foreman

## THE STATE OF SOUTH CAROLINA

## COUNTY OF GREENWOOD

## COURT OF GENERAL SESSIONS

August Term, 2022  
Indictment # 2022GS24-1153

## THE STATE

vs.

NARKEVIOUS MANQUESE REID

## INDICTMENT FOR

## ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR: 3410

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S.C.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

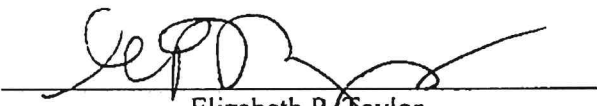
INDICTMENT FOR

ATTEMPTED MURDER  
§16-03-0029

At a Court of General Sessions, convened on the 12th day of August, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Narkevious Manquese Reid, on or about April 8, 2020, in Greenwood County, South Carolina, did unlawfully, with malice aforethought, and with the intent to kill, attempted to kill Gabriel Dion Goode and Justin Deaundrea Parks, all in violation of 16-03-0029, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

  
Elizabeth P. Taylor  
Assistant Solicitor

ATTEST A TRUE COPY  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S.C.

WITNESSES

Jonathan P. Davis  
Greenwood County Sheriff's Department

WARRANT NUMBER

Direct Indictment

TRUE BILL

Kevin Martin  
Foreman of the Grand Jury

Date: 8

VERDICT

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

COURT OF GENERAL SESSIONS

August Term, 2022  
Indictment # 2022GS24-1154

THE STATE

vs.

DASHAWN CHAZZ HURLEY

INDICTMENT FOR

ATTEMPTED MURDER

SC Code: § 16-03-0029

CDR: 3410

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

ATTEST A TRUE COPY  
Chastity Copeland  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

THE STATE OF SOUTH CAROLINA

COUNTY OF GREENWOOD

INDICTMENT FOR

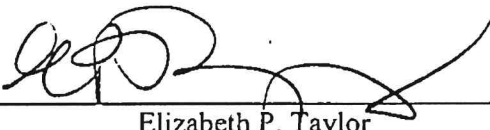
ATTEMPTED MURDER  
§16-03-0029

At a Court of General Sessions, convened on the 12th day of August, 2022, the Grand Jurors of Greenwood County present upon their oath:

The defendant, Dashawn Chazz Hurley, on or about April 8, 2020, in Greenwood County, South Carolina, did unlawfully, with malice aforethought, and with the intent to kill, attempted to kill Gabriel Dion Goode and Justin Deaundrea Parks, all in violation of 16-03-0029, Code of Laws of South Carolina (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

ATTEST A TRUE COPY  
CHASTITY COPELAND  
CLERK OF COURT  
GREENWOOD COUNTY  
S. C.

  
Elizabeth P. Taylor  
Assistant Solicitor

# The Grose Law Firm, LLC

404 Main Street, Greenwood, South Carolina 29646

E. Charles Grose, Jr.  
Phone: 864-538-4466 Fax: 864-538-4405  
E-mail: Charles@GroseLawFirm.com  
Web: GroseLawFirm.com

August 14, 2020

The Honorable David Stumbo  
Solicitor, Eighth Judicial Circuit  
Suite 203, Park Plaza  
P.O. Box 516  
Greenwood, South Carolina 29648-0516

ATTEST A TRUE COPY  
*Chastity Copeland*  
CHASTITY COPELAND  
CCCP AND GS  
GREENWOOD COUNTY  
S. C.

Re: State v. DaShawn C. Hurley  
Case Number(s): 2020A2410200383, 384, 385, 2020A2410200756, 757, 758,  
759, & 760

Dear Solicitor Stumbo:

This letter is to advise you that The Grose Law Firm, LLC has been retained to represent Mr. Hurley who has charges pending in Greenwood County General Sessions Court. Please direct all future communications to my attention.

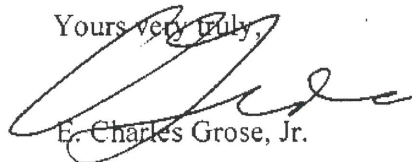
Enclosed please find Rule 5 and *Brady* motions.

By copy of this letter to the Clerk of Court for Greenwood County, I am notifying the Court that this office has been retained to represent Mr. Hurley, and I am filing these motions.

Thank you for your attention to this matter.

With kindest regards, I am

Yours very truly,



E. Charles Grose, Jr.

cc: Clerk of Court, Greenwood County



THE STATE OF SOUTH CAROLINA )  
COUNTY OF GREENWOOD )  
THE STATE )  
vs. )  
DASHAWN C. HURLEY )  
) IN THE COURT OF GENERAL SESSIONS  
FOR THE EIGHTH JUDICIAL CIRCUIT  
Case Number(s): 2020A2410200383, 384,  
385, 2020A2410200756,  
757, 758, 759, & 760  
Rule 5, SCRCrimP & *Brady* Motions

Pursuant to *Roviaro v. U.S.*, 353 U.S. 53 (1957), *Brady v. Maryland*, 373 U.S. 83, (1963), *Kyles v. Whitley*, 514 U.S. 419, (1995), *Riddle v. Ozmint*, 369 S.C. 39, 631 S.E.2d 70 (2006), and Rule 5, SCRCrimP, the defendant makes the following motions.

#### **RULE 5, SCRCrimP MOTION**

Pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure, the defendant moves that the prosecution permit the defendant to inspect and copy or photograph the following:

- 1) Any written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;
- 2) The substance of any oral statement which the prosecution intends to offer in evidence at trial made by the defendant whether before or after arrest in response to interrogation by any person then known to the defendant to be a prosecution agent;
- 3) A copy of the defendant's prior criminal record, if any, as is within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution;
- 4) Books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at trial, or were obtained from or belong to the defendant;
- 5) Any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief

at trial; and

- 6) Written, recorded, or oral statements made by prosecution witnesses or prospective prosecution witnesses or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution, and which are material to the preparation of the defense or are intended for use by the prosecution as evidence in chief at trial.
- 7) Copy of all true billed and/or no billed indictments.

For purposes of this motion, the defendant asserts that all items requested are material to the preparation of the defense in this case and that the State should not substitute its judgment for what is material in the preparation of a defense.

If the State objects to disclosing the statements of prosecution witnesses or potential prosecution witnesses, then the defendant requests a hearing, as soon as can be scheduled, prior to trial, before the chief administrative judge, for an order requiring production of the statement.

The defendant objects to the introduction of a chemist's or analyst's report pursuant to Rule 6 of the South Carolina Rules of Criminal Procedure and moves that a copy of the report(s) and chain of custody be produced and that the chemist or analyst and all chain of custody witnesses be required to testify at trial.

### **BRADY MOTION**

The defendant moves the court for an order requiring the State to disclose to counsel for the defendant and to produce for inspection, copying and photographing, all evidence that is favorable to the defendant, regardless of materiality, which is within the possession, custody or control of the prosecution or law enforcement, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the prosecution or law enforcement. This motion is made pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Kyles v. Whitley*, 514 U.S. 419 (1995), *Riddle v. Ozmint*, 369 S.C. 39, 631 S.E.2d 70 (2006) the Fifth, Sixth, and Fourteenth Amendments of the United States Constitution, and Article I, Sections Three and Fourteen of the South Carolina Constitution.

This request includes but is not limited to the following:

- 1) Any information that shows or tends to show that the defendant is not guilty of the crime charged, the defendant is guilty of a less serious crime, the defendant may have reduced culpability or reduced capacity, or any information that may influence the penalty or punishment imposed in favor of the defendant;
- 2) Any information that shows that someone else may be guilty of the crime charged, regardless of whether the State contends that the information is accurate and regardless of whether the State contends that this information exonerates the defendant;

- 3) Any and all promises, rewards, and inducements made to all co-defendants, witnesses or potential witnesses, regardless of whether they will testify at trial;
- 4) Any offers or grants of immunity made to any witness relating to any fine, forfeiture, sentence, charge reduction, prosecution or punishment in this or any other case or potential case;
- 5) All statements made by any co-defendant, victim, witness or potential witness, regardless of whether the State intends to call the witness at trial, including but not limited to the time, date, place and substance, as well as the name, address and telephone number of anyone witnessing the statement;
- 6) Any statements or admissions by a co-defendant, victim, witness or potential witness, regardless of whether the State intends to call that witness at trial, regarding the co-defendant's, victim's, witness's or potential witness's failure to recall or recollect any part of the incident or regarding any lapse of memory in general or regarding any recantation of allegations, testimony or statements;
- 7) Any inconsistent statement made by any co-defendant, victim, witness or potential witness, regardless of whether the State intends to call the witness at trial, including but not limited to the time, date, place and substance, as well as the name, address and telephone number of anyone witnessing the statement;
- 8) The criminal histories of all co-defendants, victims, witnesses or potential witnesses, regardless of whether the State intends to call this co-defendant, witness or potential witness at trial (please take notice that the defendant may seek to introduce the prior criminal record of any witness regardless of age of the conviction, pursuant to Rule 609, SCRE);
- 9) Copies of any and all memoranda, reports and correspondence to and from any law enforcement agency or prosecution agency of the United States, the State of South Carolina, or any county, municipal, or local agency;
- 10) The name, address, phone number, and criminal history of any confidential informant, as well as any promises, rewards, consideration and compensation, monetary or otherwise, paid to or given to any informant or to be paid to or given to the informant in the future;
- 11) The names and addresses of any physician, psychiatrist, mental health, counseling, hospital or other treatment records, and copies of any physician, psychiatric, mental health, counseling, hospital or other treatment records, of any witness or potential witness in the case, regardless of whether the State intends to call the witness at trial.

The defendant moves that these materials be produced, regardless of materiality. The defendant and his attorney should be the judge of materiality in preparation of a defense. If the State objects to producing any item based on materiality, then the defendant requests a hearing,

prior to trial, before the chief administrative judge, for the court to conduct an examination of the materials and determine disclosure should be ordered.

IT IS SO MOVED.

Respectfully Submitted,

By 

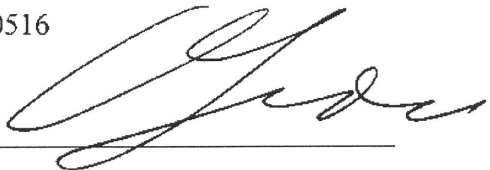
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August 14, 2020  
Greenwood, South Carolina

#### CERTIFICATE OF SERVICE

I certify that I served a copy of this pleading on the Eighth Circuit Solicitor's Office by depositing a copy in the United States Mail, on the date reflected below, addressed as follows:

The Honorable David Stumbo  
Solicitor, Eighth Judicial Circuit  
P.O. Box 516  
Greenwood, South Carolina 29648-0516

By 

8/14, 2020  
Greenwood, South Carolina



State of South Carolina ) In the Court of General Sessions  
 ) Eighth Judicial Circuit  
 County of Greenwood )  
 Indictments 2020-GS-24-01064  
 2022-GS-24-01154

State of South Carolina, )  
 )  
 vs. ) Transcript of Record  
 )  
 Dashawn Chazz Hurley, )  
 )  
 Defendant. )  
 \_\_\_\_\_)

October 15, 2020  
 Greenwood County Courthouse  
 Greenwood, South Carolina

B E F O R E:

The Honorable Donald B. Hocker, Judge

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

C. Yates Brown, Jr., Deputy Solicitor  
 Attorney for State of South Carolina

E. Charles Grose, Jr., Esquire  
 Attorney for Defendant

Maryann S. Nevers, CVR-M-CM, RVR, RVR-M  
 Circuit Court Reporter (Retired)  
 Certified Verbatim Reporter - Master  
 Certificate of Merit  
 Realtime Verbatim Reporter - Master

I N D E X

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E X H I B I T S

| <u>NO.</u> | <u>DESCRIPTION</u> | <u>I.D.</u> | <u>EVID.</u> |
|------------|--------------------|-------------|--------------|
|------------|--------------------|-------------|--------------|

No exhibits were marked during proceeding.

## TRANSCRIPT OF RECORD

(Whereupon, the proceeding commenced at 2:52 p.m.)

THE COURT: Okay, Solicitor.

MR. BROWN: May it please the Court. Your Honor, this is a bond hearing for Dashawn Chazz Hurley, charged with attempted murder, possession of a weapon during the commission of a violent crime, and criminal conspiracy. Also, there's a second set of charges, which would be trafficking ecstasy; unlawful carrying of a pistol; PWID cocaine; I believe another PWID, Schedule II; possession of a stolen pistol; and a DUS -- actually, not the DUS, but those other charges there for Mr. Hurley.

THE COURT: Okay. Three on -- three with the attempted murder and one, two, three, four, five with the ---

MR. BROWN: That's right.

THE COURT: --- the trafficking?

MR. BROWN: That's right.

THE COURT: Okay. All right.

MR. BROWN: Judge, just to give you a background on this case, the initial incident report is from April 8th of this year. This is the attempted murder, the weapons charge, possession of weapon during the commission of violent crime, the criminal conspiracy.

This happened around three o'clock in the afternoon on

1 Wednesday, April 8, 2020. Officers responded to 1522  
2 Parkway Court, Apartment [REDACTED], here in Greenwood County.  
3 They responded to a report of a person being shot at that  
4 location. While en route, emergency crews were also being  
5 summoned to that location.

6 Once they arrived, they observed a Gabriel Goode  
7 walking towards the officers, limping. He had been shot in  
8 the foot. Also, Mr. Parks -- Justin Parks had been shot  
9 multiple times in the -- in the leg. Those two individuals  
10 were at Apartment [REDACTED].

11 Mr. Parks was laying on the floor inside of Apartment  
12 G-4. The officers made entry and gave aid to him. I  
13 believe they did use tourniquets there to stop the  
14 bleeding.

15 But they did notice a gun on the floor. And I want to  
16 point this out to Your Honor that -- that they did not  
17 smell or feel that it had been recently fired. One thing  
18 going forward is Goode and Parks were tested for GSR and  
19 did not have GSR on their hands.

20 Parks advised he was shot in the upper leg. He had a  
21 bullet hole to his left upper thigh and another entry wound  
22 to his right upper thigh. So they were taken of there and  
23 then taken to the hospital. Another officer conducted a  
24 protective sweep of Apartment G-4. Nobody else was in the  
25 apartment.

1           They then were notified that there was a Xayvion Hill  
2           and Travion [sic] Alston that had arrived at the hospital.  
3           Again, officers continued to do some investigation around  
4           the apartment complex. There, they talked to a Stephanie  
5           Moss, who appeared to be very upset, according to officers.  
6           She reported that she lived in 1508 Parkway Apartment here  
7           in Greenwood. She was sitting on her balcony with her  
8           infant child when she saw a black-in-color, newer-model  
9           Toyota Camry or a black-model car pull up to her building.

10          She reported she did not remember exactly how many got  
11          out of the car, but she mentioned two or three individuals  
12          that got out of the car and remembered seeing at least two  
13          of them. All were black males, and one of them had on a  
14          white shirt with blue pattern on it.

15          A few moments later, she did -- she stated the  
16          subjects exited the vehicle and started walking towards a  
17          wooded area behind the apartments. This was just left of  
18          her building. They started shooting.

19          She then dropped down on the floor with her infant and  
20          went back in the house -- or her apartment. Didn't see  
21          anything else on that, but heard, after several rounds were  
22          discharged, that the -- the shooting stopped.

23          Officers also talked to another witness on the scene.  
24          And I believe you have that statement in the pack, too,  
25          that also mentioned seeing several people get out of this

1 dark-in-color car.

2 Your Honor, once officers looked around the scene,  
3 they did find a pistol there and also several rounds there  
4 at the apartment complex. So they gathered that up as  
5 evidence. But then, at the hospital, Trivoriaye Alston was  
6 dropped off at the hospital by Narkevious Reid and Chazz  
7 Hurley. That was captured on video at the hospital.  
8 Officers were able to recognize Mr. Reid and Mr. Hurley  
9 from this video.

10 The car that was dropped off and the car that's been  
11 mentioned before is a black-in-color car. I believe  
12 officers have been able to identify that as a car that  
13 belongs to Mr. Hurley's grandmother or registered to the  
14 grandmother. And he would be the one that had been in  
15 possession that day of the car. So it puts him there at  
16 the -- at the apartments and the hospital, Your Honor.

17 At that point, after the investigation of that, it's  
18 -- obviously, it's continuing on. There's a number of  
19 things down at SLED: ballistics and DNA and that sort of  
20 thing. But based on all that, officers did seek warrants.  
21 They were able to identify Mr. Reid.

22 Mr. Hill was shot in the hip, and Mr. Alston was also  
23 shot. I believe he was shot in the chest. He ultimately  
24 died at the hospital. Not one of the two that were on the  
25 balcony, but one of the four that law enforcement believes

1       that came up in that black car, Mr. Alston died.

2               And so all of these individuals in the car were  
3 charged with the attempted murder, the conspiracy, and the  
4 weapons charge. And we're waiting on other potential DNA  
5 and ballistics to figure out if there's any other charges  
6 that need to be added to this.

7               THE COURT: So who -- who does the state believe this  
8 defendant shot? Because I've got four people shot.

9               MR. BROWN: Judge, the state believes he was part of  
10 the four with Mr. Reid, Hill, Hurley, and Alston that came  
11 to the apartment complex in the black car, got out, and  
12 began shooting at the two men, Mr. Goode and Mr. Parks, on  
13 the porch.

14              THE COURT: All right.

15              MR. BROWN: So that'd have been the four, Mr. Hurley  
16 being part of the four. So your -- your -- so you're clear  
17 on this: Law enforcement does not believe Goode or Parks  
18 returned fire. I believe that Mr. Hill and Mr. Alston were  
19 shot amongst themselves ---

20              THE COURT: Okay.

21              MR. BROWN: --- during this shooting. So we're  
22 waiting on ballistics to figure out what those bullets  
23 match up to on the guns that were located.

24              THE COURT: Okay.

25              MR. BROWN: Your Honor, during this time, warrants



1        were issued for all four -- or for all three. Mr. Alston  
2        obviously passed in this.

3                According to Investigator Murdock, Mr. Hurley's mother  
4        was aware of this before July 9th. And July 9th, Mr.  
5        Hurley was stopped -- or a car was stopped approximately  
6        7:15 on July 9th. While on patrol in the area, officers  
7        with the Greenwood Sheriff's Office saw a tan Jeep Grand  
8        Cherokee turn in Twin Oaks apartment complex. They  
9        believed this car or recognized this car to be commonly  
10       operated by Narkevious Reid, which also goes by "Y.G."  
11       Reid had active warrants for the attempted murder and the  
12       weapons charge and the conspiracy.

13               Officers made the traffic stop on this vehicle. And  
14       in that traffic stop, they did locate -- subjects in the  
15       car were located and one was being Mr. Hurley. In that car  
16       they did find the Glock .45 -- or a Glock .45; the -- about  
17       -- approximately 103 dosage units of orange and purple  
18       pills, which field-tested positive for ecstasy;  
19       approximately 93 dosage units of blue, round pills marked  
20       as "M30," identified as oxycodone hydrochloride;  
21       approximately 20 dosage units of round pills,  
22       acetaminophen/oxycodone hydroxychloride; approximately 5.6  
23       grams of white, rocklike substance, which field-tested  
24       positive for cocaine; 3.2 grams of white-powder substance  
25       in two plastic bags, weighing 2.2 grams and 1 gram each,

1 field-tested positive for cocaine. Again, those are field  
2 tests. Those items would be sent to SLED to be further  
3 analyzed for verification on what those are.

4 A Glock Model 17 was run through dispatch and found to  
5 be clear. But the Glock 43 that was run through dispatch  
6 was found to be stolen out of Ninety-Six. And then, the  
7 car was towed.

8 So in the -- in that car, there was DeMarius Collier  
9 -- it was DeMarius Collier. Plus, Mr. Hurley and a Leonard  
10 Childs were in the vehicle.

11 (Off the record briefly.)

12 MR. BROWN: And I believe that was the only three in  
13 that vehicle.

14 (Off the record briefly.)

15 MR. BROWN: Yeah. DeMarius Collier, Hurley, and  
16 Childs were in that vehicle during that time. So they were  
17 arrested for those charges.

18 So, Judge, this would be -- my understanding, bond's  
19 denied on all the charges. This would be a -- an initial  
20 bond setting in general-session court for Mr. Hurley.

21 It would be the state's position that he is a danger  
22 to the community and would be a flight risk, as evidenced  
23 by Mr. Murdock. And I think he could -- needs to be sworn  
24 in -- that he did talk with Mr. Hurley's mother. And  
25 during the time of the April incident and the July 9th

1 pickup, it'd be our position that Mr. Hurley would've been  
2 aware of these warrants being outstanding for him. And he  
3 was picked up on that traffic stop.

4 THE COURT: Okay. Thank you, Solicitor.

5 Officer Murdock, raise your right hand.

6 MIKE MURDOCK, having been first duly sworn,  
7 testified and stated as follows:

8 THE COURT: Okay. Yes, sir. Be glad to hear from  
9 you.

10 MR. MURDOCK: Your Honor, on the date that the vehicle  
11 that belonged -- was driven by Mr. Hurley was located at  
12 the New Way on Chipley and New Market in the city of  
13 Greenwood by city police, Mr. Hurley's mother was there. I  
14 informed her of what was going on: told her that we had  
15 warrants on him; that he just needed to come on up and take  
16 care of them and talk with me about it.

17 We did seize the car, so she was aware of it. She  
18 said she didn't know how to get in touch with him and so  
19 on. But we seized the car.

20 A few days later, attorney -- Mr. Grose here, who I've  
21 known for quite a few years -- we have good rapport -- he  
22 contacted me, saying that he was going to be representing  
23 Mr. Hurley. I told him about the warrants. Mr. Hurley was  
24 supposed to have surrendered himself the next morning. He  
25 didn't.

1 I called Mr. Grose back; told him again. He said:  
2 "I'll -- I'll try."

3 So Mr. Hurley was supposed to surrender himself on a  
4 subsequent day. And again, he failed. The -- and then,  
5 finally, all communication between Mr. Grose and I ceased,  
6 and Mr. Hurley never made any attempt to turn himself in  
7 until he had to be physically taken in by law enforcement  
8 that night.

9 THE COURT: Okay. Thank -- thank you, officer.

10 Mr. Grose, be glad to hear from you, sir.

11 MR. GROSE: Thank you, Your Honor. And -- and -- and  
12 I understand, sort of, the impact of -- of some of what  
13 they just talked about. But, you know, Mr. Hurley has  
14 remained here in Greenwood. If he were to get out on bond,  
15 he would live with his mother, who I believe is in the  
16 courtroom today. She's right back over here.

17 (Off the record briefly.)

18 MR. GROSE: And prior to this, he had been working at  
19 Fuji, and he feels like he would be able to get his -- his  
20 job back.

21 The -- a -- a lot of what I've heard from the state's  
22 case that they've summarized here today is circumstantial.  
23 I don't think that they have a witness that has said that  
24 -- specifically identified Mr. Hurley there and being the  
25 person who -- who fired a weapon. According to the

1 information that I've read, there is a lot of body camera  
2 -- maybe not a lot, but there is certainly at least one or  
3 two body-camera videos of interviews, as well as the  
4 surveillance footage from the hospital. I've not seen any  
5 of that yet to be able to go through and -- and sort of  
6 respond and -- and say exactly what they have or they don't  
7 have.

8 I -- I do anticipate Your Honor would set a -- a -- a  
9 surety bond in this case. I think -- you know, Mr. Hurley  
10 and I have discussed it. And, you know, he would be  
11 agreeable to the GPS monitoring, which I think it's  
12 something that you would -- would generally consider under  
13 these circumstances, as well as we've also discussed some  
14 of the conditions that go along with that, like the house  
15 arrest.

16 Talking with him, you know, we would ask for a bond in  
17 the 30-to-35-thousand-dollar range.

18 THE COURT: Okay. All right. Thank you, Mr. Grose.

19 Anything from the state in brief response?

20 MR. BROWN: No, sir. We're -- we're still trying to  
21 gather -- and -- and once we make sure we have everything  
22 with body-cams footage from the -- the hospital, we'll be  
23 turning that over. I can't say -- I -- I haven't looked at  
24 them yet either. And I -- and there's some pictures that  
25 we made available today that I haven't looked at. And I

1 know Mr. Grose hadn't had a chance to look at it either.

2 So the discovery process will ---

3 THE COURT: Okay.

4 MR. BROWN: --- be ongoing. I know there's going to

5 be a lot we have to gather and -- and ---

6 THE COURT: Okay.

7 MR. BROWN: --- work through.

8 THE COURT: All right. Thank you very much. I will  
9 take it under advisement and let the lawyers know something  
10 very soon. Thank you.

11 MR. BROWN: Thank you, Judge.

12 (Whereupon, the proceeding concluded at 3:08 p.m.)

13 ---- END OF TRANSCRIPT OF RECORD ----

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**CERTIFICATE**

I, the undersigned Maryann S. Nevers, CVR-M-CM, RVR, RVR-M, Official Court Reporter (Retired) for the Eighth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and evidence introduced in the hearing of the captioned cause, relative to appeal, in the Circuit Court for Laurens County, South Carolina, on the 15th day of October, 2020.

I do further certify that I am neither of kin, counsel, nor interest in any party hereto.



---

Maryann S. Nevers, CVR-M-CM, RVR, RVR-M  
Official Court Reporter (Retired)

Leland, North Carolina  
January 6, 2023



STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

The State of South Carolina, )  
PLAINTIFF, )

v )

Deshawn Chazz Hurley, )  
DEFENDANT. )

---

TRANSCRIPT OF RECORD

April 22, 2021  
Greenwood, South Carolina

B E F O R E:

The Honorable Frank R. Addy, Jr.

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

ATTORNEY FOR PLAINTIFF:  
Wade Downtin

ATTORNEY FOR DEFENDANT:  
Charles Grose, Esq.

TARA T. SCOTT, CVR  
CIRCUIT COURT REPORTER

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(NO EXHIBITS INTRODUCED DURING THIS HEARING)

1 THE COURT: Solicitor?

2 MR. DOWTIN: Thank you, Your Honor. May it please the  
3 Court. Standing before you is Deshawn Chazz Hurley. He is  
4 represented by Mr. Charles Grose of the Greenwood Private  
5 Bar. This is Mr. Grose's motion to have a bond set, Your  
6 Honor.

7 THE COURT: All right. Give me a little overview of  
8 what he's charged with, et cetera, if you could, please.

9 MR. DOWTIN: Your Honor, he's in on two separate sets of  
10 charges with no bond on each set. The first being warrant  
11 numbers 2020A2410200383 for attempted murder, -384 for  
12 possession of a weapon during the commission of a violent  
13 crime, -385 for criminal conspiracy. That incident occurred  
14 on or about April 8, 2020. And then the second incident,  
15 Your Honor, was July 9, 2020. Those warrant numbers are  
16 2020A2410200756 for trafficking ecstasy over one hundred  
17 dosage units first offense, -757 possession with intent to  
18 distribute oxycodone first offense, -758 possession with  
19 intent to distribute cocaine base first offense, -759  
20 possession of a stolen pistol, and -760 for carrying a  
21 pistol unlawfully.

22 Your Honor, going back to the first incident, I believe  
23 you heard bond hearings on his co-defendants, Narkevious  
24 Reid and Xayvion Hill, and the basic facts are on or about  
25 April 8, 2020, several individuals went over to Hillcrest

1 Apartments about two o'clock in the afternoon, jumped out.  
2 A couple of them fired several rounds at Justin Parks and  
3 Gabriel Goode. Hopped back in the car.

4 THE COURT: They were sitting on a balcony. They fired  
5 back, or somebody shoots back?

6 MR. DOWTIN: I believe the Defense may be saying there  
7 were some shots back, but we have no evidence indicating Mr.  
8 Parks or Mr. Goode ever fired any shots. The GSR is back  
9 from both of them.

10 MR. GROSE: Except that Mr. Alston got shot.

11 MR. DOWTIN: He did get shot, Your Honor. And I'm not  
12 trying to try the case, but it's our position that that was  
13 friendly fire.

14 THE COURT: Okay. Yeah, didn't somebody die?

15 MR. DOWTIN: Mr. Alston did.

16 THE COURT: Oh, okay.

17 MR. DOWTIN: He was with, it's our position, again, with  
18 the co-defendants.

19 MR. GROSE: Do you have anything that matches any  
20 bullets or anything to establish that? I haven't seen that  
21 in anything.

22 MR. DOWTIN: You haven't seen -- again, Judge. So,  
23 anyway, Mr. Reid and Mr. Hurley are seen at Self Memorial  
24 getting Mr. Alston out of the car and putting him in a  
25 wheelchair and then Mr. Reid and Mr. Hurley leave the

1 hospital. They are in a 2015 black Camry that, it's my  
2 understanding, belongs to Mr. Hurley's grandmother. They  
3 ultimately discover this car a few days later, law  
4 enforcement does. Mr. Hurley is nowhere near it, but law  
5 enforcement notifies his family members that they're going  
6 to be getting some warrants on him related to the shooting  
7 on April 8, 2020.

8 From my understanding, Mr. Murdoch spoke to Mr. Grose  
9 and he said he was going to have his client turn himself in.  
10 Nothing ever happens. He's ultimately located July 9, 2020,  
11 in a car with a couple of other individuals. That's where  
12 he has the drugs. Excuse me. There are drugs in the car.  
13 There's guns in the car. He jumps out of the car and tries  
14 to run, but law enforcement is able to get a hold of him.  
15 But there's no bonds on all of these charges, your Honor.  
16 It is my understanding that everything is back from SLED on  
17 the gun case, Your Honor.

18 THE COURT: I may have missed it. Did you say that Mr.  
19 Hurley there was a jump and run from the drug stop thing?

20 MR. DOWTIN: That is correct, Your Honor.

21 THE COURT: Is this his first bond hearing, or is it his  
22 second?

23 MR. GROSE: No. Your Honor, it's his second bond  
24 hearing, and I understand the Solicitor is getting  
25 frustrated with me about asking for the evidence, but if you

1 look at Judge Hocker's order from last year, and he's  
2 thorough in going through those orders. He identified that  
3 this case was circumstantial. He allowed Mr. Hurley to come  
4 back in February. Although we didn't come back in February  
5 until now. And his idea was to wait to see if there was  
6 going to be more evidence that came in. Because they were  
7 still, I guess, representing at the time -- Mr. Downtin  
8 didn't handle that hearing. Mr. Brown did, but the  
9 representation was made we need to get more evidence. And,  
10 you know, today, you know, I get handed a DNA report. And  
11 it's my understanding -- I wasn't at the bond hearing that  
12 you had on two of the co-defendants earlier this year, but  
13 it's my understanding, and perhaps somebody who was there  
14 can, you know, help us answer that question, but that one of  
15 your concerns was is that the stuff wasn't back from SLED  
16 and that you said they could come back in six months or  
17 maybe earlier if the DNA report came back from SLED.

18 I have the DNA report and I'm happy to hand it up to  
19 you, but with regards to the gun that they collected, it  
20 pretty much conclusively establishes that it was Mr.  
21 Alston's. Mr. Alston also had gunshot residue on his hands.  
22 There's a possibility that it might be Mr. Hill's, but they  
23 exclude Mr. Hurley and Mr. Reid. And so, I take it quite  
24 seriously when we come in here and say we think there's  
25 friendly fire, because according to the incident reports

1     there was evidence of projectiles still being in Mr.  
2     Alston's body at the hospital and what I'm hearing is I  
3     don't have a ballistics report. I also think I'm hearing  
4     the Solicitor say that everything is back from SLED.

5             Well, that means they can't match any of those bullets  
6     to any guns because they apparently didn't collect any of  
7     that. And so, what I'm concerned about is, you know, we  
8     were told wait for more, wait for more, wait for more. Mr.  
9     Hurley's position is that he wasn't there. That he gave  
10    these people a ride to the hospital. And I'm not seeing  
11    anything in what the State has presented that changes any of  
12    that. So, you know, I think he has a right to bond.

13            If he got bond he would live with his mother, Latisha  
14    Hurley, at 131 University Street here in Greenwood. He was  
15    working at Fuji when he got arrested on these charges. He  
16    would try to go back there if they're hiring. If not, his  
17    mother is an assistant manager or manager at McDonald's, and  
18    he would be able to probably get a job at McDonald's until  
19    he found something that might be able to pay more. Looking  
20    back at Judge Hocker's bond order, it looks like that we  
21    asked for a \$30,000 bond at the time. I think at this point  
22    the family would be able to afford a little bit more. We  
23    would still ask for something around the \$50,000 range.  
24    Quite frankly, you know, if you deny bond we need to start  
25    talking about trial dates, Judge.



1           THE COURT: Two questions. One for you, one for him.  
2 Does Mr. Hurley have any prior criminal history?

3           MR. DOWTIN: His prior criminal history consists of a  
4 DUI and a DUS, Your Honor.

5           MR. GROSE: And with regards to him turning himself in,  
6 his mother did contact me and the plan was is he was going  
7 to do that. Quite frankly, I think that he, you know, got a  
8 little spooked that he was getting ready to get charged with  
9 something that's real serious that he's maintained all along  
10 he's not been involved in. I understand the Court has got  
11 to take that into account, but, you know, his contacts are  
12 to this area. I don't think he's going to be going  
13 anywhere.

14          THE COURT: That is, kind of, a point of concern that if  
15 a lawyer calls and says, "Hey, he's going to turn himself  
16 in." They turn themselves in. It's much easier for the  
17 Court to trust him to show up than if that assurance hasn't  
18 been made. Alston is the one that died?

19          MR. DOWTIN: That's correct, Your Honor.

20          MR. GROSE: And he was the one that it looks like was  
21 shooting at these other two people on that porch. His DNA  
22 is on that trigger and the handle of that gun in numbers  
23 beyond the number of people who live on this Earth. It's  
24 his and nobody else's.

25          MR. DOWTIN: Again, Judge, soon after this incident, the

1 shooting, his client is in the black Camry that has been  
2 identified by a couple of witnesses, and low and behold they  
3 have Mr. Alston in the car with them. He carries Reid, or  
4 YG, whatever you want to call him, and Mr. Hill comes later  
5 by a maintenance man who also gave statements to law  
6 enforcement. I mean, it's just a big coincidence, I guess,  
7 that there's no GSR on these two victim's hands that are  
8 just sitting at their apartment doing whatever they're  
9 doing. I'm sure law enforcement would've loved to have had  
10 the opportunity to do a GSR kit on Mr. Hurley, but he ran  
11 from them. So, I mean, here we are.

12 THE COURT: The ballistics -- did you collect -- do you  
13 have ballistics back on Parks and ---

14 MR. GROSE: Mr. Henderson is telling me that there are  
15 ballistics back. I don't have them. So, I would move to  
16 recess this and have the State give me that so we can take a  
17 look at that.

18 MR. DOWTIN: It looks like it was sent March 31, Mr.  
19 Grose, but I'll check again.

20 MR. GROSE: Well, I've looked at what I downloaded this  
21 week and, you know, y'all say you send stuff all the time  
22 and I can't find it. So, but why don't you print out a copy  
23 and we can resume this.

24 THE COURT: We'll continue this to the next term of  
25 court then.

1           MR. GROSE: Well, I want to -- I'd like to continue it  
2 this afternoon. I only need a few minutes ---

3           THE COURT: Mr. Grose, I appreciate it. You want a  
4 continuance. I'll give you a continuance. I've got a room  
5 full of people out there. If you want a continuance then...

6           MR. GROSE: Well, I'll keep going on. I think that  
7 there should be a presumption that that evidence is against  
8 them since they're not presenting it to Your Honor.

9           THE COURT: The narcotics case, let's talk about that.  
10 That's an awful lot of drugs. Who was in the car with him  
11 and was it his car, the black Camry? We definitely have a  
12 jump and run, which is also concerning.

13          MR. DOWTIN: Your Honor, as far as the -- it's my  
14 understanding that one of the other individuals in the car  
15 with him in the drug case was Narkevious Reid, who they were  
16 not able to apprehend at the time. That's the whole reason  
17 they were in that area in the first place on July 9 is they  
18 located a vehicle that they knew YG would commonly be in.  
19 They make a traffic stop on it. Two individuals jump out  
20 and run. One of them, it's my understanding, was Narkevious  
21 Reid. The other one was Mr. Hurley.

22          THE COURT: Okay. Those are the only two individuals  
23 that were in the car?

24          MR. DOWTIN: No, sir. There was another individual in  
25 the car as well. I'm trying to pull his name up here,

1 Judge. I'm sorry.

2 THE COURT: And just so I'm clear. Bond was not set on  
3 any of those other charges, the CPU, the stolen pistol,  
4 anything else?

5 MR. DOWTIN: I'm looking at the Judicial Index, yes,  
6 sir. I don't see that bond was set on any of it.

7 THE COURT: I'll take it under advisement. I'll try to  
8 get it in a couple of days, perhaps tomorrow afternoon.  
9 Thank you all.

10 \*\*\* END OF REQUESTED TRANSCRIPT OF RECORD\*\*\*

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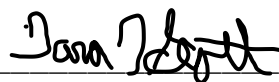
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## Certificate of Reporter

I, the undersigned, Tara T. Scott, CVR, Official Court Reporter for the Tenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial/hearing of the captioned case, relative to appeal, in the Circuit Court for Greenwood County, South Carolina, on the 22nd day of April, 2021.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

A handwritten signature in black ink, appearing to read "Tara T. Scott", is written over a horizontal line.

Tara T. Scott, CVR

Circuit Court Reporter

March 27, 2023

1 STATE OF SOUTH CAROLINA ) GENERAL SESSIONS  
2 )  
2 COUNTY OF GREENWOOD ) TRANSCRIPT OF RECORD

3 -----x  
4 STATE OF SOUTH CAROLINA, )  
5 )  
6 Plaintiff, )  
7 )  
8 vs. ) Case No. 2020-GS-24-00164  
9 )  
10 DESHAWN CHAZZ HURLEY, )  
11 )  
12 Defendant. )  
13 )  
14 -----x

9 STATE OF SOUTH CAROLINA, )  
10 )  
11 Plaintiff, )  
12 )  
13 vs. ) Case No. 2020-GS-24-01154  
14 )  
15 XAYVION MARQUIS HILL, )  
16 )  
17 Defendant. )  
18 -----x

September 23, 2021

16 B E F O R E:

17 The Honorable Frank R. Addy, Jr., Presiding Judge

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

19 Elizabeth Taylor, Esq.  
20 Assistant Solicitor for the State

21 E. Charles Grose, Esq.  
22 Attorney for Defendant Hurley

23 Jamison Tinsley, Esq.  
24 Attorney for Defendant Hill

25 Recorded by: Court Monitor/DCRP

Transcribed by: Bobbi Fisher  
SC Official Court Reporter III

1

## I N D E X

2

DESCRIPTION

PAGE

3

Proceedings

3

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## E X H I B I T S

11

(None.)

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19

## COURT REPORTER LEGEND

20

Dash (--)

Indicates an interruption in speech

21

Ellipses (...)

Indicates trailing off in speech

22

(ph)

Indicates phonetic word

23

[Verbatim]

Indicates the word is said as written

24

(Indiscernible)

[Transcription] Indicates word(s) is not  
known due to audio recording quality

25

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

(Whereupon, the following proceedings started at 3:31 p.m.):

THE COURT: Then that leaves us, I guess, with Mr. Hurley and Mr. Hill?

MS. TAYLOR: Correct, Your Honor. Mr. Hurley is charged in Indictment 2021-1696 with murder. Your Honor, that was just true-billed last term, so he needs to be arraigned on that.

He's also charged in 2020-1062 with attempted murder; 1063, possession of weapon during a violent crime; 1064, criminal conspiracy. From a separate incident, he has 2020-1065, trafficking ecstasy; 1066, PWID oxycodone; 1067, PWID, crack cocaine; 1068, possession of a stolen handgun; and 1069, CPU.

Mr. Hill -- Xayvion Hill is charged in Indictment 2021-1695 with murder -- he also needs to be arraigned on that one -- 2021-1230, attempted murder; 1231, possession of a weapon during a violent crime; and 1232, criminal conspiracy.

Your Honor denied bond on Mr. Hurley, I believe, back in April, and Mr. Hill, back in June. So this is the defense motion for bond on both defendants. And Mr. Hurley is represented by Charles Grose. Mr. Hill is represented by Jamison Tinsley.

THE COURT: Why don't we handle the arraignments first. Do you want to hand up the indictments on the homicide charge,



1 please?

2 All right. Mr. Hill, Mr. Hurley, could y'all stand up,  
3 please? All right.

4 Sir, if you answer to the name of Deshawn Chazz Hurley,  
5 just raise your right hand, please. Thank you.

6 Mr. Hurley, the State alleges that you did, on or about  
7 April the 8th of 2020 in Greenwood County, that you did, along  
8 with others, willfully, feloniously, and with malice  
9 aforethought, kill one -- how do you pronounce the first name?

10 MS. TAYLOR: Trivoriaye.

11 THE COURT: -- Trivoriaye Alston by means of shooting and  
12 that the Trivoriaye Alston did die in Greenwood County as a  
13 proximate result thereof on or about April the 8th of 2020, in  
14 violation of the statute so made and provided and against the  
15 peace and dignity of this state.

16 How do you plead to that charge, sir?

17 THE DEFENDANT: I plead guilty.

18 THE COURT: All right. And, Mr. Hill, if you answer to  
19 the name of Xayvion Marquis Hill, raise your right hand,  
20 please.

21 Mr. Hill, the State alleges that you did, on or about  
22 April the 8th of 2020 in Greenwood County, along with others,  
23 willfully, feloniously, and with malice aforethought, kill  
24 one, Mr. Alston, by means of shooting and that he did die in  
25 Greenwood County as a proximate result thereof on or about

1 April the 8th of 2020, in violation of the section so made and  
2 provided against the peace and dignity of this state. How do  
3 you plead to that charge, sir?

4 THE DEFENDANT: Guilty.

5 THE COURT: All right. Both gentlemen stand arraigned,  
6 and the record will reflect that the solicitor did tell me  
7 that this matter -- she told me shortly before I came out that  
8 this matter was going to be revisited in terms of bond.

9 I have pulled my file from the June 14th term of court.  
10 I've reviewed the incident report that I retained and printed  
11 off copies of the bond orders that I have prepared.

12 The bond order for Mr. Hurley being dated April 27th, the  
13 one from Mr. Hill being dated June the 18th, in both of those,  
14 I did deny bond and indicated that, if the case remained  
15 unresolved, both gentlemen could repetition this term of  
16 court. So -- well, actually, I think for Mr. Hurley, it was  
17 the August term, and for Mr. Hill, it was the -- it was this  
18 term of court. Okay.

19 Solicitor, anything that you need to put on the record  
20 factually? This is the shooting up towards the thing and one  
21 of the shooters apparently is the decedent.

22 MS. TAYLOR: Yes, sir. Just to refresh the Court's  
23 recollection very briefly, the forensic evidence in the case  
24 indicates that the decedent was one of the shooters and  
25 Mr. Hill was the other shooter. There's no evidence that

1 either of the attempted murder victims fired a weapon of any  
2 sort. It's the State's theory from the forensic evidence that  
3 Mr. Hill, who was also shot, actually shot himself as he was  
4 putting the gun back into his waistband.

5 Mr. Alston was killed. According to the autopsy, the  
6 bullet entered slightly on the back of his left side and  
7 traveled, and they had to remove it from the right side. So  
8 whoever shot him was shooting from behind and to his left,  
9 consistent with shooters crossing each other.

10 DNA has -- we've gotten the DNA results back on both  
11 firearms. I believe I informed Your Honor last time, but one  
12 of the one of the firearms has been completely excluded as it  
13 was the one that was inside the apartment. That one didn't  
14 fire any of the casings or bullets that were located  
15 [verbatim].

16 The two firearms that were used, one came back to the  
17 decedent, Mr. Alston, his DNA. The other one, they couldn't  
18 develop a profile sufficient to identify anybody.

19 THE COURT: Okay. And at the time that I addressed  
20 Mr. Reid's bond motion, Mr. Thomas, I think, appeared on  
21 behalf of the State. I don't think you were working back with  
22 the solicitor's office. He indicated that the gentlemen who  
23 were inside of the apartment complex who were shot at that  
24 time, they had not been -- they've been less than cooperative.  
25 Has anything changed as far as that's concerned?

1 MS. TAYLOR: Nothing has changed as far as that's  
2 concerned. I will say that Mr. Alston's grandmother is  
3 present today. This is the first time she's appeared, because  
4 it's the first time that we've had Mr. Alston as an official  
5 victim. And she would like to address the Court at the  
6 appropriate time.

7 Mr. Goude and Mr. Parks -- Mr. Goude gave an initial  
8 statement that was somewhat broad and has not been cooperative  
9 since.

10 THE COURT: Okay. I'm more than happy to hear from  
11 Mr. Alston's grandmother at this point.

12 VICTIM ADVOCATE: Alison's mother, she was here too, but  
13 she got upset and had to walk out. They just asked that the  
14 bond is denied. They think it's a danger to the community.  
15 Obviously, you know, these bullets could hit anyone, and that  
16 is very dangerous to the community. Thank you.

17 THE COURT: I understand their position.

18 One point of clarification, Solicitor. On Mr. Hurley,  
19 you named some additional charges, but the only ones that I  
20 addressed back in April were the attempted murder, possession  
21 of a weapon, and conspiracy. Well, okay, there's some -- it  
22 looks like I denied bond. The other charges -- the narcotics  
23 charges that you mentioned, bond had not been set on those as  
24 well?

25 MS. TAYLOR: I'm not exactly sure, because I wasn't -- I

1 didn't handle the April bond hearing.

2 THE COURT: Okay. All right.

3 Whoever wants to go first is fine. You do need -- so  
4 that we have the record, that microphone, for whatever reason,  
5 is not working as well. You kind of need to be right in front  
6 of it just so that we can make sure -- it's not going to  
7 amplify your voice, but it's what we use to make a transcript  
8 now.

9 But if you're -- yeah, if you're right where you are,  
10 Mr. Tinsley, it should take down what you have to say.

11 MR. TINSLEY: May it please the Court, Your Honor.

12 THE COURT: Yes, sir.

13 MR. TINSLEY: I'm speaking on behalf of Xayvion Hill. I  
14 know we're not here to try the case this afternoon, but I do  
15 want to respond to a couple of things.

16 One, she said that the forensics show that Mr. Hill was a  
17 shooter. I guess she's referring to the gunshot residue on  
18 his hand. He was a -- he suffered a gunshot wound. We  
19 dispute that he shot himself, as the State has thrown out  
20 there as a theory. And so that -- the shot that got him could  
21 be the cause of that gunshot residue. And there's nothing  
22 tying him to either one of these guns as far as fingerprints  
23 or DNA.

24 And, now, on to the bond issues, as far as flight and  
25 danger to the community. Mr. Hill is 19 years old. He's been

1 in jail since right after he turned 18. This thing happened  
2 like a day after his 18th birthday. He's been in the county  
3 jail for 527 days. If you do let him out, he'd live with his  
4 mother, Tish Turner, who is present in the back of the  
5 courtroom. And that address would be 14401 Highway 25.  
6 That's a Honea Path address.

7 He's also supported by some other family members: His  
8 grandparents, the Turners, and his aunt from the Promised Land  
9 community, and comes from good stock, have been down there for  
10 years and years. Productive members of the community.

11 And he -- if you do let him out on bond, he would work at  
12 his mother's restaurant and catering business, which is Granny  
13 Hands in Landis, which is here in Greenwood on Montague. And  
14 he would do dishwashing and bussing tables. Ultimately, in  
15 life, he would like to become a barber. And he -- he needs to  
16 get working towards his GED. He went to the 10th grade.

17 And we would ask that you give him a bond this afternoon  
18 with appropriate conditions. And your prior order mentioned  
19 that the Court may assess the reasonableness of the State's  
20 offer in addition to weighing the typical bond considerations.  
21 My understanding of the offer is two counts of assault and  
22 battery of a high and aggravated nature straight up.

23 So we would ask that you let him out on bond until this  
24 case is resolved. Thank you.

25 THE COURT: All right. Mr. Grose, let me hear from you

1 for Mr. Hurley, and you'll -- you've got to switch places with  
2 Jamison.

3 MR. GROSE: Your Honor, my reading of the discovery is  
4 there's nothing that links Mr. Hurley to either one of those  
5 weapons from a forensic standpoint. My understanding of the  
6 offer is the same as Mr. Tinsley's understanding of the offer.  
7 I've not actually seen the indictment yet, but my  
8 understanding is, is that indictment was true-billed on  
9 Friday, and then, on Monday, they offered to dismiss it if  
10 they pled to two counts of assault and battery of a high and  
11 aggravated nature. And, you know, I -- I don't know what  
12 weight, if any, you know, Your Honor gives to that, but, you  
13 know, that is my understanding of the offer.

14 You can probably tell from where you are, Mr. Hurley has  
15 a -- it's like a brace or something on his arm. He has  
16 himself been shot in the past, and as part of the treatment  
17 for that, he had a plate put in his arm. And as the result of  
18 something that happened in the jail, that plate has broken.  
19 And it's my understanding, you know, that he's been to -- and  
20 I think that that's happened since the last time we were  
21 before you.

22 He has been to the doctor, and I think the doctor was  
23 made aware of the fact that we could come back before the  
24 Court after August for bond. And the -- what Mr. Hurley's  
25 understanding is, is that he's going to have to undergo

1 surgery again, and that, when he underwent it before, there  
2 was a period of bed rest that followed the surgery, and based  
3 on that and his conversations with the doctor, he's expecting  
4 a period of bed rest to follow, you know, the surgery that he  
5 needs.

6 Now, from talking with Mr. Hurley, it sounds, you know,  
7 that it's possible that they could do that while he's in jail,  
8 but the doctor would prefer him to not be in jail. My mind  
9 goes wild with a bunch of reasons as to why that might be from  
10 a health perspective, but the one that I think we talked most  
11 about was the fact that it's going to be better for him to get  
12 bed rest in a home setting as opposed to a jail setting.

13 He has -- if the people who are here for him can raise  
14 their hand. He has people here, family members supporting  
15 him, including Leticia Hurley, who's his mother, who lives at  
16 131 University Street here in Greenwood. If allowed to be  
17 released on bond, Chazz would live with her.

18 Obviously, with the surgery and the need for recovery  
19 after that, he's not going to be working in the immediate  
20 future. We would be willing to suggest conditions such as  
21 house arrest with the standard conditions, including medical,  
22 given his circumstances. We're not adverse to the GPS  
23 monitoring, although I would have to find out if that could  
24 work with the surgery or not. But I think if we could  
25 probably coordinate that in such a way that, you know, the



1 Court had the assurances that, you know, he got to the  
2 surgery, and after the surgery, you know, the monitoring went  
3 back into place.

4 You know, I've have seen a kind of disturbing trend in  
5 other circuits, not in any orders that you've issued, but  
6 where there's some confusion between the standard for setting  
7 a surety bond and denying bond. And I've seen, you know, some  
8 judges -- circuit court judges issue orders basically finding  
9 that a PR bond was inappropriate and then outright denying  
10 bond based on the factors in the statute for -- I mean, they  
11 cite the statute and say, based on these factors that justify  
12 a surety bond and then they deny it.

13 We're not asking for a PR bond, you know, given the  
14 nature of the charges, and we would ask for something that  
15 would be in the 50- to \$75,000 range with some appropriate  
16 conditions.

17 THE COURT: Okay. And reviewing my orders, it appears  
18 that your client's only prior criminal history involves, like,  
19 a DUS or something like that, or driving offense or something,  
20 I think is --

21 MR. GROSE: That's what I saw when I reviewed the order  
22 too. I didn't go back and look at the criminal history, but  
23 I -- I do think it's a case where he does not have any  
24 significant history in that regard.

25 MS. TAYLOR: Appears to be a DUI, Your Honor.

1 THE COURT: DUI? Okay.

2 And Mr. Hill doesn't have any record.

3 Okay. Solicitor, did you have anything else that you  
4 want to throw out there?

5 MS. TAYLOR: Mr. Grose alluded to the timeline. These  
6 were actually slated to be indicted this term already before  
7 the solicitor and I even discussed the most recent offer. We  
8 -- three weeks ago, the solicitor had called me while I was  
9 out on family leave, asking if we could have this ready for  
10 this term of court, and I knew there were a number of reasons  
11 we could not, not the least of which was the murder  
12 indictments hadn't been sought yet. So that's the reason  
13 those were done. We had them in the system three weeks ago,  
14 ready to go.

15 The offer Monday morning was my first day back, and we  
16 discussed the case in light of the fact that there would be a  
17 bond hearing this week.

18 MR. GROSE: Okay. And if we're going to kind of talk  
19 about timelines a little bit, we had the beginnings of a  
20 conversation between counsel for the defendants and the State  
21 with regards to when this case could be tried, and we were  
22 told that Solicitor Stumbo is going to be lead counsel during  
23 a trial.

24 From what I understand, Mr. Henderson's client has filed  
25 a speedy trial motion, and they're ready to go in October. My

1 problem with October is, is that I have a date certain for an  
2 attempted murder charge in Abbeville on October 11th, and I'm  
3 number one for trial on an attempted murder case in  
4 Spartanburg on October 25th.

5 Mr. Black and I are talking about having a Protection of  
6 Persons and Property Act hearing in Abbeville in November.  
7 And I'm also told that, after some time in November, because  
8 of the death penalty trial that's scheduled for 2022 in  
9 Laurens County, the solicitor is not going to be available  
10 until sometime next year.

11 I don't know what my first of the year is going to look  
12 like, but I have a -- I'm counsel in a federal wrongful death  
13 case where there's also four other estates. It arises out of  
14 the quadruple homicide at Kirkland a few years ago. And the  
15 district court judge has said that, you know, we're picking --  
16 if it's not resolved and survives dispositive motions, that  
17 we're picking juries at the beginning of February, and if she  
18 doesn't consolidate them for trial, we're trying them in  
19 consecutive weeks.

20 And I can send you -- yeah. Yeah. My head was spinning  
21 when we were in that status conference, too.

22 So I just --

23 THE COURT: Is this the new federal judge, the one that  
24 used to be the U.S. attorney?

25 MR. GROSE: Yes.

1 THE COURT: Okay. I understand.

2 MR. GROSE: Well -- and, apparently, there's some  
3 timeline with Congress that this case will be pushing up on.  
4 And, you know, it just is what it is. And so I guess what I'm  
5 getting at is, is it's really hard for me to see these cases,  
6 if they're going to be tried jointly, which I think was the --  
7 I don't think it was directly said, but I think that was the  
8 implication of sort of how the conversation came about. I  
9 just don't foresee, you know, how these cases get tried.

10 I also have a capital PCR on the coast that's got a  
11 scheduling order for -- I can't remember, but it's sometime in  
12 the spring, you know. And of course a lot of this is all  
13 subject to change in the way things evolve, but, you know,  
14 it -- it's really none of these guys' fault that, you know,  
15 we're operating under this kind of scheduling climate, and to  
16 some extent, the fact that a lot of these cases for me are  
17 stacking up is a byproduct of the courts returning to -- you  
18 know, because I think some of these matters would have already  
19 been heard and resolved if we hadn't had the delays caused by  
20 the pandemic. So, you know, it just is what it is.

21 THE COURT: All right. Well, Solicitor, I'm going to  
22 take the matter under advisement. I am dealing with a  
23 situation, though, where both of these gentlemen have been in  
24 jail for well over a year. I applaud the State in its efforts  
25 to try these cases in October, but I'm just trying to think

1 through the logistics of this. You're going to have a Bruton  
2 problem. The obvious other problem is, obviously -- and I  
3 know that the decedent's grandmother is here, but all  
4 indications are, that he was part of the group that initially  
5 shot at the two people in the apartment, which, factually and  
6 legally, is -- obviously, I'm sure you've explained to them,  
7 that that's problematic and obviously concerning from your  
8 standpoint and a hand of one/hand of all is only going to take  
9 you so far. And they have no criminal history.

10 I'll consider where things are and revisit, of course, my  
11 prior orders on this case. To proceed with a trial against  
12 all of them is going to implicate Bruton on so many different  
13 levels. I'm very curious to see how that would play out --

14 MS. TAYLOR: There are no statements from any of them.  
15 So that --

16 THE COURT: I thought there was one from somebody.

17 MS. TAYLOR: Well, Mr. Hill did give a statement in the  
18 hospital.

19 THE COURT: Maybe that's what I was thinking.

20 Interesting. All right.

21 MR. GROSE: There's also all other kinds of problems.

22 THE COURT: Oh, I'm sure. I'm sure I've only --

23 MR. GROSE: Having some Hepburn (ph) PTSD right now?

24 THE COURT: Not at all.

25 I'm sure I've only touched on a few of the issues.

1 MS. TAYLOR: There are a lot of moving parts.

2 THE COURT: Yeah. I don't know -- I mean, they have been  
3 in -- they have been held for so long without bond. COVID is  
4 nobody's fault, but the Court can only -- I mean, bond can  
5 only be denied for so long. And, logistically, an October  
6 trial date might be optimistic.

7 I'm going to look at everything. I'll take all this into  
8 consideration. Whatever terms I -- if I do set bond, whatever  
9 terms I impose will be rather strict.

10 So, gentlemen, please discuss with your clients the  
11 necessity of abiding by the letter of the order if I do grant  
12 them bond. Okay?

13 All right. It's under advisement. I'll have y'all an  
14 order, if not tomorrow, by Wednesday of next week, okay, if  
15 not by tomorrow.

16 Thank you-all.

17 MS. TAYLOR: Thank you, Your Honor.

18 (At 4:00 p.m., the above hearing concluded.)  
19  
20  
21  
22  
23  
24  
25

## 1 CERTIFICATE OF TRANSCRIBER

2 CASE NAME/NUMBER: State v. Deshawn Chazz Hurley

3 2022-DR-24-00164

4 State v. Xayvion Marquis Hill

5 2022-DR-24-01154

6 DATE OF HEARING: 9/23/2021

7 COURT REPORTER/MONITOR: DCRP

8  
9 I, Bobbi Fisher, do hereby certify that the foregoing  
10 transcript is a true and correct record of the recorded  
11 proceedings; that said proceedings were transcribed to the  
12 best of my ability from the audio recording and supporting  
13 information, and that I am neither counsel for, related to,  
14 nor employed by any of the parties to this case, and I have no  
15 interest, financial or otherwise, in its outcome.  
16

17 18 /s/ Bobbi Fisher

19 Bobbi Fisher, Certified Transcriber

20 Date Prepared: December 9, 2022

21  
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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF GREENWOOD

|                          |   |                      |
|--------------------------|---|----------------------|
|                          | ) |                      |
|                          | ) |                      |
| State of South Carolina, | ) | 2020-GS-24-1064      |
|                          | ) | 2021-GS-24-1696      |
| Plaintiff,               | ) | 2022-GS-24-1154      |
|                          | ) |                      |
| vs                       | ) |                      |
|                          | ) | TRANSCRIPT OF RECORD |
| Dashawn Chazz Hurley,    | ) |                      |
| Defendant.               | ) |                      |
| _____                    | ) |                      |

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

B E F O R E:

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

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

ATTORNEY FOR THE PLAINTIFF:

David M. Stumbo, Esq.  
Elizabeth P. Taylor, Esq.

ATTORNEYS FOR THE DEFENSE:

R. Jamison Tinsley, Jr. Esq. for Xayvion Hill  
Carson M. Henderson, Esq. for Dashawn Chazz Hurley  
E. Charles Grose, Jr. Esq. for Narkevious Manquese Reid

Tara T. Scott, CVR  
Official Court Reporter



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1           (WHEREUPON, proceedings began 9:57 a.m.)

2           THE COURT: We're going to go on the record in the case  
3 of the State of South Carolina v Reid, Hurley, and Hill.  
4 The record will reflect that all defendants are present with  
5 counsel. The record should also reflect that I did have  
6 some email communication with the attorneys last week. It's  
7 the intention of the Court to try to address any  
8 housekeeping issues and pre-trial issues this morning since  
9 Judge Hocker was unable to get that squared away last week,  
10 in light of everyone's schedule.

11           In communication with the defense attorneys, it's my  
12 understanding that, in terms of order of cross, they've  
13 agreed that Mr. Tinsley will go first, followed by Mr.  
14 Henderson and Mr Grose. Is that still the plan, gentlemen?

15           MR. TINSLEY: Yes, sir.

16           MR. HENDERSON: Yes, sir. At least for cross. In our  
17 cases in chief it may vary.

18           THE COURT: Well, I'm kind of thinking that's something  
19 that we'll need to cross and address at a later point in  
20 time, but we can figure that out when we get there. My  
21 understanding is that the State was intending to introduce  
22 -- I think perhaps the big issue this morning, and I told  
23 the lawyers last week in an email, was that I was wanting to  
24 address this morning anything that could affect voir dire of  
25 the jury this afternoon. My understanding is that there is a

1 Jackson v Denno that we may need to address. Which  
2 Defendant's statement was that concerning?

3 MR. STUMBO: That would be Xayvion Hill.

4 THE COURT: Mr Hill's?

5 MR. TINSLEY: We're not going to have an issue with  
6 that, Judge, but I do intend and am making a motion for  
7 immunity for my client pursuant to the Protection of Persons  
8 and Property Act which, as the Court is aware, is the  
9 statutory adoption and extension of the common law Castle  
10 Doctrine.

11 THE COURT: All right. Very good. As it relates to the  
12 *Jackson v Denno*, however, you're not contesting the  
13 voluntariness of that statement or whether it should be  
14 admissible?

15 MR. TINSLEY: I'm not, Your Honor.

16 THE COURT: Okay. There are no Bruton issues associated  
17 with that statement?

18 MR. STUMBO: There's none, Judge.

19 THE COURT: Then we don't need to cross that bridge.  
20 The State was, I think, was also going to -- or part of the  
21 State's theory is that this incident arose as a result of  
22 some discord between rival gangs. Is that correct,  
23 Solicitor?

24 MR. STUMBO: It is correct, Judge. Under the *Johnson v*  
25 *State* case that came out in the Court of Appeals last year,

1 we are seeking to introduce evidence of gang affiliation of  
2 these three defendants, as well as the two targets, the  
3 alleged victims of this incident, who are Justin Parks and  
4 Gabriel Goode. Gang affiliations for both sides.

5       There's an incident that occurred about a month before  
6 that did not involve any of these individuals that are  
7 defendants, or alleged victims, in this case. There is a  
8 social media post that law enforcement had that basically  
9 put out a BOLO for Mr. Hill related to something that they  
10 felt was concerning in the aftermath of the murder of a  
11 young man named Jakevius Parker. Jakevius Parker was shot  
12 by Ji'Tavius Adams. Your Honor took the plea in that case.  
13 It's a case I prosecuted back about a year ago. We pled the  
14 case actually in Newberry. I don't know if you remember it,  
15 Judge. It was a Dietrich Lake, a lawyer out of Columbia,  
16 that represented Adams. We heard the case in Newberry. It  
17 was a voluntary manslaughter plea, but as you hear the facts  
18 of that, Judge, possibly through our proffered testimony  
19 through Mr. Blackwell, it may start to ring the bell. I  
20 think we pled the case about a year ago in Newberry. I know  
21 there's been a lot of water under the bridge since then. I  
22 get it.

23       But, Judge, we do believe that the Johnson case stands  
24 for the proposition that gang affiliation may be, in a  
25 limited nature, admissible under 404(b) to prove motive and

1 identity of the defendants.

2 Certainly, Judge, we have a lot of information that  
3 we're not going to try to put forward in front of the jury.  
4 Ms. Taylor, Ms. Hoffman, and I have pored over this with law  
5 enforcement and tried to figure out the best course of  
6 action to not have anything that is offered that may be more  
7 highly prejudicial and doesn't have as high of a probative  
8 value. But, we do believe that what we are going to attempt  
9 to elicit has an extraordinarily high probative value for  
10 this case. Ms. Taylor is going to make that argument, I  
11 think, after we put up -- proffer some testimony from Matt  
12 Blackwell, who is a detective with the City of Greenwood. He  
13 is their certified gang investigator at the police  
14 department for Greenwood going back, I think, to 2011 was  
15 when he started his training regimen with the gang  
16 investigations. He has worked with the federal agencies on  
17 a task force. We can go through all that on the stand,  
18 Judge.

19 Ultimately, we will be seeking to admit it under the  
20 *Johnson v State* case. If you want that cite, Judge, I don't  
21 know if you've had a chance to read that case yet.

22 THE COURT: Give me the cite again. I glanced at it  
23 last week when I was in Greenville.

24 MR. STUMBO: It's 433 S.C. 550. It's a 2021 -- it was  
25 filed June 23, 2021 in the Court of Appeals. It's a case out

1 of Sumter.

2 THE COURT: Procedurally, where does that case stand in  
3 terms of -- has the Supreme Court granted cert, or is it...

4 MR. STUMBO: I'm not aware that cert has been granted  
5 on that. I did look at the filings on the Supreme Court  
6 website, but there were no filings in Westlaw that had been  
7 filed.

8 MR. GROSE: Judge, I looked at the entire record, and  
9 we may, in fact, ask you to review parts of that record.  
10 There was not an appeal to the South Carolina Supreme Court  
11 in that case.

12 THE COURT: So, it is a final judgment?

13 MR. GROSE: It is a final judgment. While we're on the  
14 issue of case law, there's a case called State v Price which  
15 is 368 S.C. 494 (S.C. 2006) 629 S.E. 2d 363. That case is  
16 from the South Carolina Supreme Court, and I would ask that  
17 Your Honor consider that case in connection with the law  
18 that the Solicitor is requesting you to consider, because it  
19 deals with -- the Price case deals with some issues that I  
20 don't think were addressed in the Johnson case and we will  
21 just have to see what their evidence is and then be able to  
22 argue that.

23 THE COURT: Fair enough. Mr. Henderson?

24 MR. HENDERSON: Then, Your Honor, at some point during  
25 this gang testimony, I've got a discovery Brady motion to

1     make.

2           THE COURT: Okay, and that relates to what?

3           MR. HENDERSON: Gang material.

4           THE COURT: Okay, I think I understand where you're  
5     coming from.

6           Mr. Tinsley, as it relates to your motion for immunity,  
7     how do you suggest that the Court address that? Because,  
8     I've done it here previously with Ms. Nelson with the Public  
9     Defender's office with just kind of an understanding that if  
10    the Court should conclude that, based on the testimony, Mr.  
11    Hill was acting in self-defense as a matter of law or that  
12    he was entitled to the protections of the Castle Doctrine or  
13    the codification of the Castle Doctrine, then I could just  
14    end the case when the State rests. Or were you planning on  
15    presenting testimony this morning? How were you planning on  
16    doing that?

17          MR. TINSLEY: My plan was to call Investigator Murdoch  
18    pre-trial and question him, and potentially my client pre-  
19    trial, so that, obviously I think the law is pretty clear  
20    that anything if he did testify at that hearing the State  
21    couldn't use anything that he said in that in their case in  
22    chief after one of those hearings is my understanding.

23          THE COURT: Why don't we handle it this way. Do you  
24    want to go ahead and proceed and call Officer Blackwell?

25          MR. STUMBO: Yes, sir.

1 THE COURT: Why don't you do that.

2 MR. STUMBO: The State calls Matt Blackwell to the  
3 stand.

4 WHEREUPON, Matthew Blackwell, having first  
5 been duly sworn, testified as follows:

6 DIRECT EXAMINATION (IN CAMERA)

7 BY MR. STUMBO:

8 Q Is it Detective Blackwell, or do you have a rank that  
9 we should use?

10 A Detective Blackwell is good.

11 Q Okay, is that good?

12 A Yes, sir.

13 Q Detective Blackwell, how long have you been in law  
14 enforcement?

15 A About 13 years. I've worked with law enforcement  
16 about since about 2008.

17 Q Where did you start? What agency did you start with?

18 A I started with the Greenwood Police Department in 2008  
19 where I've been the entire time.

20 Q Okay. Did you start on the road?

21 A Yes, sir. I finished the criminal Justice Academy in  
22 2009 and after the criminal justice academy I was on the  
23 road for about a year and a half, to where I then went to  
24 the drug enforcement unit where I began investigating drug  
25 crimes for a few years. After that I was promoted to the

1 gang investigator for Greenwood. That was in 2013 where I  
2 have been involved in several cases involving gangs and  
3 criminal gang activity.

4 Q Prior to 2013 when you were given that title of gang  
5 investigator, did you do any gang trainings prior to that  
6 time?

7 A Yes, sir. In 2011 I went to the criminal gang  
8 investigation course at the South Carolina Criminal Justice  
9 Academy. When I was promoted to the gang investigator, I  
10 was also went to two other advanced classes with the  
11 Criminal Justice Academy; graffiti recognition, criminal  
12 gang investigations advanced class, and that was prior to me  
13 going -- when I was made the gang investigator

14 Q Okay. I'm going to hand you up what's been marked as  
15 Court's 1 for ID, just for purposes of this hearing. Do you  
16 recognize those documents in Court's 1?

17 A Yes, sir.

18 Q Okay. What are those?

19 A This is my student transcript from the South Carolina  
20 Criminal Justice Academy. This is just a certificate saying  
21 where I went and 4/9/2013 I did the criminal gang overview  
22 class at the criminal justice academy. Certified in that.  
23 And then I went to criminal street gang investigations and  
24 criminal street gang investigations that was at 4/10/2013.  
25 Also, went to criminal gang investigation class at the South



Blackwell-Direct (in camera)

26

1 Carolina Criminal Justice Academy, like I said, in 2011 when  
2 I was working for the drug enforcement unit.

3 Q Okay, that's the one you've already referred to?

4 A Yes, sir.

5 Q That's further in that document.

6 A Yes. Do you want me to go through all of them?

7 Q I'm sorry. I thought I had them in chronological order

8 A In 2013, I attended SCDC gang class where I was  
9 certified as a gang officer with SCDC through several  
10 courses there the Wicklander and Zulawski seminar I went to.  
11 That's a association that is out of Chicago, Illinois that  
12 works with gangs and deals with gangs and interviewing and  
13 training and stuff. That was -- I completed a gang  
14 specialized class at that time.

15 Q And that class was in Chicago?

16 A That was in October. No, it was in North Myrtle Beach.  
17 They came from Chicago. That was October 22 through the  
18 24th, 2013. I also attended the South Carolina Gang  
19 Investigators Association starting in 2013. That's the  
20 association here in Greenwood, or in South Carolina, where  
21 all the gang investigators meet and they have a conference  
22 every year. Every year it's a week-long training conference  
23 where expert gang investigators throughout the country come  
24 and give classes, and I've obtained numerous certificates  
25 through them. And that was -- I attended that from 2013 to

Blackwell-Direct (in camera)

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1 around 2020 when Covid hit. In 2014, I also attended the  
2 organized crime drug enforcement training conference,  
3 OCDETF, when I was attached with the FBI Task Force, gang  
4 task force, they sent me to this class to learn how to  
5 prosecute federally gang places and violent crimes and that  
6 was November 19th through the 21st of 2014. In 2015, I  
7 earned my gang specialist certificate through the South  
8 Carolina Criminal Justice -- or the South Carolina Gang  
9 Investigators Association. That's just a certification  
10 where we had to pass a test showing our knowledge of the  
11 gangs here in South Carolina. 2015 our FBI Safe Streets  
12 Task Force out of Greenville was also named gang unit of the  
13 year in South Carolina through the South Carolina criminal  
14 Justice Academy or Gang Investigators Association. I  
15 continued going to classes there. 2019 I completed a  
16 Project Safe Neighborhood class that was given by Columbia  
17 Police Department, I believe, and that was in 2019. That's  
18 just how to identify gang members and violent offenders.  
19 Just more training. Again, 2020 was my last year going to  
20 the gang conference to get any certificates there.

21 Q So that was, I'm assuming, before covid hit you were  
22 able to go to the conference?

23 A Yes, sir, before covid hit and we haven't done it  
24 anymore.

25 Q Okay, got you.

Blackwell-Direct (in camera)

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1     A     And then, like I said, I was in 2014 I was placed on  
2     the FBI Safe Streets Task Force as a full-time task force  
3     officer. That's where I worked with several FBI agents and  
4     other gang investigators throughout South Carolina. We  
5     prosecuted federally and convicted probably over 50  
6     offenders here in Greenwood that were gang members in  
7     federal court for different violations of gun violations,  
8     drugs, and other violent offenses.

9     Q     Let me stop you there. So, in those cases you work  
10    with state, local, and the federal ---

11   A     Yes, sir.

12   Q     --- law enforcement agencies?

13   A     Yes, sir, and primarily a lot of them was here out of  
14   Greenwood that we were working on, so, gun cases and we kept  
15   having repeat offenders with guns. We would take them and  
16   the agents and other task force officers would come down  
17   here and assist me. I would go to Greenville/Spartanburg  
18   assist them also.

19   Q     So, would it be fair to say that as part of your work  
20   on this task force you were seen by the state and federal  
21   agencies working these cases as the gang specialist ---

22   A     Yes, sir.

23   Q     --- for Greenwood?

24   A     Yes, sir. Through the South Carolina Gang  
25   Investigators Association we had monthly meetings also where

Blackwell-Direct (in camera)

29

1 we would all get together at different locations. I hosted  
2 several of them here in Greenwood. That's just where the  
3 gang investigators get together and talk about some of the  
4 problems, and our guys would go to Greenville/Spartanburg  
5 and their guys would come down here and we would have that  
6 monthly meeting also to discuss with the gang specialists  
7 from each department.

8 Q The South Carolina Gang Investigators Association -- I  
9 know you're not going to toot your own horn, because I  
10 didn't hear you say this, but they awarded your unit with  
11 the gang unit of the year in 2015.

12 A Yes, sir. That was in 2015. That was our task force  
13 for several cases that we made in federal court, managing  
14 some of the gang activity here Greenwood and some of the  
15 surrounding areas.

16 Q And you've been sworn in by the U.S. Marshall for this  
17 state?

18 A Yes, sir. When I joined the task force I was sworn in  
19 with the FBI, with federal authority to make arrests and  
20 also with the U.S. Marshall's Task Force. They swore me in  
21 as a Special Deputy U.S. Marshall and I was doing that until  
22 about this year.

23 Q How many hours have you spent investigating gang cases,  
24 Detective?

25 A Hundreds of hours. Interviewing people, surveillance,

1     investigating people, documenting members. Hundreds of  
2     hours.

3     Q     Okay. How about classes? Have you done any trainings  
4     yourself? Taught any trainings?

5     A     Yes. I have given several gang classes to  
6     organizations here in Greenwood. The school district. A  
7     bunch of different classes to our people out there, just  
8     kind of giving them an overview of the gangs we have in  
9     Greenwood and the problems they have caused.

10    Q     Okay, so the District 50 has had you in to ---

11    A     Yes, sir. District 50 and several different  
12    associations here in Greenwood have had me.

13    Q     What is the Greenwood Police Department gang book?

14    A     The Greenwood Police Department gang book is a book  
15    that I put together to give to law enforcement letting them  
16    have knowledge of the members we have here in Greenwood.  
17    Details, like, the criteria needed to place somebody in Gang  
18    Net. Gang Net is the database where we put gang members  
19    and, so it's just kind of a -- officers around the state can  
20    have an idea of who's in gangs and who they are affiliated  
21    with. I did that in 2020.

22    Q     Have you documented in Gang Net?

23    A     Yes, sir.

24    Q     Gang members out of Greenwood?

25    A     Yes, sir. I was certified through SLED, and I've

Blackwell-Cross (in camera)

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1     probably documented over 100 gang members here in Greenwood  
2     as gang members, the different neighborhood gangs we have  
3     here.

4     Q     And when you do that, you associate that individual  
5     that you document with a particular gang?

6     A     Yes, sir. We've got three primary gangs here in  
7     Greenwood that are associated with, and they are usually  
8     documented as a gang member of one of those gangs.

9     Q     I know you testified in court many times, in our  
10    courtroom here Greenwood, but have you ever been qualified  
11    as an expert in gang investigations before today?

12    A     No, sir. I haven't.

13    Q     Have you ever attempted to be qualified as an expert in  
14    gang investigations before today?

15    A     No, sir. This is the first time.

16    Q     Okay, thank you.

17    A     I testify about gangs in federal court, but they never  
18    make me an expert.

19    Q     Okay, got you.

20           MR. STUMBO: Judge, I was going to ask to hand Court's  
21    No. 1 up to you. Judge, I'm sure the defense attorneys may  
22    have some questions, but resting on the testimony and  
23    documents thus far, we would offer Detective Blackwell as an  
24    expert in gang investigations.

25           THE COURT: All right. Mr. Tinsley, any questions of

Blackwell-Cross (in camera)

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1 him on that subject? I understand that there may be an  
2 objection from all three of you as to qualifying him in that  
3 area, but any questions of him on the underlying  
4 qualifications or background?

5 MR. TINSLEY: I don't have any background questions.  
6 Yeah, like the Court said, I would object to this testimony,  
7 gang testimony, coming in.

8 THE COURT: Any questions concerning his background and  
9 education?

10 MR. TINSLEY: I take that back, Your Honor. I do have a  
11 few questions.

12 THE COURT: Go ahead.

13 CROSS EXAMINATION

14 BY MR. TINSLEY:

15 Q Detective Blackwell, you rely a good bit on what  
16 individuals tell you to pen somebody in a gang?

17 A Yes, sir. I do rely a good bit on information given to  
18 me by confidential informants and actual members of the  
19 gang.

20 Q And a lot of times when these conversations happen is  
21 when you are questioning them about some sort of criminal  
22 activity?

23 A Sometimes. Sometimes I just talk to them out on the  
24 street just to talk with them. Sometimes they might be  
25 involved in a crime, but not necessarily a suspect. But, yes

1 if they are a suspect I also talk to them.

2 Q Okay, now you said that you talk to them out on the  
3 street. Sometimes it's involved with a criminal  
4 investigation, but sometimes not? Am I understanding that  
5 correctly?

6 A Yeah, well, I talk to people if they are involved in it  
7 and if they are not involved in it.

8 Q How would a conversation when they are not involved in  
9 a criminal investigation come up?

10 A Well, I talked to the kids at school about what they  
11 are seeing and what's going on in their communities.  
12 Talking to people outside of the community, find out where  
13 the problem areas are. And then if they tell me that people  
14 are over there they are causing problems maybe I'll go over there  
15 and try to talk with them and just, kind of, see what's  
16 going on.

17 Q Okay, so sometimes it just starts as a general  
18 conversation about what's going on in the community?

19 A I go out and try to speak to people, definitely. To try  
20 to see what's going on in the community.

21 Q And sometimes people will make admissions to you that  
22 they are in a gang?

23 A Yes, sir.

24 Q And Mr. Hill has never made any kind of admission to  
25 you like that?



1     A       No, sir.

2     Q       You mentioned three primary gangs. I know we've gotten  
3     information turned over to us about the so-called East side  
4     and the so-called South side. Are those two of the three  
5     primaries?

6     A       Yes, sir.

7     Q       What would the third primary be?

8     A       Osborne Contraband Gang.

9     Q       Okay, so Osborne Contraband Gang. So, Osborne  
10    Contraband is something separate from the East side and  
11    South side?

12    A       Well, it's Osborne and they call themselves the  
13    Contraband Gang and OB, or Osborne. That's just a name  
14    neighborhood around here that they associate with.

15    Q       Okay, and that's the Osborne Street area?

16    A       Yes, sir.

17           MR. STUMBO: Judge, if I may interject here. We're going  
18    to get into the specifics that Mr. Tinsley is asking about  
19    now. I think this was just questions as to his  
20    qualifications. We're going to get into all this stuff that  
21    he's asking him about, I just -- I didn't know if we were  
22    putting the cart before the horse.

23           THE COURT: I was trying to take this in the logical  
24    order as to his qualifications and whether he should be  
25    qualified as an expert. Do you have any questions along

1     those lines?

2             BY MR. TINSLEY:

3     Q     How many times -- you testified about testifying in  
4     federal court. How many times have you testified in federal  
5     court?

6     A     Probably two or three -- three or four times. Just  
7     certain stuff that we had going on here in Greenwood.

8     Q     Okay, and you testified as a fact witness rather than  
9     being qualified as an expert?

10    A     Yeah, wasn't an expert. No, sir.

11            MR. TINSLEY: Judge, since we're going to be going into  
12    this other stuff deeper, I don't have any further questions  
13    at this time.

14            THE COURT: Mr. Henderson?

15                               CROSS EXAMINATION

16    BY MR. HENDERSON:

17    Q     Detective, how are you?

18    A     Good, how are you doing?

19    Q     Good. Always good to see you. In federal court, did  
20    the US attorneys try to get you qualified as an expert in  
21    gangs?

22    A     No, sir.

23    Q     Did y'all even have any discussions about you being  
24    qualified as an expert?

25    A     No, sir.

1 Q And, I suppose, when you are up there in federal court  
2 testifying that you had already been to all of these  
3 classes?

4 A Yes, sir.

5 Q I mean, everything that you said you've done today you  
6 had already done prior to the time, I suppose, that you were  
7 testifying in federal court as a fact witness?

8 A Yes, sir.

9 Q Okay. Let me look at this Court's number one. I'm  
10 looking at -- these are all your certificates?

11 A Yes, sir.

12 Q I believe, if I'm not mistaken from looking at them  
13 produced in discovery, that these kind of run from 2013 up  
14 through this year?

15 A Yes, sir.

16 Q Let me ask you, you work with the Solicitor's Office a  
17 good bit on this gang stuff, don't you?

18 A Yes.

19 Q Y'all talk about cases all the time. Is that fair to  
20 say?

21 A Yes, sir.

22 Q Do they know your qualifications?

23 A Yes, they do.

24 Q Okay. Do they have a copy of this, what's been marked  
25 as Court's Exhibit Number 1?

Blackwell-Cross (in camera)

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1     A       Yes, they just handed it to me.

2     Q       Okay. Let me ask you, when did you give the documents  
3     that are marked in Court's Exhibit 1 to the Solicitor's  
4     Office?

5     A       Last week, I believe.

6     Q       So, they've never asked you for this beforehand?

7     A       No, sir.

8     Q       But did they know that you've gone through all these  
9     classes?

10    A       I assume they knew that I'd been to several gang  
11    classes. Yes, sir.

12    Q       I mean, had that come up in your conversation with the  
13    Solicitor?

14    A       Not until the last week or so.

15    Q       When did they first know that you'd been to all these  
16    gang classes?

17    A       Last week.

18    Q       So, they didn't know anything about this until last  
19    week?

20    A       That's when I gave them all of the documents.

21    Q       They didn't know about any of your gang training until  
22    last week?

23    A       I mean, they knew that I'd been to gang trainings and  
24    the Solicitor knew that I was the gang person putting the  
25    people in Gang Net.

Blackwell-Cross (in camera)

38

1 Q Okay. How long has the Solicitor known that you were  
2 the person putting people in Gang Net?

3 A I'm not sure. You'd have to ask him.

4 Q Let me ask you. Was it last week?

5 A I'm not sure. I mean, that's when I told them -- I  
6 gave them my certificates.

7 Q That's not what I'm asking you, sir. When did the  
8 Solicitor know that you were the person at the Greenwood  
9 Police Department responsible for being the gang specialist?

10 A I'm not sure.

11 Q Did he know it last year?

12 A I'm not sure.

13 Q Well, let me ask you, you said you've been working on  
14 getting cases for years. Is that fair to say?

15 A Yes, sir.

16 Q I mean, did they not know that you were the gang  
17 specialist before last week?

18 A I'm assuming they did.

19 MR. STUMBO: Judge, I'm going to object to this. As an  
20 officer of the court, I'll tell you that I have known he  
21 been the gang expert for probably since about the time I  
22 became Solicitor in 2013.

23 MR. HENDERSON: That's fine, Your Honor. I'll take that  
24 as a confession.

25 MR. STUMBO: So we can cut through all this.

1 BY MR. HENDERSON:

2 Q On this FBI Safe Streets Task Force, if I'm not  
3 mistaken you said that you've been responsible for helping  
4 put fifty plus defendants convicted in federal court?

5 A Not convicted -- convicted and charged. Most of them  
6 have been convicted. Some of them wasn't convicted. Around  
7 fifty. And that's a round-about number.

8 Q Now, if I heard your testimony right, and again didn't  
9 you say that most of those are gun charges?

10 A Yes, sir. Felon in possession cases.

11 Q You would agree that's probably the easiest case for  
12 the feds to make?

13 A Yeah -- well, it's got a lot to it, but it's -- I mean,  
14 it's a federal case that's made and it helps us greatly here  
15 in Greenwood so ...

16 Q Have you been involved in the prosecution of anybody in  
17 federal court for being a member of a gang?

18 A No, sir.

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

21 THE COURT: Mr. Grose?

22 MR. GROSE: Could I get the Solicitor to state again  
23 exactly what field he plans on offering this witness as an  
24 expert.

25 MR. STUMBO: It's gang investigations.

1 THE COURT: Gang investigations.

2 CROSS EXAMINATION

3 BY MR. GROSE:

4 Q Can you describe for me and the Court what the field of  
5 gang investigations entails?

6 A Well, that's just me going into individuals that we  
7 suspect to be gang members and just documenting them, making  
8 sure that we have them documented for law enforcement  
9 purposes for safety, and just the knowledge for if something  
10 happens like a shooting or something that areas where we  
11 need to look at of people that could have been involved in  
12 it and why they were shooting at each other.

13 Q So, documenting members of gang for potential future  
14 investigations?

15 A Yes, sir, and ongoing investigations if something  
16 happened. Yes, sir. That's why the gang position was made,  
17 because we had such a problems with shootings in Greenwood  
18 of neighborhoods back and forth at each other.

19 Q Okay, now -- and what I'm trying to do is, you know,  
20 get an idea of what your position is in law enforcement, but  
21 also what your position -- or what you contend that being an  
22 expert in gang investigations involves, and from your  
23 testimony I understand that that is to document members of  
24 gangs for present or future investigations.

25 A Yes, sir.

1 Q Anything else?

2 A Nothing else right now. Just information. It's for  
3 information.

4 Q Well, what do you mean by "right now"? Because I don't  
5 want this to change this afternoon or later this week. I  
6 mean, ---

7 A Nothing. It's for information. Information purposes.

8 Q Okay. Mr. Henderson -- well, I think both Mr. Tinsley  
9 and Mr. Henderson asked you some questions about testifying  
10 in federal court. And I'm not clear as to how many times  
11 you testified in federal court. Once I heard you say two to  
12 three, and then three to four.

13 A I don't have an exact number, but it was primarily for  
14 the felon in possession cases that we were taking from here  
15 in Greenwood.

16 Q Okay. And felon in possession, that's when a person  
17 is possessing a weapon after they have been convicted of a  
18 violent crime?

19 A Yes, sir.

20 Q In those cases, were there co-defendants?

21 A It could have been sometimes that there were co-  
22 defendants.

23 Q Well ---

24 A I'm not real sure. I haven't had any of that in front  
25 of me.



Blackwell-Cross (in camera)

42

1 Q Well, keep -- all right. And they didn't ask you to  
2 bring that today since they were going to go into it?

3 A No, sir.

4 Q Okay. Can you think of one time you testified in  
5 federal court?

6 A Yes, sir.

7 Q And what case was that?

8 A I -- there - I mean, several cases. There's a ---

9 Q Well, I'm just asking you to name one.

10 A Reginald Bland.

11 Q Reginald Bland?

12 A I testified with him where he went to a felon in  
13 possession case.

14 Q Okay. Did he have a co-defendant?

15 A No, sir.

16 Q Was it a jury trial?

17 A No, sir.

18 Q In Reginald Bland's case, if it wasn't a jury trial,  
19 what was the purpose of your testimony?

20 A Just several detention hearings, kind of telling what  
21 happened, what had us get out with him and the gun and  
22 everything.

23 Q Was there any testimony in Reginald Bland's detention  
24 hearings about gang membership?

25 A I'm not sure. I can't say for sure yes or no on that.

Blackwell-Cross (in camera)

43

1 Q Okay. Well, then let me ask you this. Can you think  
2 of a time in federal court where you testified about gang  
3 membership?

4 A Gang membership? I would pretty much -- nothing off  
5 the top of my head. Like, as far as telling them why  
6 they're a gang member or documented them as a gang member.

7 Q So, just so we're clear, even though you've testified  
8 several times in federal court, we know you haven't ever  
9 been an expert in federal court; right?

10 A Yes, sir.

11 Q And we also now know that you've never testified in  
12 federal court about gang member identification?

13 A Yes, sir.

14 Q Okay. All right.

15 A A lot of times in that too, the agents that we work  
16 with would testify more.

17 Q Okay, but they're not here; right?

18 A No, sir. No, sir.

19 Q They're not on the Solicitor's witness list; is that  
20 correct?

21 A Yes, sir. I was just letting you know.

22 Q We're trying to figure out -- get your -- what your  
23 history of testifying is. I think there were some questions  
24 about you having testified in state court.

25 A He asked if I have testified in state court. Yes, sir.

Blackwell-Cross (in camera)

44

1 Q But you've never testified in state court as an expert?

2 A No, sir.

3 Q And have you ever testified in state court about gang  
4 member identification?

5 A No, sir.

6 Q One of the things that the Solicitor asked you about  
7 was a gang book?

8 A Uh-huh.

9 Q Was that a "yes"?

10 A Yes, sir.

11 Q And I don't mean to keep doing that. Let me explain  
12 why. This lady here ---

13 A I understand. I'm sorry.

14 Q --- is the court reporter. She's just trying to get a  
15 record and the uh-huh's and the huh-uh's are a lot harder to  
16 understand than yes's and no's. And so, that's why I remind  
17 you of that; okay?

18 A Thank you.

19 Q All right. You're welcome. So, you testified about the  
20 gang book?

21 A Yes, sir.

22 Q And I understood that that was something that you  
23 prepared and give to officers?

24 A Yes, sir. It's available to our officers just so  
25 they'll know who gang members are in Greenwood and what the

Blackwell-Cross (in camera)

45

1 gangs are here in Greenwood.

2 Q All right. And that's different than Gang Net?

3 A Well, Gang Net is what you put the people into. It's a  
4 database that SLED has. The gang book is just something for  
5 Greenwood officers, Greenwood County deputies, to have  
6 access to, that way they can identify.

7 Q Is it something that's actually -- can be printed out?

8 A paper book?

9 A Yes, sir.

10 Q Have you given a copy of the gang book to the  
11 Solicitor's office for this trial?

12 A I don't know if they have a copy of it or not, but it's  
13 in a file that they have access to.

14 Q Okay.

15 MR. GROSE: Is that one of the files that y'all made  
16 available to us last week?

17 MS. TAYLOR: My understanding is the files as to these  
18 particular defendants and these particular victims were  
19 pulled off of that, and that's what we made available last  
20 week.

21 MR. GROSE: Well, I'm looking for the paper gang book.

22 MS. TAYLOR: Well, there is no -- I haven't seen a paper  
23 one.

24 THE WITNESS: The paper book is just here at the police  
25 department. The other stuff is on a drive.

1           MR. GROSE: Your Honor, at this time I would move that  
2   they produce that book for us to inspect since that's  
3   something that they are relying on as to his qualifications.

4           MR. HENDERSON: And I second that.

5           THE COURT: I assumed that was what you were getting out  
6   with your suggestion about Brady motion. Solicitor?

7           MR. GROSE: And if it had been on what they showed us  
8   last week, I was just going to ask them to point me to that  
9   file, but it sounds like it something different.

10          THE COURT: Do y'all have a position on that?

11          MR. STUMBO: Judge, we were able to have, in our files  
12   that we gave the defense attorneys access to, I believe on  
13   Friday, was all the information that they had documented, to  
14   my knowledge, related to the defendants or the alleged  
15   victims in the case, not just everything that they had. So,  
16   Judge, at the end of the day this gang book -- I've never  
17   seen it myself. I just know it exists. I think it's more  
18   for educational purposes and explains one, how they document  
19   gang members. Two, the criteria that are used and that sort  
20   of things. Judge, we did provide access to all of that  
21   stuff to Mr. Grose, Mr. Tinsley, and Mr. Henderson as we  
22   were giving them discovery related to the gang materials.

23          MR. GROSE: Can I -- I'm sorry. I didn't mean to cut you  
24   off.

25          MR. STUMBO: No, that's fine. I'm done.

Blackwell-Cross (in camera)

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1 MR. GROSE: Can I, just as a follow-up to that?

2 Q Does this gang book identify members of gangs?

3 A It tells you who the members that are documented in  
4 Gang Net here in Greenwood are.

5 MR. GROSE: Your Honor, since this has not been  
6 produced to us in discovery and the Solicitor is  
7 representing that they produced everything in discovery  
8 related to these three people being involved in gang, am I  
9 safe in assuming that none of these three defendants are in  
10 that gang book?

11 MR. STUMBO: Judge, we were going to get into some of  
12 these documents that the defense has had access to in terms  
13 of what's on Greenwood Police Department letterhead and  
14 their listing of whose been put into Gang Net and specific  
15 individuals. We gave the defense a redacted copy via email,  
16 because there's a lot of people in there that may be law  
17 enforcement sensitive. The people related to this case were  
18 not redacted out. We furthermore gave them access to  
19 everything we had from Detective Blackwell, related to these  
20 defendants, to review at our office last week.

21 MR. GROSE: And that's one of the things I'm getting at.  
22 I'm asking this question in relation to all three  
23 defendants, since they're trying to lump them together. But  
24 when I went and looked at their electronic files, I didn't  
25 see an electronic file folder with Dashawn Hurley's name on

Blackwell-Cross (in camera)

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1     it. I did see folders involving the other two defendants.  
2     I have seen, in this information that they've produced -  
3     it's not complete, but I've seen information that they've  
4     produced how they determined that specific people were  
5     members of gangs. And some of that was redacted and I was  
6     able to review some those documents un-redacted in their  
7     office on Friday, but I've not seen a document where it  
8     explains how they identified Dashawn Hurley as a member of a  
9     gang. Now, I realize that we're getting ahead of -- this is  
10    starting to put the cart before the horse, but I think the  
11    Solicitor did that when he started responding to some of  
12    this. I have a discovery issue about the gang book, but I  
13    may also want to question him about the criteria that's in  
14    the gang book once I see what that criteria is. I won't  
15    know that until I see it. And I would expect that, if I ask  
16    him about some of that he might say, as he did a minute ago,  
17    about testifying in federal court, that he doesn't have some  
18    of that information here in front of him. And I understand  
19    that. And I wouldn't be satisfied with asking him about  
20    that without both of us having information in front of us  
21    anyway.

22           THE COURT: Let's handle it this way, the question of  
23    qualifying him as an expert in the field of gang  
24    investigations, I think, maybe goes part and parcel with the  
25    question of factually how does he go about including

1     somebody in that list or concluding that someone is  
2     affiliated with one of these three gangs, which is maybe a  
3     little more fact intensive inquiry than what I'm reading  
4     about here in the Johnson case.

5           MR. GROSE: Well, and from what we heard earlier it  
6     sounded like hearsay, and that's what you'll be reading  
7     about in the Price case.

8           THE COURT: And I understand. I have had a chance to  
9     skim Johnson and I understand that the bar is pretty high as  
10    far as this kind of evidence. Let's handle it this way, I'm  
11    going to put a pin in the question of qualification as an  
12    expert and allow the State to go ahead and proffer testimony  
13    concerning how these defendants were included, or how  
14    someone came to conclude that they were involved in a gang.  
15    That will obviously touch on the methodology of how he  
16    includes someone in that list. And perhaps the gang book  
17    may become relevant at some future point in time, but let's  
18    go ahead and develop his testimony just a little bit more  
19    before I decide whether or not. Clearly he has knowledge  
20    related to gang activity in Greenwood. Clearly he has  
21    certain credentials which may warrant him being qualified as  
22    an expert in that field. Whether that's going to be done in  
23    this case, or whether it's necessary, probably depends on a  
24    little bit more -- I have no doubt that he's familiar with  
25    how gangs operate, how they are structured, that kind of a



1     thing, so let's go ahead and ---

2           MR. GROSE: He hasn't testified that that's part of his  
3     expert testimony.

4           THE COURT: I understand, but I'm assuming that that is  
5     going to be elicited shortly.

6           MR. GROSE: Well, I think it's already been elicited,  
7     because my very first question was what does it involve to  
8     be a gang expert and he told me that it was -- or expert in  
9     gang investigation, and he -- and the only thing that he  
10    told me was, was identification of gang members. And when  
11    he said there may be more to that, I said I don't want that  
12    changing later on today or this week. What you're saying,  
13    Respectfully, Your Honor, what you're saying is not what he  
14    testified about that was part of his expertise as the  
15    Solicitor was offering him.

16          THE COURT: And I want to elicit more information about  
17    what he knows or how he came to conclude that these  
18    defendants may have been involved, or in the case of your  
19    client maybe were not involved, in any sort of gang  
20    affiliation. So, let me let him develop that. You'll have  
21    another chance to ask him some additional questions and I  
22    know that it's out there about the gang book and everything,  
23    but that becomes -- if I find there's not enough there -- if  
24    I find there's not enough testimony or not enough evidence  
25    to warrant admission of reference to gang, either underlying

Blackwell-Redirect (in camera)

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1 qualifications, methodology, or a 403 balancing analysis,  
2 then the gang book is immaterial and I don't need to go down  
3 that road

4 MR. GROSE: I understand that, and I would just ask that  
5 the government have that available for your review should  
6 you deem to be necessary without us having to engage in any  
7 delay.

8 THE COURT: No, I understand. Solicitor, go ahead and  
9 ask him some more questions.

10 MR. STUMBO: Thank you, Judge.

11 REDIRECT EXAMINATION

12 BY MR. STUMBO:

13 Q Detective Blackwell, y'all have a criteria for  
14 identifying gang members to the level that you need to put  
15 them into Gang Net?

16 A Yes, sir.

17 Q Okay. And that is what you've included in these  
18 documents called the South Carolina Gang Net Criteria?

19 A Yes, sir.

20 Q I'm going to hand that up to you. That's a document  
21 that's --?

22 A Yes, sir.

23 Q --- part of your material?

24 A This is the criteria that we have to meet to put  
25 somebody into Gang Net. This is -- I can go ahead and

1 explain how we do it.

2 Q Yeah, that's fine.

3 A So, if an individual admits at time of arrest or  
4 incarceration to being a criminal gang member, he can  
5 immediately be put into Gang Net. So, that's any kind of  
6 encounter with law enforcement, a traffic stop or an arrest,  
7 and he admits that he's a part of one of our neighborhood  
8 gangs, he can be put in there. If we don't have that, then  
9 we have to meet two other criteria that are listed out on  
10 this document. If an individual is identified as a criminal  
11 gang member by a documented reliable informant, or CI, an  
12 individual resides in or frequents a particular criminal  
13 gang's group area and adopts their style of dress, their  
14 hand signals, or their tattoos, and associates with other  
15 known criminal gang members or criminal group. An individual  
16 is identified as a criminal gang member as corroborated by  
17 independent information. That's social media stuff, and just  
18 talking with people out in the neighborhoods like that. An  
19 individual has been arrested more than once in the company  
20 of identified criminal gang members for offenses which are  
21 consistent with usual gang activity. Those offenses include  
22 violent offenses, drug offenses, property crimes like grand  
23 larceny, and different things like that. If they are  
24 arrested with another gang member we use that as a criteria  
25 there also. Then, an individual admits at time other than

1     arrest or incarceration to being a gang member of a criminal  
2     gang.

3     Q     Okay.

4     A     And those are the criteria we use.

5           MR. HENDERSON: Where does ---

6           THE COURT: What was that last one? I'm sorry.

7           THE WITNESS: An individual admits at a time other than  
8     arrest or incarceration to being a member of a criminal  
9     gang.

10          BY MR. STUMBO:

11     Q     Where does social media come into this, come into play  
12     here?

13     A     Well, social media we just use it going on their  
14     Facebook pages and stuff and just seeing what they're  
15     putting on there. A lot of times we'll have -- it's good  
16     for law enforcement, because they'll make statements that  
17     they are gang members. They'll post pictures with other  
18     gang members that you can see publicly on their social media  
19     pages, so we use that a lot.

20     Q     Okay, so you're just using some kind of profile that's  
21     just a nondescript profile?

22     A     Yes, sir. Yes, sir. We ---

23     Q     But anybody can ---

24     A     Anybody can access.

25     Q     --- that's on Facebook and go and look at the stuff

1     that you're pulling down ---

2     A     Yes, sir. Yes, sir.

3     Q     -- and documenting?

4     A     Yes, sir.

5     Q     Pictures?

6     A     Pictures, posts, anything like that.

7     Q     You can take a screen shot of a picture that anybody in  
8     the public can look at and just copy it; is that correct?

9     A     Yes, sir.

10    Q     Okay. And put it into your ---

11    A     File.

12    Q     --- file related to that individual?

13    A     That's right.

14    Q     Okay. How many of the criteria do you have to meet on  
15    the Gang Net criteria?

16    A     Just two of the criteria if they don't admit to being a  
17    gang member at the time of an arrest.

18    Q     Okay. If they admit to being a gang member at the time  
19    of the arrest that's all you need to document; right?

20    A     Yes, sir.

21    Q     All the other ones you have ---

22    A     You have to go through ---

23    Q     -- basically if you don't have that you have to get two  
24           of those; is --

25    A     Two of those. Yes, sir.

1 Q Okay. You said you've given some presentations in the  
2 community before. If you can look at the screen. I don't  
3 know if you can see that. We probably can pull it out so  
4 you can see it. I'm going to show you while we're doing  
5 that, Court's Exhibit 2 for ID.

6 MR. GROSE: Wait a minute. Is the PowerPoint Court's 2?

7 MR. STUMBO: Yes.

8 MR. GROSE: The document that he was using regarding how  
9 they identify gangs, I'd like that to be marked as Court's  
10 3, please, so it will be in the record.

11 THE COURT: Is that included in Court's 2?

12 MR. STUMBO: It's not, Judge, but we can mark it  
13 separately here.

14 MR. HENDERSON: If we can go ahead and get copies of  
15 that. I'm not sure if we've seen that particular document.

16 THE COURT: Was that sent to them?

17 MR. STUMBO: It was in all the stuff that Friday they  
18 looked at, Judge. There was a lot of stuff that we made  
19 available to them, obviously, in the file such as this.  
20 There's some law enforcement sensitive stuff we were  
21 reluctant to turn over in copies, but we made available in  
22 our office. This is one of those things.

23 THE COURT: I understand.

24 MR. STUMBO: Oh, we did send this in a copy? I  
25 misstated, Judge. We sent this in an email as well.

1           MR. GROSE: I wasn't worried about whether they sent it,  
2   I was more worried that we know what it is in the record if  
3   we have to look at that later.

4           THE COURT: Court's 3.

5           MR. STUMBO: I'll hand that up to Your Honor.

6           BY MR. STUMBO:

7   Q     Court's 2, this Powerpoint, this is just a hard copy of  
8     the slides that we came up with; is that correct?

9           You've used this Powerpoint before; right?

10   A     Yes, sir. I've used it before.

11   Q     All right. This is a modified copy of that.

12   A     That's right, because some of the stuff we didn't want  
13   to use.

14   Q     You've done this presentation to the school before, and  
15   there's a lot of stuff in your school presentation that  
16   talks about specific crimes ---

17   A     Yes, and how to keep students away ---

18   Q     --- and that sort of thing.

19   A     --- from gangs and stuff like that.

20   Q     So, in preparation for court we modified to take some  
21   of that stuff out, but that's what we're looking at in  
22   Court's 2; correct?

23   A     Yes, sir.

24   Q     Okay.

25           MR. STUMBO: Judge, I'm going to hand you up a copy of

1     this. We've got it up on the screen. If we could just  
2     briefly go through it with the detective.

3             BY MR. STUMBO:

4             Q     All right, Detective. If you need to come off the  
5     stand, just if you can keep your voice up.

6             A     Yes, sir.

7             Q     Can you read that?

8             A     Yes, sir. Yeah, I can read that. This is kind of  
9     explaining what a gang is, as defined in South Carolina Law.  
10    South Carolina law defines a gang as a formal or informal  
11    ongoing organization, association, or group that consists of  
12    five or more persons who form, for the purpose of completing  
13    criminal gang activity, and who knowingly and actively  
14    participate in a pattern of criminal gang activity.

15    Q     Okay, so under South Carolina law basically it's five  
16    or more persons. If you have five or more people that you  
17    have been able to identify through different acts?

18    A     Yes, sir.

19    Q     Committing crimes --

20    A     Yes, sir.

21    Q     --- basically you can ---

22    A     Yes, sir. Crimes, ---

23    Q     --- qualify them.

24    A     --- social media, information from the community.

25    Q     All right. You've got three icons up here. What ---



1 A Those are the ---

2 Q --- are those?

3 A --- three primary gangs that we were talking about that  
4 cause most of the problems here in Greenwood. It's the New  
5 Money Gang or Eastside gang. That's a neighborhood gang on  
6 the east side of Greenwood. The middle one is just a picture  
7 of Bowlane. That a part of the Southside gang. They also  
8 call themselves Bowlane, and that's a neighborhood gang on  
9 the south side of Greenwood.

10 Q And just for the record that's spelled B-o-w-l-l-a-n-e;  
11 right?

12 A Yes, sir.

13 Q Okay. I just wanted to clarify.

14 A And then there's pictures of some of the guys have that  
15 tattooed on them to show their affiliation with the gang  
16 that they are involved with, and then on the right is  
17 Contraband ang. That is also known as OB or Osborne Gang.  
18 That's also on the east side of Greenwood, just a different  
19 location from where NMG is located.

20 Q Osborne is over in that area that kind of ---

21 A Osborne ---

22 Q --- intersects ---

23 A Pearl.

24 Q -- Pearl Street?

25 A Yes, sir. Cokesbury, that area.

Blackwell-Redirect (in camera)

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1 Q It's right off of -- we're all familiar with Reynolds  
2 Avenue where you come up, you've got Bojangles here and the  
3 CVS across the bypass?

4 A Yes, sir.

5 Q Back to the right, if you're facing away from  
6 Greenwood, and the Bojangles is to your left, that  
7 neighborhood behind you and to the right is ---

8 A Is Osborne.

9 Q --- Osborne and Pearl and this area?

10 A Pearl -- and yeah, some of them call themselves  
11 Contraband Gang, but it's the OB/Osborne neighborhood gang.

12 Q Now, the Contraband/Osborne side, I mean, that's the  
13 east side of Greenwood; correct?

14 A Yes, sir. It's the east side of Greenwood.

15 Q So, are they are they kind a of maybe -- the New Money  
16 Gang/Contraband are more or less kind of subsets of the east  
17 side?

18 A Yeah, of the east side. Yes, sir.

19 Q Whereas Bowllane would associate most of those guys  
20 with the neighborhoods ---

21 A. That's right. Southside. That would be Grand Prix,  
22 Phoenix Place, Matthews Mill Village. A lot of them are in  
23 Ninety Six, sometimes in that area.

24 Q Parkway Apartments?

25 A Parkway Apartments. Yes, sir. South side of

1     Greenwood.

2     Q     Which is where this incident occurred; right?

3     A     Yes, sir.

4     Q     Parkway, which is the other side of the hospital.

5     A     That's right. Other side of the hospital.

6     Q     Kind of back up to Matthews ---

7     A     Yes, sir.

8     Q     --- Mill Village?

9     A     Yes, sir, and we've made several arrests over there  
10    with Southside members in them Apartments. There's three  
11    sets of apartments there and we've dealt with Southside  
12    members in those areas.

13    Q     Okay, would it be safe to say that the Contraband Gang  
14    and the New Money Gang, they're primary rivals of the  
15    Bowllane Southside guys?

16    A     Absolutely. Most of the shootings in Greenwood that we  
17    have are between these two neighborhood gangs and we get a  
18    lot of well it's a neighborhood. It's not a gang. Which I'm  
19    sure some of these people probably say here, but there's a  
20    lot of people dead here in Greenwood now because of being  
21    from the south side of Greenwood or the east side, and  
22    claiming to be Eastside, Southside, Contraband, or OB. So,  
23    that's where the neighborhood gangs is a problem for us here  
24    in Greenwood.

25    Q     Okay. Just to -- I'm not going to pin you to an exact

Blackwell-Redirect (in camera)

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1 percentage, but the of the shootings we've had in Greenwood  
2 which would include ones that didn't result in an arrest ---

3 A That's right.

4 Q --- drive-bys where you have a pile of shell casings?

5 A Yes, sir.

6 Q And where people are hit. Out of the last five years  
7 in Greenwood, how many of our shootings in Greenwood have  
8 been related to these gangs?

9 A I'd say about 90 percent of them or more. About once  
10 every week we have a shooting between these gangs right  
11 here.

12 Q And, as I said, not all of those result in an arrest  
13 but there ---

14 A No, sir. Not ---

15 Q --- investigation.

16 A --- an arrest. A lot of times we'll have people that  
17 are shot and we never can figure out who did it, but we know  
18 that they were shot because either they were from the east  
19 side or Southside or OB. Or either one of their family  
20 members are. We've got a problem now with them targeting  
21 family members' houses with children and just family members  
22 in there that have nothing to do with it and haven't done  
23 anything. This is how they are retaliating at each other.  
24 Not too long ago, on Independence Way where Osborne also  
25 hangs out out at, there was a house -- several houses shot

Blackwell-Redirect (in camera)

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1 up because they knew that there were OB gang members there  
2 and we were assuming they were from Southside, gang members  
3 that were shooting back at them. So, stuff like that happens  
4 weekly here in Greenwood.

5 Q So when you say you make an assumption, those are  
6 typically, if all you have is assumptions ---

7 A That's right.

8 Q --- and you don't have evidence, you can't make an  
9 arrest ---

10 A That's right.

11 Q --- in those cases?

12 A And we have --- and that's kind of what my job is to  
13 determine who's involved in it so we'll have people to look  
14 at, and this is what we place people in Gang Net for.

15 Q Okay, so just as a follow-up to that, Mr. Grose's  
16 question, he asked you what is the purpose of this, or what  
17 is a gang investigator.

18 A Yes, sir. And ---

19 Q Just -- let me ask the question here. As you document  
20 people, that is to assist future investigations to determine  
21 motive of why it may have happened; right?

22 A Yes, sir, and who could have been involved in it.

23 Q Okay, so who might be involved to identify potential  
24 suspects?

25 A Yes, sir.

1 Q And you said -- you talked about retaliation. If you  
2 have a shooting that you can associate with these two or  
3 three groups, Southside and Eastside groups, are you  
4 anticipating that there's going to be a retaliation for  
5 that?

6 A More than likely, most of the time there's always  
7 retaliation shootings.

8 Q All right. We already went over this in the document  
9 you have.

10 A Yes, sir.

11 Q This is just the same thing we just read off, what's in  
12 this PowerPoint?

13 A That's right. I just kind of give that to show what we  
14 use as criteria to document someone as a gang member.

15 Q And that's what we just ---

16 A Yes, sir. It's just the same page ---

17 Q. --- published to the Court?

18 A --- it's just different.

19 Q That would be Court's number 3?

20 A Yes, sir. So, this is in here. Do you want me to  
21 go...

22 Q Yes, what is this slide about on ---

23 A This is a here -- most people just think about gangs,  
24 especially around the nation, as Bloods and Crips, red  
25 versus blue, but the problem we have in Greenwood here is

1     what they call neighborhood or hybrid gangs. Basically, it's  
2     just members that form together to claim or rep their side  
3     of town. I'll go through the bullet points here. Members can  
4     associate with more than one gag. They may or may not have  
5     allegiance to a national gang such as Bloods and Crips.  
6     They may adopt symbols, names from locations in certain  
7     areas and cities. Example, OB is for Osborne. That is a  
8     street on the east side of Greenwood that they hang out with  
9     that's what they call themselves. Modified traditional gang  
10    culture with personal influences. Have vague rules or  
11    codes. So, there's not really like the head of Osborne, it's  
12    just a bunch of people that are together, so they're not  
13    going to have like a president over it or any kind of  
14    structure to. No strict chain of command. Very territorial  
15    to the neighborhood or birth association. When I say very  
16    territorial there's, like I said, several people are dead  
17    here Greenwood because they are from the south side, the  
18    east side, or OB. So, they claim that's where they're from  
19    and they are so proud up to the point where they'll kill  
20    someone else over it. Primary concern is making money,  
21    which is accomplished through a variety of illicit  
22    activities or transactions. Mostly drug dealings is what we  
23    have here in Greenwood or how most of these members are  
24    making money.

25    Q     Let's move into the specific types of gangs.

1     A     Yes, sir.

2     Q     What is this again?

3     A     This is the Southside Gang. They go by several  
4     different names. They go by BowlLane. They'll also say  
5     Grimace, South side, or Third Ward. And that's just a  
6     picture of BowlLane that I put up there to give you an idea  
7     of what to look for in the school or out in town. So, south  
8     side handouts are Phoenix Place Apartments, Marshall Circle,  
9     Matthews Mill Village, Grand Prix Court, Highland Forest,  
10    and other areas in South Greenwood and Ninety Six. Southside  
11    gang members use three fingers to signify the Third Ward of  
12    the city of Greenwood which they claim as their territory,  
13    so a lot of their pictures and stuff they'll just hold up  
14    three as an identifier of being Southside.

15    Q     That will be the Third Ward for the City Council?

16    A     Yes, sir. Greenwood. Yes, sir. I think it goes back  
17    several years where that came from. Many of the members  
18    post rap music and try to sell it to make themselves seem  
19    legitimate, so a lot of them will say we, you know, we're  
20    BowlLane. It's a rap group. But in their rap music -- it's  
21    also readily available on YouTube when you want to look at  
22    it -- they rap about shooting at people and killing people.  
23    They'll often times hold guns and large amounts of narcotics  
24    and money to try to validate their side of town as the best  
25    gang in Greenwood, I guess you would say. Members



Blackwell-Redirect (in camera)

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1     traditionally use the color orange, but this is not always  
2     the case currently. A lot of people -- I put that in there  
3     because you think if they're gang members that got to wear  
4     certain colors. They would wear orange a good bit and we do  
5     have pictures of them wearing bandannas and stuff, but it's  
6     not always the case. When some of the younger members  
7     started saying they were Grimace, they started using the  
8     color purple too, so it changes from time to time. That's a  
9     neighborhood or hybrid gang. There's no structure to it. It  
10    can change any day. And the names can change any day.

11    Q     So let me stop you there. You don't necessarily --  
12    when you say no structure, it doesn't necessarily have to  
13    have a president or ---

14    A     No, sir.

15    Q     -- leader, head leader? Leaders could interchange?

16    A     That's right. Yes, sir. Where was I at? Okay, they  
17    also use the name BowlLane or Grimace on their clothing or  
18    tattoos. There's a picture of a tattoo of a guy with  
19    "Grimace" on there. Actively have more than 50 members and  
20    associates here in Greenwood. So, right now in Gang Net, I  
21    have more than 50 members that are documented in Gang Net.

22    Q     Okay, this is a redacted ---

23    A     That's right.

24    Q     --- copy of that. If I could hand this up.

25           MR. STUMBO: Court's 4 for identification, Judge, if we

1     could. Just to keep the record clean.

2     A     This would be what I use just to kind of -- in that  
3     book that we were talking about, it's just a list of people  
4     that are in there for law enforcement purposes. So, you  
5     know, kind of who you're involved with if you get out with  
6     them. It's just a list of them.

7     Q     So, this document is kind of in -- well this document  
8     is in ---

9     A     Yes, this would be part of the ---

10    Q     this is ---

11    A     -- a part of the book. Yes, sir.

12    Q     And if you add or document another one in Gang Net, you  
13    add ---

14    A     I would add it to it and just kind of modify it.  
15    That's why we don't keep, like, a running copy of it,  
16    because it can change from time to time. The rival gangs  
17    are of the Southside are the Eastside or New Money Gang or  
18    OB Contraband Gang. So, there's a lot of people that have  
19    been shot from them. Both of them really gun for the  
20    Southside and the Southside is going to shoot at them. Not a  
21    lot of fights or anything anymore. It's mostly just  
22    shootings to deal with between these three gangs.

23    Q     Just, because I don't know that this has come out your  
24    testimony yet, but the two groups, neighborhood gangs you're  
25    looking at in this particular case we're here to try this

1 week are which ones?

2 A Osborne, OB, or Contraband Gang is what they call  
3 themselves, and the Southside.

4 Q Okay.

5 A Yes, sir. Southside members have started selling  
6 "blues". This is blue pills that are, it's like pressed  
7 Fentanyl. These are pressed pills that contain Fentanyl.  
8 This has led to several overdoses and deaths throughout  
9 Greenwood, and we believe that several shootings have also  
10 occurred because of the two gangs both selling these pills  
11 now here in Greenwood. And they're been making a lot of  
12 money off of it. That's their primary source of income.

13 THE COURT: One second. Mr. Grose?

14 MR. GROSE: Before I forget, that last document that he  
15 identified, that would be part of, was that marked as a  
16 Court's exhibit?

17 MR. STUMBO: Yes, Court's 4.

18 MR. GROSE: I just wanted to make sure. Thank you. My  
19 apologies.

20 THE COURT: No, it's okay. It's the Southside gang  
21 member list, and it reflects Parks and Goode as being  
22 members of that gang.

23 MR. GROSE: And I apologize for interrupting. I just  
24 wanted to make sure.

25 MR. STUMBO: No, that's fine. And just for the

1 clarification purposes, this is what we -- the redacted  
2 version was what Elizabeth, Ms. Taylor, sent to defense  
3 attorneys.

4 MR. GROSE: I just wanted to make sure it was  
5 identified.

6 Q This slide, Eastside gang. What do we have here?

7 A Yes, sir. This is the Eastside gang, and this is just  
8 basically some pictures off of a inmate we had at the  
9 County, just saying ---

10 Q --- this is not ---

11 A Eastside.

12 Q --- one of these guys?

13 A No, sir. No. Like I said, this case doesn't have  
14 anything to do with the Eastside really, it's really more OB  
15 Contraband. And this is just some stuff they put on social  
16 media that kind of shows you how they feel about it. A lot  
17 of them will say, you know, like I said, it's just a  
18 neighborhood. It's just a neighborhood. We just hang out.  
19 But, they put stuff like this on there, and obviously it's  
20 kind of intimidating if you look at it, you know? Stop  
21 snitching. That means quit speaking with the police. And  
22 they've got a guy holding a gun to their head, and then they  
23 actually made signs of New Money Gang with two guns there.  
24 Q So, all of the images in that little white part of the  
25 slide are ones that you conglomerated ---

1     A     No, that whole picture came off of somebody's social  
2     media.

3     Q     Okay, that came from social media?

4     A     Yes, sir. I didn't put that together. One of the  
5     members did.

6     Q     Okay.

7     A     Go through these points. The Eastside hangouts are New  
8     Market Street, Gage Street, Milwee Avenue, Taggart Avenue,  
9     Kings Court, Grace Street, Paradise Court, areas of Phoenix  
10    Street on the east side, Seaboard Avenue, and Cambridge.

11    The common hand sign for the Eastside is three fingers held  
12    up with the ring finger pulled back to form the letter "E".  
13    So, it looks like this. (INDICATING) They'll hold the ring  
14    finger back, and this is just to show they affiliate with  
15    the Eastside.

16    Q     Okay, and just for the record you're holding up the  
17    sign that you're talking about?

18    A     Yes, sir.

19    Q     So, it's the ring finger pulled back ---

20    A     The sign that I just described is the ring finger held  
21    back ---

22    Q     --- with the -- okay, got you. Essentially, just to  
23    get the geography of this -- and I know there's not strict  
24    lines by streets, but ---

25    A     No, sir.

1 Q --- if you're riding from the Lander, Grace Street  
2 area, you're going up Cambridge, like you going toward the  
3 new Walmart.

4 A Yes, sir.

5 Q You're on Cambridge Avenue.

6 A Yes, sir.

7 Q East Cambridge. This would be the area kind of to the  
8 right of Cambridge.

9 A To the right.

10 Q Seaboard and back. From that area?

11 A Yes, sir.

12 Q And that's Gage Street, New Market, those roads are on  
13 the right side, if you're going out -- leaving town?

14 A Yes, sir.

15 Q Okay, and the left side ---

16 A Is Osborne. Cokesbury.

17 Q Cokesbury.

18 A Yeah, and like a said, they still affiliate and say  
19 they're Eastside too, but just a little set of them started  
20 making comments and there were shootings about being Osborne  
21 or Contraband, and that's why we made them as like a group  
22 of the Eastside in their own right. Instead of just ---

23 Q So, these two ---

24 A --- all Eastside.

25 Q These two Eastside groups, the New Money Gang, which is

1     that side of Cambridge ---

2     A     Yes, sir.

3     Q     --- on Seaboard and then going back towards Reynolds  
4     Avenue would be the Osborne Contraband guys. They've  
5     actually at times in the past had beef between each other.

6     A     Yes, sir. From time to time.

7     Q     So, both of those you would consider east side gangs.

8     A     That's right.

9     Q     But they're two separate groups?

10    A     Two separate groups.

11    Q     Okay. All right. Just going down to the rival gangs  
12    part at the bottom.

13    A     Yes, sir.

14    Q     What does that say?

15    A     Rival gangs are the Southside, Bowl Lane. That's the  
16    south side.

17    Q     Okay, and you don't have it on here, but what you just  
18    testified to is, there have been incidents in the past ---

19    A     There have been.

20    Q     --- between this group and Osborne?

21    A     And Osborne. Yes, sir.

22    Q     Okay, and you've documented a number of these  
23    individuals in Gang Net?

24    A     Yes, sir. I've got about 40 active members right now.

25    Q     Do they include any of the people that are either co-

1 defendants, or the deceased, or victims, or alleged victims  
2 in this case?

3 A No, sir. Not with the east side.

4 Q All right. What is this?

5 A This is the Osborne or OB or Contraband Gang. This is  
6 just some stuff that has been taken off of social media.

7 This is a tattoo that a guy has of Contraband Gang. He's got  
8 Contraband Gang there, then they have a firearm under it.

9 It's kind of like a way that they wear some of that clothing  
10 and stuff out. This is a shirt that was put on there,  
11 Contraband Free YG. Just them talking -- somebody was put in  
12 jail and they make shirts just to try to say free them.

13 But, there again, there's guns and they're putting it out  
14 there that they are shooting at people and stuff, you know.

15 Q This Contraband logo. Do you see it on a lot of  
16 people?

17 A Yes, sir. A lot of people wear it, like tatoos, and it  
18 will be on clothing and pictures on social media and stuff  
19 like that. Yes, sir.

20 Q Okay. This is OB/Contraband Gang facts. OB Gang  
21 member hangouts is Osborne Avenue, Pearl Street, Williams  
22 Avenue, Walker Avenue, Oak Hill Street, Spring Valley Road,  
23 Reynolds Avenue, Crawford Street, and other areas in the  
24 east side of Greenwood. Some of the Osborne Gang members  
25 are also associated with the Eastside and GMT Gang members.



Blackwell-Redirect (in camera)

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1 GMT is a gang that is out in the county in Country Homes. I  
2 don't have them documented here, because I just had the city  
3 guys, the city gangs, in this presentation. Members are  
4 commonly involved in a variety of illicit activities to make  
5 money and establish territory. OB Gang members commonly use  
6 the hand sign of the Eastside Gang. That's three fingers  
7 held back like we just talked about, or the ring finger held  
8 back and three fingers up.

9 Q So, Detective Blackwell, you may see this ring finger  
10 pulled back with three finger sign with either the  
11 Contraband Gang or the Get Money Gang?

12 A Yes, sir.

13 Q Okay. Or, New Money Gang. I'm sorry.

14 A New Money Gang. Yes, sir. These members are very  
15 active on social media, presenting the gang through rap  
16 music videos are often posted on YouTube. There again,  
17 they're always brandishing firearms, narcotics, rapping  
18 about shooting people and other rival gangs and situations  
19 that have happened. The rival gangs are the  
20 Southside/BowlLane Gang.

21 Q Okay. I think that's just the last slide of your  
22 school presentation so people have your information.

23 A Yes, sir.

24 (WHEREUPON, Court's Exhibit No. 5 marked for  
25 identification.)

1 MR. GROSE: Solicitor, can you tell us which document  
2 that is.

3 MR. STUMBO: It's the Eastside list.

4 Q I'm going to hand you State's -- excuse me, not  
5 State's. Court's exhibit 5. That is -- what is that list  
6 on Court's 5?

7 A This is the same thing that we just had for the  
8 Southside. It's just a list of Osborne or Contraband Gang  
9 members that we have here in Greenwood that would be put in  
10 the book or available to law enforcement so they know who's  
11 been placed into GangNET.

12 Q Okay, and just the un-redacted portion that you can  
13 read there, what are the names there?

14 A OB/Contraband Gang members, it's just a list of  
15 members. There's Narkevious Manquis Reid, AKA YG,  
16 6/16/1997. Jakevius Lamont Parker, AKA JP, 4/24/1997.

17 Q Let's stop there. Is he deceased?

18 A Yes, sir. He was shot by Southside Gang members and  
19 murdered on Pearl Street.

20 Q Who was the Southside Gang member that was convicted of  
21 killing him?

22 A Mr. Adams. I can't think of his first name.

23 Q Ji'Tavius Adams?

24 A Ji'Tavius Adams.

25 Q And he's on the list in Court's 4 that we've already

1     looked at? Ji'Tavius Adams was documented as a Southside --

2     -

3     A     Yes, sir. I believe so.

4     Q     --- BowlLane Gang member?

5           THE COURT: He's actually not on Court's 4.

6     A     Okay. He might not have been on the list at the time.

7     I might not have had him ---

8           MR. HENDERSON: Yeah, Your Honor, I want to say I've  
9     never seen anything with Ji'Tavius Adams listed as a member  
10    of the Southside Gang.

11          THE COURT: I've only got Parks and Goode on Court's 4.

12          THE WITNESS: He wasn't documented at the time of the  
13    shooting and I didn't have him in there.

14    Q     As a result of that shooting ---

15    A     He did -- he was with other people before that  
16    happened, and as a result of that shooting we started  
17    investigating it and ---

18          MR. HENDERSON: Your Honor, this is all news to us.

19          THE COURT: Okay. I'm going to give you some latitude  
20    on cross. Let's try to get this done. Or, at least his  
21    testimony elicited.

22          MR. STUMBO: Yes, sir.

23    Q     As of now, is he a listed -- documented as a  
24    Southside/BowlLane Gang member?

25    A     I can't say for sure right now. I'm not sure if I put

1 him in there or not. Xayvion Marquis Hill, AKA 30 Round  
2 Drip, 4/7/2002. Trivoriaye Mandell Alston, AKA Man Man,  
3 5/10/2000, deceased. Dashawn Chazz Hurley, 9/27/96.

4 Q Just to make the record clear, let me do this briefly.  
5 On State's 4 -

6 COURT REPORTER: Court's.

7 MR. STUMBO: Excuse me.

8 Q Court's 4, the un-redacted names that you have on  
9 there. Who are they?

10 A Justin Deondre Parks and Gabriel Dione Goode.

11 Q Okay, and those are two of the individuals that were  
12 hit by bullets in this particular case we're trying here  
13 this week?

14 A Yes, sir.

15 THE COURT: I think they were shot at. They weren't  
16 actually hit; were they?

17 MR. STUMBO: They were hit. One was hit in the foot,  
18 Judge. That was Goode. The other one was hit -- and this  
19 will come out through our -- we have several ER doctors to  
20 testify.

21 THE COURT: Good enough.

22 MR. STUMBO: Parks was shot through the thigh. Went  
23 through the other thigh and came out. He had to have a  
24 tourniquet put on ---

25 THE COURT: That's right. I'm thinking of a different

1 shooting.

2 MR. STUMBO: --- him, essentially to -- he gave up a  
3 lot of blood.

4 THE COURT: Right.

5 MR. STUMBO: Let's put it that way. All right.

6 Q Now, I'm going to hand you what's been marked 109 and  
7 110, pre-marked for ID State's exhibits.

8 A Yes, sir.

9 Q Okay...

10 A It's just photos of some of the Southside Gang members  
11 together. In this picture you can see Mr. Parks and Gabriel  
12 Goode, and pictures with other members. This was taken from  
13 social media. This was actually taken from a Youtube rap  
14 video.

15 Q So, 110 is a screenshot from a Youtube rap video ---

16 A Yes, sir.

17 Q --- and that was BowlLane Slick, I think, was that rap  
18 group?

19 A Yes, sir.

20 Q Who's in that screen shot?

21 A Mr. Parks and Gabriel Goode are in this one.

22 Q Okay, and then 109?

23 A That's just a photo that came off of social media with  
24 other Southside Gang members. Mr. Goode and Parks are both  
25 in this one.

1 Q Correct me if I'm wrong, but Mr. Goode, I believe, is  
2 the one hold ---

3 A This is Mr. Goode here.

4 Q Okay. Mr. Parks is which one?

5 A Right here.

6 THE COURT: What is he wearing?

7 MR. STUMBO: Parks is red hat holding up the three.

8 Q This guy?

9 A Yeah. He's not holding the three. This is the other  
10 guy.

11 Q Okay, the guy in the blue ---

12 A Yeah.

13 Q --- so, the one in the Bluejay's jersey is Parks.

14 A Let me see.

15 THE COURT: I'm just trying to make sure the record is  
16 clear on which person you're identifying.

17 THE WITNESS: Yes, sir. The one with the white shirt  
18 and the red hat is Parks, and Goode is the one with the  
19 black shirt and the arm bandana.

20 THE COURT: Okay, so Goode would be the one farthest to  
21 the left in the photo, and Parks would be the gentleman ---

22 THE WITNESS: Right here with the white shirt.

23 THE COURT: --- from the center of the photo, almost  
24 immediately to the right?

25 THE WITNESS: Yes, sir.

1 MR. GROSE: Which exhibit was that?

2 MR. STUMBO: That was 109.

3 MR. GROSE: And the other one is 110?

4 MR. STUMBO: 110; correct.

5 Q At 110 you can identify in that photo Mr. Parks and Mr.  
6 Goode as well?

7 A Yes, sir.

8 Q Where are they? What are they wearing in the photo?

9 A Mr. Parks is here in the red shirt that says -- it's  
10 spelled A-k-o-o is life. I'm not sure what that is. And  
11 then Mr. Goode is here in the orange shirt with the orange  
12 bandana, or red shirt with the orange bandana.

13 THE COURT: To the right of the photograph?

14 THE WITNESS: Yes, sir. To the right of the photograph  
15 with the guy with the shirt off.

16 Q And that's a BowlLane rap group there that ---

17 A Yes, sir.

18 Q --- had put this video up on Youtube?

19 A Yes, sir.

20 Q That's publicly accessible; right?

21 A Yes, sir.

22 Q I'm going to hand you State's 111, 112, and 113. If  
23 you could just go through 111 first, and then we'll go in  
24 numerical number.

25 A This is a photo of Osborne Contraband Gang members in a

1 Contraband Gang video. Mr. Parker, who is now deceased, is  
2 here on the left. Mr. Reid is right here in the middle.

3 Q That's in 111. 112, what is that?

4 A This is another picture taken from -- this is  
5 Contraband Twu's Youtube. This is Mr. Parker, who is now  
6 deceased, and Mr. Alston, and Mr. Hurley are in this photo  
7 together. Mr. Hurley is the one with the black shirt and  
8 the orange hat. Alston has a hoodie on and Mr. Parker is  
9 the one on the far-right side with the red.

10 Q Okay, and Mr. Alston is the one who is now deceased ---

11 A Yes, sir.

12 Q --- and was shot in this case.

13 A Yes, sir.

14 Q Is that right? Okay. 113? I'm sorry. I think you're  
15 on -- if you turn over and look at the back to make sure  
16 you're looking at the right one.

17 A This is 111.

18 Q Okay, so the one you described earlier was actually  
19 113. So, we've gone in reverse order here.

20 A Yes, sir.

21 Q Okay, so what's in 111?

22 A 111 is just some other Contraband Gang members. Mr.  
23 Reid, here in the middle, with a few other guys that are --  
24 it's a Contraband rap video taken from Youtube.

25 Q Okay. Mr. Reid, who is a defendant in this case, is he



1 a rapper?

2 A Yes, sir.

3 Q And a lot of these videos you're talking about are  
4 Contraband, YG, videos, that's him?

5 A Yes, sir. YG Contraband would be his rap name, I guess  
6 you would call it.

7 Q Okay, how about Highklass YG?

8 A Yes, sir. Same thing, him too.

9 Q This isn't some secret thing that you get through law  
10 enforcement tricks, ---

11 A No, sir.

12 Q --- this is -- anybody can go to Youtube and look at --

13 A It's just pulled up off of social media and Youtube.

14 Q All right. I'm going to show you 114 now. What's  
15 that?

16 A This is a photo of Mr. Parker, who is now deceased.

17 Q Is it, like, a photo or is it kind of a ---

18 A It's a collage ---

19 Q --- collage?

20 A --- I guess you would call it. Like, different photos  
21 of him put together on one photo that came off of social  
22 media.

23 Q When was this pulled off of social media and who's  
24 account was it pulled off of?

25 A I believe that would've been probably pulled off last

1 week, and I'm not sure which one it was.

2 Q Okay. We can review that again later, but this is  
3 something you're familiar with? You pulled this off of  
4 social media?

5 A Yes. I did or Sergeant McClinton might have.

6 THE COURT: Do you know when it was posted?

7 THE WITNESS: I don't have the actual date that it was  
8 posted right now.

9 THE COURT: Go ahead, Solicitor.

10 Q But you would've documented that?

11 A It would have been, yes, sir. Posted on social media  
12 on such and such date.

13 Q The file name of the picture then would include the  
14 date?

15 A Yes, sir.

16 Q You just don't have the file name, just the picture.

17 A No, sir.

18 Q Okay. Would it be safe to say this would have been  
19 posted after ---

20 A Yes, sir. This was after he was killed.

21 Q Okay, and that would have been March of 2020?

22 A Yes, sir.

23 Q Which was before this incident that we're trying this  
24 week was April 20th; is that correct?

25 A Yes, sir.

1           THE COURT: Let me take a quick time out here. I'm  
2   looking at the clock. Rumors of us being able to be done by  
3   2:00 were probably grossly exaggerated and I think I was  
4   being somewhat optimistic. I'm going to ask the Clerk to  
5   see if they can reach out, in order to try and save the  
6   County some money and inconvenience to the jurors, and have  
7   the jury just call back tonight after 6:00 and we can, at  
8   least, identify some people that maybe we can keep from  
9   coming up here too. I don't think we're going to be done  
10  with this and a Castle by 2:00.

11          MR. STUMBO: Yes, sir. I didn't know we were going to  
12  have a Castle Doctrine.

13          THE COURT: No, it's ---

14          MR. STUMBO: I get it.

15          THE COURT: We probably have some other housekeeping  
16  stuff we may even need to address. While I interrupted,  
17  let's take a break. Step down. Refresh yourselves. We'll  
18  be back on the record in five or ten minutes.

19          (WHEREUPON, a brief recess was held.)

20          THE COURT: We'll go back on the record. Solicitor, if  
21  you want to continue with your questioning, please.

22          MR. STUMBO: Thank you, Judge.

23   Q     Just to real quick go back to State's 114. That is a  
24  conglomeration of who in that picture?

25   A     Mr. Parker.

1 Q Okay, and it's three separate images, but they're all  
2 of Mr. Parker?

3 A Yes, sir.

4 Q You pulled this off of social media at some point after  
5 he was murdered?

6 A That's right. Me or maybe Detective McClinton or  
7 somebody.

8 Q Okay, but you documented it in your files ---

9 A Yes.

10 Q --- okay. Got you. Go ahead to -- let's see. One  
11 more here. This is 116. Who is that in that photo?

12 A That's Mr. Reid in that photo.

13 Q Okay. He's with who? Are there two individuals ---

14 A Mr. Hill.

15 Q Okay. All right, so Mr. Reid is the one standing where  
16 in the picture?

17 A In the middle.

18 Q Okay, and this is 116 again. Where is Mr. Hill?

19 A On the right side.

20 Q Right beside him?

21 A Yes, sir.

22 Q Okay. Okay. I'm going to show you what's been marked  
23 for ID at this point for the purpose of this hearing as  
24 State's 117. If you could, describe for the Court what's in  
25 State's 117.

1     A     This is a Facebook post from Mr. Hill's social media,  
2     93 drip. In this post it just says, "Fuck twelve. We gone  
3     broad day some ops. Don't come outside after dark." We  
4     took that as meaning -- this was after Mr. Parker's murder,  
5     and we took that as meaning they were going to do some  
6     retaliative shooting.

7     Q     Okay, 93 drip is the account, Facebook account?

8     A     Yes, sir, that it came off of.

9     Q     Who is 93 drip?

10    A     Mr. Hill.

11    Q     Xayvion Hill, the co-defendant?

12    A     Yes, sir.

13    Q     All right. You said something about after this post.

14    And when was the date on that? Do you know?

15    A     It don't have a date on it right here. It's just a  
16    picture ---

17    Q     Is it ---

18    A     --- of the post.

19    Q     --- sometime before this incident happened?

20    A     It would have been before this incident, after Mr.  
21    Parker was murdered.

22    Q     Between the March 2020 date when Mr. Parker was killed  
23    and the April 2020 date when this incident happened out at  
24    Parkway?

25    A     Yes, sir. I can't remember the exact date.

1 Q Who are some of the people that liked that? Just some  
2 of the Facebook names that liked that post.

3 A (PHONETIC) GMC Duke Slappy, Highklass YG, KJ  
4 Chamberlain, Contraband Jugg, Kemian Reese, Tre Zillaworld  
5 Brown, Triple Cross Dre Lo, Slim Shotta, Kent Miyagi,  
6 Richard Freeband Porter, Kenneth Martin, CBG Tre, Asskutta  
7 Flex, Neri Fazzo BJ Sanders, Brandon Parker, Da Inc Now  
8 World, Scooter, Chris Gabriel, and there's three more on  
9 here, but most of these are also Osborne or Contraband Gang  
10 members.

11 Q Okay, and one of them that liked it was HighKlass YG;  
12 right?

13 A Yes, sir, and that was Mr. Reid's social media.

14 Q That was this post depicted in State's 117; right?

15 A Yes, sir.

16 Q Okay. You've mentioned a BOLO, and I've marked this  
17 separately as Court's Exhibit 6.

18 MR. STUMBO: It's been redacted and provided to the  
19 defense attorneys, but this would not be a jury exhibit,  
20 Your Honor. This would be for purposes of this hearing.

21 Q What is that?

22 A This was an email that was sent out. It is a BOLO for  
23 Xayvion Hill while on patrol. Xayvion Hill is a member of  
24 the Contraband OB Gang. He goes by the name 93 Drip on  
25 Facebook. Xayvion Hill has been making posts on social

1 media about shooting at members of the southside. This  
2 would be in retaliation for the murder on Pearl Street.  
3 Detective Kay located a post where Hill posted, "Fuck  
4 twelve. We gone broad day some ops. Don't come outside  
5 after dark." This is in reference to shooting at members of  
6 the southside during the day. Several members of the  
7 eastside/OB gang liked the post on Facebook. There are  
8 several things that are marked out here.

9 Q This exhibit, that's State's -- excuse me. Court's  
10 number 6.

11 A Yes, sir.

12 Q This is the BOLO y'all put out in response to State's  
13 117 ---

14 A Yes, sir. Just ---

15 Q --- which is the ==-

16 A --- for people to be prepared or be looking for  
17 shootings. People trying to ---

18 Q And that BOLO went out before this incident in April  
19 2020 at Parkway Apartments?

20 A Yes, sir.

21 Q Okay. All right. I'm going to show you, just go ahead  
22 and hand up what's been pre-marked for ID State's 119  
23 through State's 127, so that would be, I believe, eight  
24 photographs. If we could start just one at a time with 119.  
25 Who is depicted in that picture?

1     A     This is Mr. Reid wearing a Contraband Gang shirt and  
2     holding an Eastside hand sign up.

3     Q     Where --

4     A     This would've come off social media. Off his public  
5     social media.

6     Q     Okay. 120?

7     A     This is Mr. Reid and Mr. Parker together, a photograph  
8     that would've also been taken off of social media, public  
9     social media.

10    Q     You said this looks like in 120 that's in some kind of  
11    restaurant or pool hall?

12    A     Restaurant or bar or maybe in somebody's shed or  
13    something like that.

14    Q     And Mr. Parker is the one in the middle?

15    A     Yes, sir. Mr. Reid's on the right.

16    Q     Mr. Reid's here on the right up on the table?

17    A     Yes, sir.

18    Q     Okay, 121?

19    A     Again, Mr. Parker and Mr. Reid in a photo together.  
20    Mr. Reid is here in the middle. It looks like he has a  
21    handgun in his pocket and Mr. Parker is on the left side.

22    Q     Okay, Mr. Parker is on the left side with some kind of  
23    shirt that says Thrasher on it?

24    A     Yes, sir.

25    Q     Mr. Reid is in the middle wearing the red?



1     A     Yes, sir.

2     Q     122?

3     A     Again, it's just a photo of Mr. Reid with what appears  
4     to be a handgun in his pocket.

5     Q     Okay. This 121, you can identify him, but Mr. Reid has  
6     his -- kind of, his hand over his face; right?

7     A     Yes, sir.

8     Q     In 122 his face is unblocked by the ---

9     A     Yes, sir.

10    Q     Okay. And these are, again, pictures that were on  
11    public ---

12    A     Social media.

13    Q     --- accessible social media?

14    A     Yes, sir. This is several members of the Contraband  
15    Gang in this photo. I can see Mr. Reid and Mr. Hill. Mr.  
16    Hill is on the left side holding up, it looks like, Eastside  
17    hand signs, and Mr. Reid is right here in the middle and has  
18    a shirt that says Contraband on it. A white shirt.

19           MR. GROSE: Which number is that?

20           MR. STUMBO: 123.

21    Q     And you said Mr. Parker is in this photograph too  
22    somewhere?

23    A     I think that's Mr. Parker right here in the white hat.

24    Q     Okay, white hat and white shirt?

25    A     Yes, sir.

1 Q To the right if you're facing them, to Narkevious  
2 Reid's left?

3 A Yes, sir.

4 Q In the white shirt, okay. 124?

5 A This is another photo taken from social media. You've  
6 got Mr. Reid in the middle and then Mr. Parker on the left  
7 side of the photo. Mr. Parker is wearing a Contraband  
8 shirt. They are both holding up the Eastside hand sign.

9 Q Okay. So, all of these pictures we have just been  
10 discussing, a couple of them are Narkevious Reid by himself,  
11 but the others with others in the picture include Jakevius  
12 Parker?

13 A Yes, sir.

14 Q And these were obviously taken -- not to ask the  
15 obvious question here, before he was shot and killed ---

16 A Yes, sir.

17 Q --- in March of 2020?

18 A Yes, sir.

19 Q Okay, if you want to go on to 125.

20 A This is a picture of Mr. Hurley holding up an Eastside  
21 hand sign.

22 Q Okay. And 125 was ---

23 A That was 125.

24 Q Okay, and that was pulled off of social media?

25 A Yes, sir.

- 1 Q Which account was that?
- 2 A Money Makin Mitch, I guess, is the social media page.
- 3 Q Okay, and 126?
- 4 A This is a picture of Mr. Hurley and Mr. Parker. Mr.
- 5 Hurley is wearing a white shirt and Mr. Parker is wearing a
- 6 red shirt, or red jacket.
- 7 Q Okay, and there's two other individuals ---
- 8 A Two other gang members with the Contraband Gang.
- 9 Q Do you know who those guys are?
- 10 A Yes, sir. I can't think of their names, their real
- 11 names off the top of my head, but they are documented.
- 12 Q Mr. Parker is in the red jacket right beside Mr. Hurley
- 13 in the white ---
- 14 A Yes, sir.
- 15 Q --- Adidas shirt? Okay. 127?
- 16 A This is a picture of Mr. Hurley and Mr. Reid both
- 17 holding Eastside hand signs up in a red shirt and he's in a
- 18 grey shirt, it looks like, Mr. Hurley. Mr. Reid is in a red
- 19 shirt.
- 20 Q Okay, and again, that's off a Making Money Mitch ---
- 21 A Yes, sir. Social media.
- 22 Q --- Facebook page? Okay, this particular page, these
- 23 images, you just provided those to me this morning; is that
- 24 correct?
- 25 A Those three. Yes, sir. Yes, sir. It's something that

1 Detective McClinton located this weekend, I believe.

2 Q Okay, and that was from work done this weekend. These  
3 were not previously, 125, 126, and 127, with Mr. Hurley in  
4 all three of those.

5 A Yes, sir.

6 Q Y'all worked on this this weekend and found this  
7 particular Facebook page?

8 A Yes, sir.

9 Q Okay. 115? I know in the numbers we skipped over, but  
10 what is 115?

11 A This is just a photo that says, "Long live Trivoriaye  
12 Alston, Man-Man," and it's a photo of him. I guess somebody  
13 putting that up as a -- after he passed away.

14 Q Okay, and this came off of one of the Defendant's ---

15 A One of the Defendant's -- I'm not ---

16 Q --- social media?

17 A --- sure which one it is, but it came off of one of  
18 them.

19 Q Would you have that labeled in your files as to ---

20 A Yes, I have to go back and look at the files and see.

21 Q --- which one it came off of? You just don't have the  
22 list of the ---

23 A Yes, that's right.

24 Q --- file names in front of you?

25 A Usually they come off of a -- they've got a name there.

1 MR. STUMBO: Beg the Court's indulgence.

2 Q Detective Blackwell, the pictures we've been going  
3 through, are those ones that you and -- you've mentioned  
4 Detective McClinton. And he's kind of your teammate, so to  
5 speak?

6 A Yes, sir. He helps me with doing some of the gang  
7 stuff and investigating it, some of the gang stuff.

8 Q These pictures are ones that you would consider  
9 important in your job as gang investigator for the City of  
10 Greenwood?

11 A Yes, sir. They just kind of show us who's hanging out  
12 with who and use them as criterion, especially if they're  
13 holding a hand sign or have a shirt on that shows that  
14 they're affiliated with the gang.

15 Q Okay, and the 117 that referred to the Facebook post  
16 from 93 Drip that talked about, "We're going to broad  
17 daylight some ops." I know I'm paraphrasing it.

18 A Yes, sir.

19 Q That was important because you believed there was a  
20 retaliation coming for ---

21 A The shooting ---

22 Q --- the shooting of Jakevius Parker?

23 A Yes, sir.

24 Q And then after the shooting, I think, is the only one  
25 we were looking at that's this sketch of Trivoriaye Alston

1     who was killed in this incident; right?

2     A     Yes, sir.

3     Q     It was one of the three co-defendants that ---

4     A     I believe it was. It was one of the three. Yes, sir.

5     Q     And the three co-defendants, Mr. Hurley, Mr. Hill, and  
6     Mr. Reid, and Mr. Alstson, Trivoriaye Alston, who was  
7     killed, they're all documented as Contraband Gang members?

8     A     Well, Mr. Hurley wasn't at the time.

9     Q     Okay, at the time of the incident?

10    A     No, sir. And maybe not Mr. Alston either. I can't  
11    remember, but Mr. Hill and Mr. Reid were, but there are  
12    photos of them all together, obviously associating with each  
13    other.

14    Q     That's an ongoing list that you continue to build based  
15    on ---

16    A     Yes, sir. I mean, sometimes you don't have the  
17    criterion to put somebody in GangNET, so if you don't have  
18    it then you don't put them in.

19           MR. STUMBO: Beg the Court's indulgence.

20    Q     One other question. I thought of this and I meant to  
21    ask it at the beginning, but I'll ask it now. This Reginald  
22    Bland guy that you testified in Federal Court with, is he  
23    from Greenwood?

24    A     He is.

25    Q     And he's affiliated with one of our gangs here?

1     A     He is. He was. I mean, he's a lot older now. This  
2     has been several years back.

3     Q     And you assisted in that investigation, ultimately  
4     testifying in Federal Court, not in a trial but in a pre-  
5     trial hearing?

6     A     Yes, sir. It had nothing to do with his gang  
7     affiliation or anything, just testifying.

8     Q     Was your involvement with that case tied to your  
9     expertise as a gang ---

10    A     Well, I believe ---

11    Q     --- investigator?

12    A     --- that was -- we got a gun off of him when he was a  
13    suspect in a shooting and myself and somebody else actually  
14    got out with him that day that he had the gun on him, and  
15    that was why I was testifying about it.

16    Q     Okay, but the charge itself was a ---

17    A     Felon in possession.

18    Q     --- felon in possession. Okay. It wasn't a RICO ---

19    A     No, sir.

20    Q     --- crime, federal crime for being in a gang  
21    necessarily?

22    A     No.

23    Q     Okay. Yes? Answer -- it wasn't a gang ---

24    A     No, sir. No, sir.

25    Q     --- charge.

1           MR. STUMBO: That's all we have for proffer at this  
2     time, Judge.

3           THE COURT: All right. Before I let y'all ask  
4     questions.

5                                 DIRECT EXAMINATION

6     BY THE COURT:

7     Q     Can you identify specifically what the criterion were  
8     that caused you or somebody else to include any of these  
9     defendants in the gang database?

10    A     Yes, sir. Mr. Reid, I have it here that the following  
11    criterion was met that he resides or frequents gang areas,  
12    adopts dress and hand signs, tattoos. He was identified by  
13    corroborated independent information, meaning from social  
14    media and other information that we got that could be a part  
15    of it. Self-admission other than time of arrest. That's  
16    just him on social media claiming to be a Contraband Gang  
17    member. Arrested more than once with gang members for gang-  
18    related offenses.

19           MR. GROSE: Is there a document that you're looking at?

20           THE WITNESS: Yes, sir.

21           MR. GROSE: Can we mark that as a Court's exhibit, if  
22    it's not already.

23           THE COURT: Yes. We'll get to that. I want to try to  
24    get this information out, and then y'all will introduce all  
25    this at some point in time.



1 Q How about ---

2 A Mr. Hill?

3 Q Yes.

4 A Resides, frequents gang area. Adopts dress and hand  
5 signs, tattoos. Identified and corroborated by independent  
6 information. Self-admission at time other than arrest, and  
7 arrested more than once with gang members for gang-related  
8 offenses.

9 Q And Mr. Hurley?

10 A I didn't have him.

11 Q You said that ultimately, Mr. Alston, you determined  
12 after the fact that he was a member of this gang?

13 A I'm not going to say for sure that I didn't have enough  
14 criterion, but he would have been a part of them. Yes, sir.  
15 But you've got to go back in past reports and arrests. I  
16 don't know if I could find his social media.

17 MR. STUMBO: Judge, one of the reasons why there is a  
18 file that's got a lot of incident reports, a lot of arrests  
19 for these guys. That's obviously stuff that we were going  
20 to not try to put in front of the jury, because it may have  
21 not been directly relevant. It was relevant as to gang  
22 affiliation, but we're trying to be judicious with what  
23 we're going to try to put in front of a jury. Which is what  
24 I believe this proffer to be about. There's a whole lot of  
25 incident reports that the defense had access to those last

1 week to look at them. We can get into those specifics if we  
2 need to.

3 THE COURT: Mr. Tinsley, questions?

4 MR. TINSLEY: Thank you, Your Honor.

5 RECROSS EXAMINATION

6 BY MR. TINSLEY:

7 Q If you look at the gang member criterion, which is one  
8 of the documents, as well as the fourth slide from the  
9 Powerpoint, you've already testified that Mr. Hill was never  
10 admitted to being a gang member. So, I guess you're relying  
11 on the second prong, at least two of the following.

12 Identified by a confidential informant. I didn't hear you  
13 testify to that just a minute ago.

14 A No, sir.

15 Q Okay. Resides or frequents a criminal gang's area and  
16 adopts their dress, signals, tattoos, and associates with  
17 other gang members. Let's -- he doesn't reside in the area  
18 that you've described as the OB/Contraband. Is that  
19 correct?

20 A I'm not sure where he resides, but he does frequent the  
21 area, just from posts and stuff that we have.

22 Q Okay, so you're basing that off of these social media  
23 pictures?

24 A Yes, sir, and just incidents that have happened in the  
25 past that have been documented, like cases that we've been

1 sent to.

2 Q What exactly are you talking about?

3 A Incident reports, arrests, and just him being in the  
4 area with law enforcement contact.

5 Q Do you have any specific recollection of any of these?

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

7 Q Adopts their dress. I haven't seen any photographs of  
8 Mr. Hill wearing anything saying anything about  
9 OB/Contraband. Is that correct?

10 A I'm not sure. I don't think so. If you don't see one.

11 Q So, do you have anything about him adopting their  
12 dress?

13 A I'm not sure.

14 Q The signals. I believe you did testify about one where  
15 he's doing something like this. (INDICATING)

16 A The Eastside hand sign.

17 Q Is that what you're referring to?

18 A Yes, sir.

19 Q You're not aware of Mr. Hill having any tattoos?

20 A No, sir.

21 Q Identified and corroborated by independent information.  
22 Is that, just in a generic sense, is that talking about  
23 social media generally, or is it broader than that?

24 A Social media, and then just interviewing people and  
25 talking to people. Like I said, just stuff in reports in

1     general, just corroborated information. Not that it's more  
2     so -- one person says, "Mr. Hill is in a gang." I need more  
3     than that just to prove it. I need the photos and social  
4     media posts, and everything else.

5     Q     Okay, so the interviews would be generally while you're  
6     investigating a particular case?

7     A     Yes, sir.

8     Q     More than one law enforcement encounter in the company  
9     of identified gang members engaging in gang activity. The  
10    definition you gave for gang activity sounded pretty broad  
11    earlier. I think I heard you testify to violent offenses,  
12    drug offenses, and property offenses. Is that right?

13    A     Yes, sir. A pattern of criminal gang activity. That  
14    means the commission or attempted commission as an accessory  
15    before or after the fact, or solicitation or conspiracy to  
16    commit by a criminal gang member while knowingly actively  
17    participating in criminal gang activity. You've got to show  
18    four or more of the following offenses occurring within a  
19    two-year period. And that would be the violent crimes,  
20    first-degree lynching, breaking into motor vehicle, grand  
21    larceny, blackmail, drug offenses, harassment, pointing a  
22    firearm at a person, discharging a firearm into a dwelling,  
23    common law offenses, obstruction of justice. These are the  
24    criminal gang activity that we use for that.

25    Q     Okay. I mean, there aren't any gang cases involving

1 Mr. Hill of any of that stuff, is there?

2 A He has arrests and stuff. I'm not sure which ones they  
3 are, but he does have reports in his gang file I believe  
4 that would have been sent in a gang file.

5 Q Individual admits to gang affiliation at a time when  
6 they are not under arrest or incarcerated. Now, in general  
7 is that talking about admitting to a police officer or what?

8 A I think that's just him admitting to anyone, or if you  
9 can just say that he claims to be a OB or Contraband Gang  
10 member, then that would be.

11 Q Do you have any admissions from Mr. Hill to that  
12 affect?

13 A Well, social media posts and stuff. I'm not sure. He  
14 did say that he was -- that social media post where he was  
15 going to broad day the ops. We take that as "the ops" being  
16 the people that killed one of his fellow gang members.

17 Q Well, that post doesn't mention the Southside?

18 A No, sir.

19 Q It doesn't mention J.P.

20 A No, sir.

21 Q And it says something about after dark; correct? It  
22 says -- I'll read it exactly. It says, "Don't come outside  
23 after dark."

24 A Yes, sir.

25 Q Okay. This incident happened at 2 o'clock in the

1     afternoon that we're here about this week; right?

2     A     Yes, sir. I assume it is.

3     Q     Another thing. How are y'all tying this post to Mr.  
4     Hill?

5     A     It was on his social media page.

6     Q     Well, I mean, I don't see his name on it. It's 93  
7     Drip. I mean, how -- what's the basis for saying that's his  
8     page?

9     A     All the photos and stuff that are on the page makes it  
10    obvious that it's his social media page.

11    Q     You testified that 90 percent or more of the shootings  
12    over the last five years are related to these gangs.

13    A     Yes, sir.

14    Q     How many -- do you know the percentage of those cases  
15    that have even led to an arrest?

16    A     Not off the top of my head, no.

17    Q     Can you ballpark it for us?

18    A     There's several -- I mean, several shootings that we  
19    investigate that arrests are not made, because it's tough  
20    because of people not speaking with us and talking with us,  
21    because they kind of want to take matters into their own  
22    hands. So, I don't really have a good ---

23    Q     Would you think half the shootings wind up in arrests,  
24    or more, or less?

25    A     I'm not sure.

1 Q Okay. Well, if you don't know -- if you aren't able to  
2 make an arrest on a case, how can you attribute it to a gang  
3 or anybody else?

4 A Well, a lot of times when we go and speak with the  
5 people who were shot at, especially their family, they'll  
6 say, you know, I think my son is involved with a gang maybe  
7 and that's who they were shooting at. We get a lot of that.

8 Q I heard the word "maybe" in there. I mean, that would  
9 be a big reason why y'all don't make an arrest; right?

10 A Well, that's just what we have to go off of, so ...

11 Q Well, I mean, those would be unsolved cases, is how you  
12 would define them; right?

13 A Yes, sir.

14 Q So, you're going off of what may be happening to  
15 determine why somebody's been shot or why somebody's been  
16 killed? Is that what I ...

17 A What do you mean?

18 Q Well, you testified that it might be a family member  
19 will tell you maybe it was because of a gang or something,  
20 that's how you're determining ---

21 A Yeah, there are actual gang members get shot and when  
22 we arrest actual gang members that are doing the shootings  
23 and, a lot of times, several of the gang members admit to  
24 why they were shooting at people.

25 Q No, I'm talking about the un-arrested cases. I

1     understand ---

2     A     Well, the un-arrested cases -- if we don't have a  
3     suspect or anybody to speak with, we can only go off of what  
4     it would be if we had good evidence, and it wouldn't have  
5     maybe then they would not be unsolved. They'd be arrested.

6     Q     And you testified about photos of people holding money,  
7     that the reason for that is to prove that their gang is the  
8     best, is why they're posting these photos?

9     A     I assume so. They're putting stuff out there, holding  
10    large quantities of money and guns and drugs.

11    Q     I'm not talking about the guns and the drugs. I'm just  
12    talking about money. It's not illegal to post a picture  
13    holding money.

14    A     No, sir.

15    Q     And somebody may do it just to show off. Hey, look  
16    what I got.

17    A     Yes, sir.

18    Q     It doesn't necessarily have anything to do with a gang  
19    or anything else.

20    A     No, sir, but whenever it's a lot of gang members and  
21    they're wearing gang attire and rapping about shooting  
22    people and making money and why they're doing it, we assume  
23    it is.

24    Q     A lot of rappers make a lot of money rapping about  
25    shooting people without ever going to jail or ever actually



1 shooting anybody.

2 A Yes, sir.

3 Q You testified about wearing the gang clothing. You  
4 also testified that that's changing all the time.

5 A Yes, sir.

6 Q How can you really tell what's gang related and what's  
7 not if it's constantly changing?

8 A Well, if you see a group of people that you identify or  
9 you associate with or documented gang members wearing the  
10 clothing, then it will be -- I mean, it's obvious that  
11 they're using it for their gang.

12 Q But that's always changing?

13 A Yes, sir.

14 Q You testified about these gangs selling fentanyl. Mr.  
15 Hill has never gotten in any trouble for selling fentanyl.

16 A Not that I know of.

17 Q And you also testified that there was beef between the  
18 OB and the New Money Gang.

19 A There has been in the past.

20 Q But why -- these three, as well as Alston, are listed  
21 as members of both the OB and the New Money Gang in what  
22 would have been turned over.

23 A I guess so. Back then we weren't making -- the Osborne  
24 and Eastside were all going under the Eastside Gang.

25 Q I have the sheet that's in evidence with Mr. Hill's

1 name on it, which is I believe Court's number 5. That's  
2 dealing with OB/Contraband; right?

3 A I'm assuming so.

4 Q Do you have that document up with you, number 5?

5 A Yes, it says OB/Contraband.

6 Q And these gentlemen are listed there.

7 A Yes, sir.

8 Q All right. And I don't believe the Eastside/NMG Gang  
9 list has been entered into evidence at this point.

10 A No, sir.

11 MR. TINSLEY: I'd ask that the Court mark this list as  
12 an exhibit.

13 THE COURT: Court's 7?

14 (WHEREUPON, member list marked Court's Exhibit No. 7  
15 for identification.)

16 Q That list was also from your gang book; correct?

17 A I'm not sure if it's from the gang book or if it was  
18 just from some of the gang documents we have, but this one  
19 here that says "OB/Contraband", this is the one from the  
20 gang book.

21 Q But are you familiar with this document that's listed  
22 as Court's No. 7?

23 A Yes, sir. It just has a list of members on here.

24 Q Members of what gang?

25 A Eastside/NMG Gang member list.

1 Q So, it's Eastside/NMG, which means -- NMG is New Money  
2 Gang?

3 A Yes, sir.

4 Q Okay, and the names listed that aren't redacted. Would  
5 you read those into the record?

6 A Narkevious Reid, Jakevius Parker, Xayvion Hill,  
7 Trivoriaye Alston, and Dashawn Chazz Hurley.

8 Q And this is from the Greenwood City Police Department;  
9 correct?

10 A Yes, sir.

11 Q Now, on page 9 the ninth slide, this stop snitching and  
12 New Money Gang picture. I'll hold it up if y'all want me  
13 to.

14 A Yes, sir. I've got it.

15 Q Do you know where -- you testified a little bit about  
16 this picture coming off social media. Do you know where it  
17 came from?

18 A I don't know off the top of my head.

19 Q Who it's associated with?

20 A No, sir.

21 Q Okay, so you don't. It's not associated with any of  
22 these gentlemen; right?

23 A No, sir.

24 Q How about page 11, the Osborne/Contraband Gang picture  
25 of a gentleman with a tattoo on his back and, I guess, a

1 shirt?

2 A I don't know exactly who's social media that would've  
3 came off of.

4 Q You don't know who's back that is?

5 A No, sir.

6 Q These photos from 109 and up -- I know some of these  
7 photos, like the last one, had a date on there, but most of  
8 them didn't. Do you have any idea of the dates of when  
9 these pictures were taken?

10 A Not off the top of my head. If whenever we take them  
11 off of the social media site we'll list it on the computer  
12 that the file is saved under who's social media site it came  
13 off of and the date there. I just don't have the date.

14 Q The date would be the day that it was posted?

15 A Yes, sir. I can't tell you for sure whenever a picture  
16 was taken, but I know when it was posted and when we take it  
17 from the social media site.

18 MR. TINSLEY: No further questions at this time, Judge.

19 THE COURT: Mr. Henderson?

20 CROSS EXAMINATION

21 BY MR. HENDERSON:

22 Q Detective, tell me what day, in your mind, that you  
23 determined that this shooting at Hillcrest was retaliation.

24 A The day that it happened it appeared to be, because  
25 there were Southside Gang members shot there and had the

1 other gang members dropping a guy off at the hospital, so we  
2 knew it was pretty much a gang shooting.

3 Q So, that same day, in your mind's eye, it was  
4 retaliation?

5 A It seemed to be. Yes, sir.

6 Q Okay. Did you tell that to the Solicitor's Office that  
7 day?

8 A I didn't. No, sir. It was a county case, so I just was  
9 there to kind of help them with it.

10 Q Well, who did you tell at the county that hey, my gut  
11 call is this is retaliation? Who did you tell?

12 A Well, everybody at the county also is pretty familiar  
13 with the names and stuff, and they assumed it was gang  
14 retaliation.

15 Q How quickly did law enforcement talk to the Solicitor's  
16 Office about this being gang retaliation?

17 A I'm not sure.

18 Q Probably fairly immediately, wouldn't you say?

19 A I'm not sure.

20 Q You just don't know.

21 A I don't know.

22 THE COURT: I've got to take care of something  
23 immediately. I'm terribly sorry. Five minutes and we'll be  
24 back on the record. I'll be right back.

25 (WHEREUPON, a brief recess was held.)

1                                    RECROSS EXAMINATION

2    BY MR. HENDERSON:

3    Q     Going back, I'm just trying to figure out when the  
4    State, the Solicitor's Office, all of the above, determined  
5    that this was retaliation. You said you determined it that  
6    day, in your mind's eye. I'm trying to determine when did  
7    the Solicitor's Office determine it was retaliation.

8    A     I'm not sure, Sir.

9    Q     But when did you talk to them preparing for today?  
10   What was your first date of talking to them?

11   A     I talked to them for the first time, I believe it was,  
12   last week, maybe week before last.

13   Q     Okay, so you're telling me that probably within the  
14   last ten or eleven days is the first time that you've talked  
15   to the State about this case?

16   A     Yes, sir.

17   Q     Talked to them about your theory of this case?

18   A     I just -- these guys that are documented. Not my  
19   theory on their case.

20   Q     I'm talking about the retaliation theory.

21   A     Yes, sir.

22   Q     When you talked to the Solicitor's Office, did the  
23   Solicitor, at that point in time, already have this  
24   retaliation theory or are you the one that brought this  
25   retaliation theory?

1     A     No.  He said that he knew it was a gang shooting and he  
2     wanted me to bring in the gang stuff.

3     Q     How did the Solicitor say he knew it was a gang  
4     shooting?

5     A     Because it was gang members involved in it.

6     Q     When did he say that he had determined it was a gang  
7     shooting?

8     A     He didn't really tell me that.

9     Q     But, at your meeting, you're comfortable that the State  
10    already figured, or knew, or that their theory was going to  
11    be this is retaliation?

12    A     Yes, sir.

13    Q     Okay.  I want to look at some of these photos.  I'm  
14    looking at photo 112, or what is going to be proposed as 112  
15    for the Government's trial.  Just take a look at that.  Do  
16    you know what that picture is?

17    A     A picture of a rap video.

18    Q     Now, if I'm not mistaken, the Contraband is actually a  
19    band, isn't it?  Or rap band, or rap group?

20    A     Well, they say that.  Yes, sir.  They do rap and make  
21    music.

22    Q     Well, let me ask you, if I rap and make music am I a  
23    so-called band or am I a band?

24    A     You're a band.

25    Q     You're a band.  Okay.  It might not be a good band, but

1 I'm a band.

2 A Yes, sir.

3 Q I'm not a so-called band?

4 A Yes, sir.

5 Q So, the Contraband is actually a band? Is that a yes?

6 A Yes, sir.

7 Q That makes rap videos?

8 A Yes, sir.

9 Q And you're saying that Narkevious Reid is in the  
10 Contraband?

11 A Yes, sir.

12 Q And who else is in the Contraband?

13 A There are several other people in it.

14 Q Again, I'm looking at Court's Exhibit 112. On the far  
15 ---

16 THE COURT: State's.

17 Q I'm sorry. State's 112. Who is the person that's  
18 circled there?

19 A That's Mr. Reid.

20 Q Mr. Reid. Okay. Who else -- who is this fellow right  
21 here?

22 A I'm not sure of his real name off the top of my head.

23 Q I think it's Jamie somebody; isn't it?

24 A Bowman? (PHONETIC)

25 Q Okay. Are you aware that he is a member of the



1 Contraband rap group?

2 A Yeah. Contraband Gang. Yes, sir.

3 Q Okay. So, you're using it interchangeably. You're  
4 saying that the gang is the rap group and the rap group is  
5 the gang.

6 A No, I'm saying they're all Osborne Gang members, but  
7 they also call themselves Contraband Gang.

8 Q Okay. The Contraband. The rap group.

9 A The Contraband Gang. Yes, sir.

10 Q Are you saying everybody in the Contraband Gang is also  
11 in the Osborne Gang? Is that what you're saying?

12 A Yes, sir.

13 Q You're saying they're one and the same?

14 A Yes, sir.

15 Q So, everybody you're saying is in the Contraband,  
16 rapping, is also in the Osborne Gang?

17 A Yes, sir.

18 Q And you said that was, like, 40 or 50 people?

19 A Not for Osborne. That was for Southside.

20 Q Okay. I'm going to show you what's been marked as  
21 State's 123, or proposed State's 123. Now, let me find you  
22 one without my scribble on it. What I'm looking at right  
23 here is the people standing -- not the person standing on  
24 the far left, but the person standing next to the person on  
25 the far left, looks to be wearing a white t-shirt and some

1 white pants. Can you identify that person?

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

3 Q Is that Datravius Morton? (PHONETIC)

4 A It could be.

5 Q What alleged game is Datravius Morton associated with?

6 A Southside, I believe.

7 Q Okay, Southside.

8 A Yes, sir.

9 Q Let me just be clear right here. You're up here  
10 talking about all this animosity between Southside,  
11 Eastside, Osborne, New Money, old money, who knows.

12 A Yes, sir.

13 Q I mean, all this stuff out here and you would agree  
14 with me that on 123 here that looks like Datravius Morton?

15 A Yes, sir.

16 Q And you're telling me that Detravius Morton is a  
17 Southside Gang member in your eyes?

18 A Yes, sir.

19 Q I want to discuss some documents with you, Detective,  
20 that have been produced in discovery. Okay?

21 A Yes, sir.

22 MR. HENDERSON: And again, Your Honor, I've got these  
23 marked. They're marked for my discovery motion, but I  
24 believe this might be a good time to start discussing some  
25 of these items. I will give the Solicitor a copy of them as

1 well.

2 Q I'm going to show you what I've marked as Defendant's  
3 number five. It would actually be Reid Number 5, pretrial, I  
4 guess. What's the date of that photograph?

5 A I don't see a date on this photograph.

6 Q What date did you obtain possession of that photograph?

7 A I don't have to date on the right now. I wouldn't know  
8 it.

9 Q Where's that information at? I want to know the date.  
10 We're going to be talking about a lot of documents that I  
11 want to know the date that you took possession of them.

12 A This photograph here, I believe, was taken by Sergeant  
13 McClinton.

14 Q What date did he take it?

15 A I'm not sure.

16 MR. GROSE: Is that page 2 of the exhibit?

17 MR. HENDERSON: it will be the first photograph of the  
18 exhibit.

19 MR. GROSE: All right page 3. I'm sorry.

20 Q So, you think Sgt. McClinton obtained a photograph?

21 A Yes, sir.

22 Q What date did he obtain it?

23 A I'm not sure.

24 Q Okay.

25 MR. STUMBO: Judge, I think in order for him to answer

1 to Mr. Henderson's questions here he probably needs his  
2 computer in front of him so he can see the digital footprint  
3 when the document was created and saved. If you make a  
4 screenshot of anything, it tells you when the document was  
5 created, which would give us exactly what date he screenshot  
6 it and put it in his gang files. I think if he doesn't have  
7 that this is going to be a disaster.

8 MR. HENDERSON: I think that's a great idea, Your Honor.

9 THE COURT: How is this relevant to the question at  
10 hand, Mr. Henderson?

11 MR. HENDERSON: Your Honor, going into -- I'm asking --  
12 I'm going to get into a lot of the meat and bones, like Mr.  
13 Tinsley did. I'm trying to find out when these documents  
14 were -- when they took possession of them, when they turned  
15 them over to the Solicitor, when we got them. I will  
16 represent to the Court that we got no documents remotely  
17 related to gangs before August 4, eleven days ago.

18 MS. TAYLOR: Your Honor, I think I can save us a lot of  
19 time here.

20 THE COURT: Sure.

21 MS. TAYLOR: The first contention that this case was  
22 gang related would have been the incident report when they  
23 interviewed Mr. Hill's mother as well as Mr. Alston's mother  
24 and they both indicated this was Eastside/Southside stuff,  
25 so that would have been the first indication from the State

1     that this was gang related in the discovery materials. The  
2     State, either myself, I think Mr. Dowtin, Mr. Thomas may  
3     have done a bond hearing on this case, at all of the bond  
4     hearings indicated to Your Honor that this was gang related.  
5     However, at that time the State did not have any of the  
6     specific documents that we are looking at today. Those  
7     specific documents, as well as the retaliation theory, came  
8     to the State, being the Solicitor's Office's attention,  
9     approximately two weeks ago, maybe a little bit more.

10           At the time, we knew it was gang related. We did not  
11     realize that the police department had a Facebook post and  
12     that the possible motive was the Jakevius Parker murder.  
13     So, that's the timeline of events. We did not have anything  
14     from the police department. Although, they had these  
15     materials. We did not have them until approximately two and  
16     a half weeks ago.

17           THE COURT: As I see it, Mr. Henderson, the question  
18     before the Court right now is whether or not evidence of  
19     gang affiliation is going to be introduced at trial. That's  
20     different from some motive concerning retaliation or  
21     something like that, but I'm focused only on the gang  
22     related thing. Whether there's enough there to warrant A.  
23     Qualifying him as an expert. B. Permitting that evidence to  
24     come in. And we haven't even gotten to 403. Do you have  
25     any specific questions of him as it relates to Mr. Reid's

1 inclusion on that list or how he came to be included on that  
2 list?

3 MR. HENDERSON: Absolutely. I was just going to go  
4 through all the discovery first.

5 THE COURT: Yeah. We're not going to do that. We're  
6 definitely not going to do that.

7 Q Detective, I want to turn your attention to our "gangs  
8 in the community" document again. You're familiar with that  
9 document?

10 A Yes, sir.

11 Q And you said you put people on the GangNET or enter  
12 them on the GangNET based upon crimes that they've been  
13 arrested for? Did I hear you right?

14 A Yes, sir.

15 Q Also, information from the community?

16 A Yes, sir.

17 Q What people tell you. Is that correct?

18 A Yes, sir.

19 Q Okay, and also from social media posts. Did I hear  
20 you that?

21 A Yes, sir.

22 Q I'm looking at the third page of this document. Are  
23 you aware -- have you got the document in front of you, sir?

24 A Yes, sir. Third page?

25 Q Right. I'm looking over on the left. It looks like

1     there's a bunch of birdies, people giving the middle finger.

2     A       That's right.

3     Q       What does it say up there at the top?  Something "tha  
4     DEA"?

5     A       I think that's FUCC Da DEA.

6     Q       Something like Fuck the DEA?

7     A       Yes, sir.

8     Q       Okay.  And where did you get this document from?

9     A       Off somebody's social media post.

10    Q       Okay.  And how do we know that's related to the  
11    alleged Contraband Gang?

12    A       It might not be.  It's just something that was put in  
13    the Powerpoint.

14    Q       Okay, you put it in the Powerpoint to make people who  
15    are looking at the Powerpoint believe that this item is  
16    actually gang related when you don't know whether it's gang  
17    related.  Did I hear you right?

18    A       No, sir.  It probably just came off of a gang member's  
19    social media.

20    Q       Not probably.  Where did you get it from?

21    A       I'm not sure.  I'd have to look at the photo.

22    Q       Is that in your computer system?

23    A       Somewhere.

24    Q       Okay.  So, are you telling this court right now, do  
25    you know or do you not know?

1 A No, I don't know who's it came off of.

2 Q So, you're telling this Court it could just as likely  
3 be from a non-gang member's person?

4 A It could be.

5 Q So, a lot of people out here don't like the police  
6 that aren't gang members.

7 A That's right.

8 Q Okay. And, again, it looks like you'd be asking the  
9 Court, or the jury -- because you want to show this to the  
10 jury; don't you?

11 A If they want to see it, sure.

12 Q You're asking them -- basically, if you're looking at  
13 it, you're going to be pointing to all this stuff with bad  
14 language and bad birdies criticizing your employer?

15 A Yes, sir.

16 Q And you don't know whether or not it's gang related?

17 A Not right now.

18 Q And then "gang member criterion". The next page. Let  
19 me ask you. Has Mr. Reid ever admitted to you that he's  
20 involved in any type of gang?

21 A Not to me personally. No, sir.

22 Q That's all I'm concerned about is you, personally.  
23 You understand that?

24 A Not to me personally.

25 Q Are you saying that a confidential informant has told



1     you that Mr. Reid is a member of a gang?

2     A       No, sir.

3     Q       And you say that Mr. Reid frequents a criminal gang's  
4     area. What's his address?

5     A       I'm not sure. I know he was living on Independence  
6     Way a few weeks ago.

7     Q       Okay. Nothing is wrong with living on Independence  
8     Way; is there?

9     A       No. That's the area of the Osborne. Yes, sir.

10    Q       You're telling this court that everybody that lives on  
11    Independence Way ---

12    A       I'm not saying that. It's just an area.

13    Q       Okay. Are you telling this court that Mr. Reid adopts  
14    the dress of this purported rap group gang?

15    A       Yes, sir.

16    Q       And what dress is that?

17    A       Just him wearing Contraband shirts.

18    Q       So, basically you're looking at logo?

19    A       Yes.

20    Q       Not the style of pants. Not the style of shirt. Not  
21    the style of shoes.

22    A       They don't really have a certain style for the Osborne  
23    Gang, that I'm aware of.

24    Q       Okay, so there's no style?

25    A       No, sir.

1 Q You're just complaining that they're wearing stuff  
2 around town that says Contraband?

3 A Yes, Sir. Contraband Gang.

4 Q So, it's a logo issue? I just want to make sure I'm  
5 hearing you clearly.

6 A Yes, Sir.

7 Q And I suppose when you say "signals" you mean the  
8 little hand signals?

9 A Yes, Sir.

10 Q Now, what is the Osborne Gang's?

11 A Osborne, I don't know of one that they have one now. A  
12 lot of the members before, we had them affiliated with  
13 Eastside also, and it was the Eastside hand sign.

14 Q OK, so was there a bad breakup or what?

15 A I'm not sure.

16 Q Like I said, in this slide it says neighborhood gang  
17 can affiliate with other gang members.

18 Q So, you're telling me -- I'm sorry. I didn't mean to  
19 interrupt you.

20 A That's okay.

21 Q So, you're telling me that Mr. Reid here is a member of  
22 a purported gang that does not have a hand signal? That you  
23 know of.

24 A Well, they use the Eastside hand signal.

25 Q But they don't have an Osborne?

1 A Not that I know of.

2 Q Now that you know. But you're telling me that he's a  
3 member of the Contraband Osborne gang, and you're telling me  
4 also that he's also using some other gang's hand side.

5 A Yes, the Eastside, because Osborne is on the east side  
6 of Greenwood.

7 Q And then you said while ago they're fighting amongst  
8 themselves, at one time.

9 A Some of them.

10 Q Okay. Are you saying that Mr. Reid has got any tattoos  
11 on him?

12 A I'm not sure.

13 Q Okay. You just don't know.

14 A (No verbal response.)

15 Q And you're criticizing Mr. Reid for hanging around with  
16 other known gang members, in your eyes?

17 A I'm not criticizing him, but he does associate with  
18 other gang members.

19 Q Okay, and I suppose that in your eyes that him  
20 associating with Mr. Hill, Mr. Hurley, Mr. Alston, that's  
21 him associating with other gang members?

22 MR. GROSE: Objection to the characterization that Mr.  
23 Hurley might be in a gang.

24 THE COURT: With that caveat. Understood.

25 MR. HENDERSON: I'm with you. I mean, I'm not saying

1     they are either.

2           THE WITNESS: Yes, sir.

3     Q     But, you're criticizing my client for that?

4     A     Yes, sir.

5     Q     Allegedly hanging out with these other people that  
6     you're purporting to be gang members.

7     A     Yes, sir.

8     Q     Okay. And has anybody -- you said identified and  
9     corroborated by independent information. What independent  
10    information do you have that Mr. Reid is a member of this  
11    Contraband Osborne Gang?

12    A     The information provided in our police report from the  
13    incidents that he's been involved in, social media, speaking  
14    with people around the community, other gang members.

15    Q     Now, and you told me that he's never admitted to you  
16    that he's a member of a gang.

17    A     No, sir.

18    Q     And you would agree that any investigation that you've  
19    done -- you're talking about these other cases that he's  
20    never admitted that he's a member of a gang?

21    A     Not that I know of.

22    Q     Okay. And you're saying that other people out here in  
23    the community have told you that he's a member of the gang?

24    A     Yes, sir.

25    Q     Are those people testifying?

1     A     No, sir.

2     Q     So, again, you're basing -- you're actually listening  
3     to folks making representations to you about Mr. Reid?

4     A     Yes, sir. I have to speak with people who live out in  
5     the community.

6     Q     I understand you speak with people all the time. I  
7     agree. That's your job. You said that's your duty. You  
8     talk to people. You gather information. But you understand  
9     you aren't bringing these people into court with you, are  
10    you?

11    A     I'm no. No.

12    Q     Do you know if the Solicitor is?

13    A     I'm not sure.

14    Q     Okay. And let me ask you, prior to -- it looks like  
15    you've had Mr. Reid listed on this gang list for a long  
16    time.

17    A     Yes, sir.

18    Q     And let's talk about -- you're saying that he made this  
19    list several years ago it looks like. If I'm not mistaken.  
20    Is that correct?

21    A     I put him in around -- it says it on the top of his  
22    thing here, 1/7/2018.

23    Q     So, that's what, four years ago? Four plus years ago?  
24    At that point in time what are you alleging that he'd been  
25    engaging in gang activity with other people? What offenses

1 are you alleging that -- what got him there?

2 A What do you mean?

3 Q I mean, what offenses. You said there's ---

4 A You want me to read the criterion?

5 Q Not the criterion. You've already listed the

6 criterion. I want to know the ---

7 A I don't have the -- all the police reports right here

8 in front of me, and I've showed you the photographs and

9 stuff, so that's two of the criterion that would have been

10 met.

11 Q What, your photographs and what?

12 A Photographs, information from the community, his social

13 media stuff, and then police reports.

14 Q Okay. Now, the social media stuff. Do you know that

15 it's actually being posted on his social media account?

16 A It appears that it is his social media account.

17 Q That's not what I asked you.

18 A Yes.

19 Q Do you know whether or not it's being posted on his

20 social media account?

21 A From what I believe to be his, yes.

22 Q Not what I believe. I believe in Santa Claus. What

23 evidence do you have that it's being posted on Mr. Reid's?

24 A It's on his social media.

25 Q On his social media page. You think that it's his

1 social media page?

2 A Yes.

3 Q Okay, and checked it out and called IT about it?

4 A No, sir.

5 Q Okay. You're just making an assumption?

6 A Yes, sir.

7 Q And you know what assumption, the first three letters  
8 of assumption are?

9 A What is it?

10 Q Ass.

11 THE COURT: Hold on one second. First of all, move  
12 along. Second of all, no further laughing. This is serious  
13 business. All right? These people could be looking at life  
14 imprisonment. I don't find that remotely funny. So, if you  
15 can't control yourselves, get the heck out of my courtroom,  
16 please. Mr. Henderson, move along. I don't need this.  
17 Please. Let's focus on the question at hand. Go.

18 Q You said that members -- I'm looking at a couple pages  
19 in your document here. You said that most gangs in  
20 Greenwood are neighborhood or hybrid gangs.

21 A Yes, sir.

22 Q I think your word you used was non-traditional.

23 A Yes, sir.

24 Q Did I hear that right?

25 A Yes, sir.

1 Q I mean, this isn't -- this is just --

2 A Neighborhood gangs.

3 Q Neighborhood gangs. And you're saying there's no  
4 leadership structure?

5 A No, sir.

6 Q No chain of command?

7 A No, sir.

8 Q And you're saying that members can associate with more  
9 than one gang?

10 A Yes, sir.

11 Q Now, did you learn that based upon what people are  
12 telling you?

13 A Yes, sir. And I've seen social media posts like the  
14 one right here that you just showed me where they'll hang  
15 out with some Southside people and Eastside people. A lot  
16 of Southside and Eastside people could be related. It don't  
17 mean they want to kill each other. But, there are certain  
18 members of the Southside and Eastside that do want to kill  
19 each other.

20 Q So, you're not making a broad generalization that every  
21 member of the Eastside wants to kill every member of the  
22 Southside.

23 A No, sir.

24 Q Or that every member of the Southside wants to kill  
25 every member of the Eastside.



1     A     No, sir.

2     Q     You're just saying that it may happen in limited  
3     circumstances.

4     A     It does happen.

5     Q     But, again, you've learned that based upon what other  
6     people have told you and also what you think you have seen  
7     or what you interpret you've seen?

8     A     Yes, sir.

9     Q     May or may not have allegiance to a national gang?

10    A     Yes, sir.

11    Q     How is that relevant to why we're here today?

12    A     Well, a lot of people, whenever you're talking to  
13    people, whenever you tell them what a hybrid gang is you  
14    tell them they might not have any allegiance to a Blood gang  
15    or a Crip gang, or a motorcycle gang, or anything like that.  
16    That's what people mostly think of gangs.

17    Q     And you're not alleging that this Contraband Gang or  
18    Osborne Street Gang is related to any other type of gang are  
19    you?

20    A     No, sir.

21    Q     It says, may adopt symbols or names from certain areas  
22    of the city, and you have said Osborne references Osborne  
23    Avenue. Where did you learn that?

24    A     Several people have told me that. It's just common  
25    knowledge.

1 Q I mean, did you learn it -- I guess everything that we  
2 know we've learned from somebody.

3 A Yes, sir.

4 Q So, somebody told you this?

5 A Yes, sir.

6 Q Do you remember who told you this?

7 A I'm not sure.

8 Q It says modified traditional gang culture with personal  
9 influences.

10 A Yes, sir.

11 Q How are you alleging that Mr. Reid has done anything by  
12 modifying traditional gang culture with personal influences?

13 A I'm not. That's just something, kind of, explaining  
14 hybrid gangs. Nothing on him.

15 Q Okay, so a lot of this stuff here that you're talking  
16 on gangs, you're saying that they don't apply to Mr. Reid?

17 A I mean, that modified thing might not.

18 Q Okay. Have vague rules and codes. Who told you that?

19 A That's just -- the classes I've been to and stuff and  
20 they do. There's not, like, a strict guideline for the  
21 Osborne Gang that they have to go by. If you go to prison  
22 and stuff where there's other gangs, there's rules and  
23 regulations you've got to abide by. That's not necessary  
24 with neighborhood gangs.

25 Q Has Mr. Reid told you that this Osborne Gang or

1 Contraband Gang has vague rules or codes?

2 A No, sir.

3 Q Has any of the gentlemen here told you that this gang  
4 has vague rules or codes?

5 A No, sir.

6 Q And you're saying there's no strict chain of command?

7 A No, sir.

8 Q And how did you learn that? Somebody told you;  
9 correct?

10 A Yes, sir.

11 Q And as far as you know that person isn't coming to  
12 court.

13 A As far as I know.

14 Q Okay. Very territorial to their neighborhood of birth  
15 or association. Who told you that?

16 A Just people in general.

17 Q People in the neighborhood?

18 A Yes, sir.

19 Q Has Mr. Reid told you that?

20 A No, sir.

21 Q Has any of these -- has Mr. Hill or Mr. Hurley told you  
22 that?

23 A No, sir.

24 Q And primary concern is making money which is  
25 accomplished through a variety of illicit activities or

1 transactions. Did I read that correctly?

2 A Yes, sir.

3 Q When did Mr. Reid tell you that his primary concern is  
4 making money?

5 A Never.

6 Q When did these other gentlemen tell you that?

7 A Never.

8 Q Which is accomplished through a variety of illicit  
9 activities or transactions.

10 A Yes, sir.

11 Q Has Mr. Reid ever told you that he makes money through  
12 illicit activities or transactions?

13 A No, sir.

14 Q Or has Mr. Hill or Mr. Hurley?

15 A No, sir.

16 Q So, you're learning this information from other people;  
17 correct?

18 A Yes, sir.

19 Q And they're not here.

20 A And investigation.

21 Q Well, if you investigate, what's investigating? You're  
22 out here talking to people.

23 A That's right. Talking to people and making cases on  
24 them.

25 Q If you're talking to people, people are telling you

1     stuff; correct?

2     A     I said yes, sir.

3     Q     Right. Absolutely. I see the Southside Gang pictures  
4     page, and then you've got all these Southside Gang facts  
5     here. It looks like there's, what, an Arm and Hammer sign  
6     or sickle over to the left.

7     A     I'm not sure what that is. It has BowlLane on it.

8     Q     Okay. And you put right here ---

9     A     That's a guy holding what appears to be an uzi, so it's  
10    kind of an intimidating thing with the name of the gang on  
11    it, BowlLane.

12    Q     Where does it say the word "gang" there?

13    A     It don't. It says, BowlLane.

14    Q     And I think you said BowlLane was what, a music group  
15    or a rap label?

16    A     Yes, sir. It's kind of like Contraband Gang.

17    Q     Contraband Gang. Make videos?

18    A     They make videos.

19    Q     They rap?

20    A     Yes, sir.

21    Q     Okay. And you've got a list of Southside Gang  
22    hangouts?

23    A     Yes, sir.

24    Q     Who told you this?

25    A     It's just common knowledge. Again, people have told me

1     that this is Southside hangouts, and we arrest members  
2     there. We speak to members there.

3     Q     But you learned this, ultimately, or originally by  
4     somebody telling you this?

5     A     And investigating it.

6     Q     Okay, but your investigating involves people telling  
7     you stuff; doesn't it?

8     A     Yes, sir. And us making contact with them out there in  
9     these areas.

10    Q     You're saying that just because you -- you're saying  
11    that because you see somebody in a particular area that  
12    means they're a member of a gang in that area?

13    A     Well, if they're doing criminal gang activity in the  
14    area we assume that's one of the places that -- their  
15    hangout.

16    Q     Again, I'm hearing this word "assume". Like,  
17    speculate. You speculate.

18    A     Well, it shows us. I'm sorry.

19    Q     Do you agree that you're speculating or not?

20    A     No. If we arrest gang members in gang areas for gang  
21    offenses, then we know that that's an area that they'll be  
22    in. And yes, people have told us that also.

23    Q     Okay, so a lot of this stuff is based on what third  
24    parties have told you?

25    A     And our investigations.

1 Q But, again, investigation is based on typically what  
2 people tell you.

3 A And what we find on them and what we do also, the law  
4 enforcement.

5 Q And you said this Southside Gang uses three fingers --

6 A Yes, sir.

7 Q --- to signify? Okay. Let me ask you, did Mr. Goode  
8 or Mr. Parks tell you that?

9 A I'm not sure.

10 Q I guess we'll find out when they testify?

11 A I guess.

12 Q Okay. But do you recall either one of them telling  
13 you?

14 A No, sir.

15 Q Okay. It says many of the members post rap music and  
16 try to sell it to make themselves seem legitimate?

17 A Yes, sir.

18 Q Again, that seems to be pure speculation of why they're  
19 posting music.

20 A Yes, sir. What do you mean?

21 Q I mean, you're saying -- you agree with me that they  
22 post music.

23 A Uh-huh. (AFFIRMATIVE)

24 Q Is that a yes?

25 A Yes.

1 Q And they're rappers?

2 A Yes.

3 Q And you're telling me -- you're telling this court that  
4 they post videos and rap music only for the purpose to make  
5 the world think that they're a legitimate businessman?

6 A Or a gang member.

7 Q Okay, but again, that's speculation. Wouldn't you  
8 agree?

9 A Well, I mean, if they say they're gang members and  
10 they're holding guns and talking about shootings and rival  
11 gangs and all that in these gang videos, so...

12 Q Members traditionally use the color orange, but again  
13 it sounds like the colors are moving.

14 A Change up. Yes, sir.

15 Q I think Mr. Tinsley pointed that out that the colors  
16 are all over the place.

17 A Yes, sir. They are hard to keep track of.

18 Q They are hard to keep track of. It's a moving picture,  
19 isn't it?

20 A Yes, sir.

21 Q I mean, I don't know. That what it sounds like you're  
22 saying it is.

23 A Yes, sir.

24 Q Okay, they also use names. Actively have 50 members or  
25 associates. Again, is that 50 people telling you that?



1     A     A good many of them told me that, but not 50 of them.

2     Q     Okay, so your testimony is that a lot of these  
3     Southside people are admitting to you that they are gang  
4     members?

5     A     Not just Southside.  Osborne, Eastside.  That usually  
6     comes from investigating the shootings and stuff that we're  
7     doing, interviews.

8     Q     And here you're talking about Southside members have  
9     started selling "blues" or fentanyl.  You would agree there  
10    are no drug allegations in this case?

11    A     No, sir.

12    Q     That you're aware of.

13    A     No, sir.

14    Q     So, you would agree I hope that it's somewhat  
15    irrelevant and prejudicial to talk about selling drugs when  
16    drugs are not an issue in this case?  Would you agree with  
17    me on that?

18    A     Yes, sir.

19    Q     Okay.  And then I'm looking at the next page, Eastside  
20    Gang.  It looks like there's a picture there of somebody  
21    being executed on their knees?

22    A     It does.

23    Q     Okay.  Now, is there any evidence in this case that  
24    anybody tried to execute anybody on their knees?

25    A     When they ran up to shoot them guys at the apartment

1     complex, they were absolutely trying to execute them.

2     Q     That's your version of events, you understand?

3     A     Yes, sir. You asked me.

4     Q     I understand. I understand. I'm trying to pin you  
5     down what your testimony is going to be. But, again,  
6     there's nobody here there's no evidence in this case of  
7     somebody getting down on their knees or being made to get  
8     down on their knees ---

9     A     No, sir.

10    Q     --- to be executed. Am I correct about that?

11    A     Yes, sir.

12    Q     And then, I'm looking at Eastside Gang, New Money Gang  
13    facts. Again, it's kind of going back to what we discussed.  
14    So, much of this is based on conversations with other  
15    people? What they told you?

16    A     Yes, sir.

17    Q     I think you even said people who are arrested?

18    A     Yes, sir.

19    Q     And kids at school?

20    A     Yes, sir.

21    Q     People in the community?

22    A     Uh-huh.

23    Q     Is that a yes?

24    A     Yes, sir.

25    Q     So, a lot of this is what you're hearing from third-

1 parties who aren't here, as far as you know?

2 A Yes, sir.

3 Q Okay, and then the next page, right here, you're  
4 criticizing these young men for making a T-shirt saying to  
5 "Free YG"? \

6 A I'm not criticizing them. It just had Contraband Gang  
7 on it, and that's something that we'll use as criteria.

8 Q Okay. Just because you wear that around -- and again,  
9 Contraband, you would agree, is a rap band as well?

10 A Yes, sir.

11 Q And then we're looking at the OB Contraband Gang facts.  
12 Again, these are facts that you say are facts; correct? Are  
13 these your alternative facts?

14 A No, these are not my facts. This is what I'm saying  
15 they hang out at these places and do stuff like this.

16 Q But, a lot of this is that you're hearing this from  
17 third parties?

18 A Yes, sir.

19 Q Other people -- other than Mr. Hill, Mr. Reid, or Mr.  
20 Hurley?

21 A Yes, sir.

22 Q So, and again, you're hearing it from kids at school?

23 A Yes, sir.

24 Q I mean, do you get information from kids at school?

25 A Yes, sir. And you also get information, it seems like,

1 from social media posts?

2 A Yes, sir.

3 Q This gang intelligence report. Are you familiar with  
4 it? I thought I had a copy of it out here. The one with  
5 Mr. Reid and all the blackouts on it. It's like 10 pages.  
6 I'm sorry, here it is. It's like 10 pages. Were you trying  
7 to get this into evidence at trial?

8 MR. STUMBO: I don't know if he can answer on what  
9 exhibits we're putting in a trial. I mean that's our  
10 decision.

11 THE COURT: We'll cross that bridge -- assuming at the  
12 moment

13 MR. HENDERSON: Okay.

14 Q Let's talk about this document. It's 10 pages and we've  
15 got the rest of the day to go through this.

16 THE COURT: No, we don't.

17 MR. HENDERSON: Okay.

18 THE COURT: We certainly don't. You've got about five  
19 minutes to wrap up. We're talking about your client and  
20 your client alone, and not what may come into evidence at a  
21 later point in time or what might not. That's a matter for  
22 another day, so we do not have all day to go through that.  
23 Mr. Henderson, talk about your client and any possible gang  
24 affiliation.

25 Q Let's look at this gang intelligence report on Mr.

1     Reid. Have you got that document? I think so. I'm not  
2     sure which one you're showing me.

3     Q     The one -- I think the one you were looking at that you  
4     said you entered Mr. Reid in this on January 7, 2018.

5           MR. STUMBO: Judge, if I could look at it just to see if  
6     he could get a copy of it.

7           THE WITNESS: I have a copy of it. I just haven't  
8     looked at it.

9           MR. HENDERSON: Your Honor, what I'm going to ask the  
10    Detective about, let's go ahead and mark it as a Court's  
11    exhibit.

12           (Whereupon, Gang Intelligence marked as Court's Exhibit  
13    No. 8)

14    Q     Detective, are you looking at what's been marked as  
15    Court's Exhibit 7?

16    A     I have eight.

17           COURT REPORTER: It's eight.

18    Q     I'm sorry. It's eight. Looking up here on the upper  
19    left, you've got Eastside OB and Highway 10. I haven't  
20    heard any other references to Highway 10.

21    A     Yes, sir. I think we put Highway 10 there because  
22    whenever he was in high school, or something like that, we  
23    had information that there was a little gang on Highway 10  
24    or something like that, I believe.

25    Q     But that's not relevant to this at all? So, the word

1 Highway 10 doesn't need to be there?

2 A No, sir.

3 Q It also says -- it looks like, he's also known as YG.

4 Did he tell you that?

5 A No, sir.

6 Q How do you know that Mr. Reid is known as YG?

7 A Just in talking with people, social media.

8 Q What other people have told you?

9 A Yes, sir.

10 Q And what you have saying on social media

11 A On social media. Yes, sir.

12 Q Are you saying on social media that he calls himself

13 YG?

14 A I think he might've had his name on social media as YG  
15 for a little bit. Contraband YG, or something like that.

16 Q You think?

17 A Yes sir.

18 Q But do you know that was Mr. Reid's social media page?

19 A I thought it was.

20 Q You thought it was?

21 A Yes, sir.

22 Q I mean, have you done any other investigation to  
23 determine whether or not it was Mr. Reid's?

24 A Just posting videos of him on to social media page  
25 shows me that it was his social media page.

1 Q Okay, just because he posts something or something gets  
2 posted on Facebook or these other places, that means that  
3 the person who's being posted is the owner of the account?  
4 Am I hearing you right?

5 A Well, most of the time it is.

6 Q Okay, how do you know that? Who told you that?

7 A I mean, most people that have social media pages are  
8 putting their stuff on there.

9 Q Okay, it sounds like you're speculating somewhat?

10 A If you want to say that. Yes, sir.

11 Q I'm looking at the summary here where you said that  
12 he's got, you know, that you think he meets the criteria to  
13 be, is a member of the OB Contraband Gang, has several posts  
14 on possible public social media with other purported gang  
15 members.

16 A Yes, sir.

17 Q In and of itself, what does that show?

18 A What do you mean?

19 Q I mean in and of itself say that Mr. Reid is in a post  
20 on social media just with two other people. You've shown  
21 some photos. What does that mean?

22 A That they are hanging hang out together.

23 Q They know one another?

24 A Yes, sir.

25 Q What else does it mean? You don't have a clue do you?

1     A     It could be anything.

2     Q     And, again, you're criticizing him for frequenting the  
3     area of Osborne Avenue; correct?

4     A     I'm not criticizing him. That's just he frequents  
5     there.

6     Q     And nothing is wrong with that; is it?

7     A     No, sir.

8     Q     Gang members have been known to have problems with  
9     members of the South side?

10    A     Yes, sir.

11    Q     Okay, and again, that's based upon what somebody else  
12    has told you; correct?

13    A     Yes, and police reports.

14    Q     But again, police reports is based upon what somebody  
15    else told you; isn't it?

16    A     According to if the officer was involved in it, or if I  
17    was involved in it.

18    Q     Obviously, if you watch something happen and write a  
19    first-hand narrative, you've got first-hand knowledge;  
20    correct?

21    A     Yes, sir.

22    Q     But if you're reading somebody else's incident reported  
23    and you weren't there, that's based upon what somebody else  
24    told you; correct?

25    A     Yes, sir.



1 Q And it says, Narkevious Reid has been identified as an  
2 OB Gang member. Did I read that correctly?

3 A Yes, sir.

4 Q And again, Mr. Reid has never admitted to you that he's  
5 an OB Gang member?

6 A Not to me. No, sir.

7 Q Okay, and again, if anybody else has told you he's an  
8 OB Gang member, that's somebody else; correct?

9 A Yes, sir.

10 Q Okay. He has made several posts on social media  
11 claiming to be a Billy Blood. What is a Billy Blood?

12 A That's a set of Bloods.

13 Q Have you asked Mr. Reid if he is a Billy Blood?

14 A No, sir.

15 Q Do you have any evidence that Mr. Reid is a member of a  
16 Billy Blood?

17 A Social media posts.

18 Q Okay, other than social media posts?

19 A No, sir.

20 Q So, none of your informants have told you that?

21 A No, sir.

22 Q Nobody else in the community has told you that?

23 A Not me.

24 Q Right. We're interested in you today. Absolutely. And  
25 it says Narkevious Reid has several videos on YouTube under

1 the name Contraband YG?

2 A Yes, sir.

3 Q And you said you watched these videos?

4 A Some of them.

5 Q Do you know who created that YouTube channel or

6 Facebook channel?

7 A No, sir.

8 Q You don't have a clue do you?

9 A No.

10 Q And you're just saying that his videos are on this

11 channel?

12 A Yes.

13 Q And then it says "he displays" and all the rest of that

14 is blacked out. Do you see what I'm talking about?

15 A Yes, sir.

16 Q And again, you thought that was too sensitive for us to

17 know about?

18 A Firearms and narcotics and stuff.

19 Q Then you're blocking out the rest of that sentence.

20 Don't you think "he displays" should be blacked out too?

21 A I didn't block that out.

22 Q Okay, who blocked it out?

23 A I'm assuming the Solicitor did.

24 Q Were you there when it was blacked out?

25 A No, sir.

1 Q And the following criteria was met that he resides or  
2 frequents a gang area, and you said Osborne Avenue?

3 A (NON-VERBAL RESPONSE)

4 Q Is that a yes?

5 A Yes, sir.

6 Q He adopts the dress. And I think you admitted -- or  
7 clarified that was logos?

8 A (NON-VERBAL RESPONSE)

9 Q Is that a yes?

10 A Yes.

11 Q Hand signs?

12 A Yes, sir.

13 Q And you said Osborne or Contraband Gang Osborne Gang  
14 doesn't have any hand signs that you know of?

15 A It would be the Eastside hand side.

16 Q Okay, they don't have any of their own?

17 A Not that I know of.

18 Q And you said you just don't know if Mr. Reid has any  
19 tattoos?

20 A No, sir. I haven't checked him myself.

21 Q Identified by corroborated independent information. Is  
22 that people? You said that's ---

23 A People and ---

24 Q --- people ---

25 A --- watching social media posts.

1 Q Facebook? Okay, and self admission at time of arrest?

2 A Yes, sir.

3 Q When did Mr. Reid admit to you --

4 A -- all that's social media post. Not to me. He just  
5 says in general that he's a Contraband Gang member.

6 Q And also that Contraband is a rap group?

7 A Contraband Gang.

8 Q Right, it's a rap group too?

9 A And a gang.

10 Q And there are numerous incidents and reports that have  
11 taken place which have gone unreported?

12 A Yes, sir.

13 Q And again, that's speculation?

14 A Yes, sir.

15 MR. HENDERSON: I think that might do it, Your Honor.

16 THE COURT: Perfect timing. We'll take a lunch break  
17 and back in around an hour if we could. So, around 2:15,  
18 please, give or take. Make sure that nobody is walking off  
19 with any of our exhibits. I'll see y'all in about an hour.

20 (WHEREUPON, recess 1:16-2:21 p.m.)

21 THE COURT: We're back on the record. Mr. Grose, I  
22 think it's your turn.

23 RECROSS EXAMINATION

24 BY MR. GROSE:

25 Q I want to start out by looking at State's Exhibit 112

1 for identification. Is that one of the photographs you  
2 testified about earlier?

3 A Yes, sir.

4 Q And that's a photograph that you contend Chazz Hurley  
5 is in?

6 A Yes, sir. I didn't send this one, but it says here  
7 Chazz and Alston.

8 Q Okay, when I say Chazz Hurley is it Deshawn Chazz  
9 Hurley. Chazz is his middle name.

10 A Yes, sir.

11 Q You said you didn't send that. Do you know where that  
12 photograph came from?

13 A It looks like it came off of YouTube. Probably sent by  
14 Detective McClinton.

15 Q So, did you have anything to do that photograph?

16 A No, sir. And it has Chazz and Alston.

17 Q I think what you're referring to is it says Chazz and  
18 Alston together; right?

19 A Yes, sir.

20 Q And here's a red C-h-a-z-z pointing to a person?

21 A Yes, sir.

22 Q And then there's Alston with an arrow pointing to a  
23 person?

24 A Yes, sir.

25 Q You know who put those red marks on there?

1 A I believe that would have been Detective McClinton.

2 Q The one with the arrow pointing to Chazz, how do you  
3 know that's Chazz?

4 A It appears to be him, and Detective McClinton said it  
5 was him.

6 Q Looking at him in the courtroom, does it look like it's  
7 him?

8 A It could be.

9 Q It could be? But looking at him in the courtroom, is  
10 that him?

11 A I can't tell from the picture one hundred percent.

12 Q Okay, and you said but Detective McClinton says it's  
13 him?

14 A Yes, sir.

15 MR. HENDERSON: Your Honor, I think that might be  
16 Exhibit 111, or is it 112?

17 THE COURT: Mr. Grose said it was 112. Is it 112 or  
18 111?

19 MR. GROSE: Well, it does get confusing, because at one  
20 point they were going out of order, but that's what I was  
21 looking at and it does say 112.

22 Q I want to show you what's been marked as Court's  
23 Exhibit 4 earlier today. Is that the Southside Gang member  
24 list?

25 A Yes, sir. It is.

1 Q And all but two names are redacted on that; is that  
2 correct?

3 A Yes, sir.

4 Q The two names that are listed on that are Gabriel Goode  
5 and Justin Parks; is that right?

6 A Yes, sir.

7 MR. GROSE: Can we mark these as the next Court's  
8 exhibits in order?

9 Q I'm going to hand you what's been marked as Court's  
10 Exhibit number 9. Are you familiar with that?

11 A Yes, sir.

12 Q That's a gang intelligence report on Mr. Goode; is that  
13 correct?

14 A Yes, sir.

15 Q And you're the reporting officer on that?

16 A Yes, sir.

17 Q Now, we had one of these types of reports entered  
18 earlier today as a Court's Exhibit Number 8, and that was on  
19 Mr. Reid; is that correct?

20 A Yes, sir.

21 Q Okay, what I want to make sure that I'm clear on is  
22 what is the purpose of these reports?

23 A These reports just show the criteria that we use to put  
24 them in GangNET.

25 Q Well, now when you say the criteria that you use to put

1     them in GangNET, you mean the criteria specific to those  
2     individuals?

3     A     Yes, sir.

4     Q     So, specific to Mr. Reid on Number 8?

5     A     Yes, sir.

6     Q     And specific to Mr. Goode on Number 9?

7     A     Yes, sir.

8     Q     Those reports, if I understand correctly, means that  
9     they have been entered into GangNET?

10    A     Yes, sir.

11    Q     For every body that you entered into GangNET, is there  
12    one of those reports?

13    A     Yes, sir.

14    Q     I want to show you what's been marked as Courts Exhibit  
15    Number 10. Can you identify what that is?

16    A     That's another gang intelligence report for Justin  
17    Parks.

18    Q     For who?

19    A     Justin Parks.

20    Q     Now, you know, these reports have dates on them. And  
21    if you can look at the one for Mr. Reid, I believe that's  
22    Exhibit 8, Court's Exhibit 8?

23    A     Yes, sir.

24    Q     It has a date of January 7, 2018?

25    A     Yes sir. That's right.



1 Q And do I understand from your earlier testimony that  
2 that is the day that you entered him into GangNET?

3 A It would've been.

4 Q Would have been or is the date?

5 A It is.

6 Q Okay. And on the report for Justin Parks, I believe  
7 that's Exhibit number 10; is that right?

8 A Yes, sir.

9 Q It has a date of January 11, 2019; is that correct?

10 A Yes, sir.

11 Q Is that -- that would be the date that you entered Mr.  
12 Parks into GangNET?

13 A Yes, sir.

14 Q And then there's one that -- Exhibit Number 9 for Mr.  
15 Goode, and that has a date of April 24, 2019; is that right?

16 A Yes, sir.

17 Q And so April 24, 2019 is the day that you would have  
18 entered Mr. Goode into GangNET?

19 A Yes, sir.

20 Q Now, I don't have a report like that for Mr. Alston.

21 A Yes, sir. I don't have him in gang that.

22 Q Mr. Alston is not in GangNET?

23 A No sir. Oh, no sir. No sir.

24 Q He is GangNET?

25 A He's not in GangNET. No, sir.

1 Q All right. Mr. Alston is not in GangNET?

2 A No, sir.

3 Q All right. I don't have one of those reports for this  
4 gentleman over here, Mr. Hill.

5 A He should have one somewhere, Mr. Hill. Yes, sir, he  
6 has one.

7 Q Well, do you have it there with you?

8 A He does, but it's ---

9 Q No, no. Do you have it there with you?

10 A He's not in GangNET here, on this.

11 Q What do you mean on this?

12 A It has a date of 8/10/22. Just something I've been  
13 working on here recently.

14 Q What are you looking at? Can I see what you're looking  
15 at?

16 A Yeah, gang Intel report. Same as those other ones.

17 MR. GROSE: Let's mark this as the next Court's Exhibit  
18 in order.

19 MR. STUMBO: What is that?

20 MR. GROSE: I'm about to find out. Your witness brought  
21 it to court.

22 (WHEREUPON, incident report marked Court's Exhibit No.  
23 11.)

24 Q Would you agree with me that what's been now marked as  
25 Court's Exhibit Number 11 is a report on Mr. Hill?

1     A     Yes, sir.

2     Q     And, is Mr. Hill in GangNET?

3     A     This is the report that I have now. I don't know if I  
4     have him in there right now. There's some that I've been  
5     working on since we started bringing them up and I've been  
6     looking into.

7     Q     Okay, you're going to have to unpack that for me a  
8     little bit. My first question is, earlier you testified,  
9     for example on Court's Exhibit Number 8, that January 7,  
10    2018 was the date that Mr. Reid was entered into GangNET?

11    A     Yes, sir.

12    Q     And Exhibit 11, I think you still have that in front of  
13    you, has a date of the 10th. Is that last Wednesday?

14    A     Yes, sir. Probably so.

15    Q     Did you enter Mr. Hill in GangNET last Wednesday?

16    A     No, sir. I don't have access to my GangNET right now.  
17    I was getting criteria put together for them. I haven't  
18    done the GangNET stuff for the last year.

19    Q     What you mean you don't have access to GangNET right  
20    now.

21    A     My GangNET -- I can't get into it right now. Something  
22    happened at SLED where I can get into it.

23    Q     Well, what happened at SLED where you can get into it?

24    A     I haven't been active on it in a year, because I  
25    haven't been doing the gang stuff.

1 Q Well, I thought your testimony earlier was that you  
2 have been doing the gang stuff since 2018 or something like  
3 that.

4 A I have, until last year I was put on the ACE Team, the  
5 Active Community Enforcement Team, and when I didn't start  
6 doing the gang stuff anymore it was going to go to another  
7 officer here in Greenwood. Now they've put me back into the  
8 gang stuff, so I've got to get all my access stuff back on.

9 Q So, when was the last time you had access to GangNET?

10 A It would have been a year or so ago.

11 Q A year or so? More than a year?

12 A Probably about a year.

13 Q So, roughly about August of last year?

14 A Yes, sir. 19,20. I guess the last time I had one of  
15 these guys to put in.

16 Q And would your credentials for GangNET be activated  
17 because you've been assigned to the ACE Team?

18 A Yes, sir. Not deactivated. I never logged into it  
19 after a while, and after a while I guess for safety reasons  
20 it shuts you out of it, so I had to call down to SLED and  
21 all that to get in there.

22 Q So, it's not active yet?

23 A No, sir. Not that I know of. I haven't been over  
24 there to tell you.

25 Q Okay, well you haven't logged into GangNET in over a

1     year?

2     A     No, sir.

3     Q     So, from that it's safe to assume that you've not put  
4     Mr. Hill into GangNET?

5     A     No, sir.

6     Q     All right. And you said this is something that you  
7     started working on, I think you said, when all this came up;  
8     is that right?

9     A     A couple of weeks ago.

10    Q     Yes.

11    A     And before that, before this trial started they came to  
12    me wanting me to get back into the gang stuff, so I'm trying  
13    to get everything put back together.

14    Q     Well, let's unpack that. The "they" that came to you -  
15    --

16    A     My Chief and Major.

17    Q     Your Chief and Major wanted you to go back into doing  
18    the gangs?

19    A     Yes, sir.

20    Q     Who is the other officer that that has been assigned to  
21    for the last year?

22    A     Well, Sergeant Carterelli was working on it. I don't  
23    know if he ever went down to get his GangNET stuff, so I  
24    don't know if he wanted to do it anymore and they asked me  
25    to do it again.

1 Q So, for about a year nobody from the Greenwood Police  
2 Department has been entering anything into GangNET?

3 A Not that I know of.

4 Q So, specifically talking about Court's Exhibit Number  
5 11 on Mr. Hill, when you said "when that came up", you're  
6 talking about when your possible involvement in this trial  
7 came up?

8 A Yes, sir.

9 Q And that was when you were contacted by the Solicitor's  
10 Office?

11 A Yes, sir.

12 Q So, that was when you worked up a sheet to, maybe at  
13 some point ---

14 A Get the criteria and everything.

15 Q Okay. All right. I don't have one of these reports on  
16 Chazz Hurley.

17 A Yes, sir.

18 Q Is there one of these reports on Mr. Hurley?

19 A There's not one of these reports on Mr. Hurley. No,  
20 sir.

21 Q There's not? So, you haven't even worked up one since  
22 last Wednesday like you did for Mr. Hill?

23 A No, sir.

24 Q Okay. I'm going to show you what's been marked as  
25 Court's Exhibit Number 5. Do you remember testifying about

1     that earlier?

2     A     Yes, sir.

3     Q     And that lists Deshawn Chazz Hurley as a member of, is  
4     that Eastside? Is that the Eastside one?

5     A     OB Contraband.

6     Q     OB Contraband.

7     A     Yes, sir.

8     Q     And it has a date by it. That's just his birthday;  
9     right?

10    A     Yes, sir.

11    Q     Okay. When was this document, Court's Exhibit 5, first  
12    created?

13    A     That one, if I added him to it, would have been -- with  
14    him on there, since he's not in there yet, would have been  
15    last week sometime probably, when I was getting them all --  
16    all my stuff back together.

17    Q     Okay. And just ---

18    A     It's just a running document.

19    Q     And I get that, because on page two it says, "This list  
20    will be updated as members placed into GangNET."

21    A     Yes, sir.

22    Q     And it specifically says, "This list will be updated as  
23    members are placed into GangNET."

24    A     Yes, sir.

25    Q     And do you know when this running list started?

1     A     Probably whenever I started this back in 2017, 2018,  
2     when I started that list, I believe.

3     Q     Well, you -- it's got Mr. Reid at the top, and it's got  
4     four names that are marked out; right?

5     A     Yes, sir.

6     Q     And then it's got Mr. Parker?

7     A     Uh-huh.

8     Q     Is that a "yes"?

9     A     Yes, sir.

10    Q     It's got one, two, three, four, five, six, seven,  
11    eight, nine names that are marked out; is that right?

12    A     Yes, sir.

13    Q     And then it has Xayvion Hill; correct?

14    A     Yes, sir.

15    Q     Now, we just established that Mr. Hill is not in  
16    GangNET.

17    A     No, sir.

18    Q     So, Mr. Hill was added to this list even though he's  
19    not in GangNET?

20    A     He was added to that list so he could be added into  
21    GangNET.

22    Q     That's not what it says. It says this list will be  
23    updated as members are placed into GangNET.

24    A     Yes, sir. You're right.

25    Q     So, if I read this I would assume that they're in



1 GangNET, but Mr. Hill is not. We've established that.

2 A Yes, sir.

3 Q And so was his name added to this list last Wednesday?

4 A I guess so.

5 Q You guess so?

6 A Yes, sir.

7 Q Any other guess?

8 A No, sir.

9 Q Last Wednesday. Was that after the Solicitor's Office  
10 asked you to provide your gang intelligence for this trial?

11 A Yes, sir.

12 Q And it was in preparation for this trial; is that  
13 right?

14 A Yes.

15 Q Then after Mr. Hill there's two names that are marked  
16 out; is that right?

17 A Yes, sir.

18 Q I assume this is a running list that you just keep  
19 adding on to the bottom?

20 A Yes, sir.

21 Q So whoever these two names below Mr. Hill are on  
22 Court's Exhibit Number 5, is it fair to say that they're not  
23 in GangNET, because Mr. Hill is not in GangNET?

24 A I'm not sure who's names that might be. It just might  
25 have been an updated list.

1 Q Well, this says report by Matthew Blackwell.

2 A Yes, sir.

3 Q And you just said that you added Mr. Hill last  
4 Wednesday.

5 A Yes, sir.

6 Q And you don't remember who the two names that were  
7 added were? I assume they were added after Mr. Hill.

8 A I assume so. I can't remember. I really can't off the  
9 top of my head.

10 Q And then there's Mr. Alston?

11 A Yes, sir.

12 Q He's the one that appears right after those two that  
13 are blacked out; is that right?

14 A Yes, sir.

15 Q We know from your earlier testimony Mr. Alston is not  
16 in GangNET.

17 A Yes, sir.

18 Q We've already established that Mr. Hurley is not in  
19 GangNET.

20 A Yes, sir.

21 Q When was Mr. Hurley's name added to this? Was it last  
22 Wednesday?

23 A Probably last Wednesday.

24 Q Okay. And then there's three names that are blacked  
25 out underneath Mr. Hurley; is that right?

1     A     Yes, sir.

2     Q     I assume those were added after Mr. Hurley?

3     A     Yes, sir.

4     Q     Because this is a running list and you just add to the  
5     bottom?

6     A     Yes, sir.

7     Q     And I assume that those three names are not in GangNET?

8     A     Not right now, if I just added them last week. This  
9     list is my fault for having it worded the way it is. This  
10    list would be updated and those members are placed into  
11    GangNET. This is just a list that's been updated.

12    Q     I'm not accusing you of anything of fault, I'm just  
13    trying to get whether or not that list is what it says to  
14    be.

15    A     Yes, sir.

16    Q     Okay? Now, I want to show you Court's Exhibit Number  
17    7, and this is one that's on Greenwood Police Department  
18    stationary, and it's Eastside NMG Gang Member list. Is that  
19    right?

20    A     Yes, sir.

21    Q     And when was this list started?

22    A     This list, I think, was in a file that the other ones  
23    were in. I see that there should be OB Contraband Gang and  
24    there's also a thing there where it says "Southside". It  
25    was just some mistakes on my part where I put them on that

1 list there. That's not the running list that I use for the  
2 people in GangNET.

3 Q Well, then what is the purpose of Court's Exhibit  
4 Number 7?

5 A I'm not sure. It was just in my gang file and it  
6 shouldn't have been there, and they printed it out.

7 Q So, there's no testimony you can give about Court's  
8 Exhibit Number 7, from your personal knowledge?

9 A No, sir. This is a mistake on my behalf for putting  
10 Eastside NMG on it.

11 Q Well, I'm not sure that I understand that, because when  
12 you say that are you talking about Eastside NMG is a  
13 mistake?

14 A Yes, sir.

15 Q Or are you talking about -- I thought you said it was a  
16 mistake you put that on there, but I didn't think you  
17 prepared this document.

18 A I prepared this document. It was in my files. It was  
19 just a mistake on my behalf.

20 Q Okay, a mistake on your behalf that you put that?

21 A It should have been Osborne Contraband Gang.

22 Q I don't understand, because when I read it -- I mean,  
23 help me. Because Eastside and NMG are Eastside; right?

24 A Yes, sir.

25 Q And Contraband is Eastside; right?

1     A     Yes, sir.   Part of Eastside.

2     Q     And you prepared this document?

3     A     Uh-huh.

4     Q     Is that a "yes"?

5     A     Yes, sir.

6     Q     Would you read along with me that this report is to  
7     document gang members for Southside Gang in Greenwood, South  
8     Carolina?

9     A     Yes, sir.   That's what I said.   That's my fault I had  
10    that in there.   I should have changed everything to Osborne,  
11    OB.

12    Q     Well, but Osborne is Eastside.   But this says  
13    Southside?

14    A     Yes, sir.   I put that in wrong.

15    Q     You put a lot of things in wrong here; didn't you?

16    A     Yes, sir.

17    Q     When was this created?

18    A     I'm not sure.

19    Q     Was it last week?

20    A     It might not have been last week.   That probably would  
21    have been months ago.

22    Q     How many months ago?

23    A     I'm not sure.

24    Q     Since the incident in April 2020 in this case?

25    A     Yes, sir.   Probably so.   It could have been last week.

1 I just don't have a date on it.

2 Q Last week and the last several months are two different  
3 things.

4 A Yes, sir.

5 Q Because what I'm getting at, you know, is that all but  
6 five names are marked out on this.

7 A Yes, sir.

8 MR. STUMBO: Judge, if I could just -- same as I  
9 interjected earlier, and I don't mean to interrupt Mr.  
10 Grose, but I do believe that Mr. Blackwell needs his  
11 computer and his full files to be able to ascertain when  
12 these documents were created. He's kind of answering, I  
13 believe, kind of in a vacuum.

14 MR. GROSE: Give him his computer. I want to know the  
15 exact day these documents -- give him his computer. Mr.  
16 Henderson already asked for that.

17 Q It is your computer in the courtroom?

18 A No, sir.

19 Q Where is your computer?

20 A On my desk.

21 MR. GROSE: Your Honor, I move that he go get his  
22 computer. The solicitor wants it. Mr. Henderson wants it. I  
23 want it.

24 MR. STUMBO: Well, ultimately, Judge, I probably would  
25 have had him bring the computer. These are documents that

1     are court exhibits that we were not going to proffer for the  
2     purpose of putting in front of the jury.

3           MR. GROSE: I think this document was a document that  
4     was created for this trial. Just like exhibit number five.  
5     Court's Exhibit number five was manufactured to look like it  
6     was some intelligence report that existed, whereas two of  
7     the names, if not three of the names, were added on last  
8     week, last Wednesday.

9           MR. STUMBO: Judge, Elizabeth, Ms. Taylor just told me  
10    the email she sent the defense counsel was August 4, which  
11    was well before last Wednesday that had these documents.

12          MR. GROSE: Well, so that's not what -- that's not his  
13    testimony.

14          MR. STUMBO: Well, I know, and I believe he's been put  
15    at a disadvantage because he can't look at his computer.

16          MR. GROSE: And I'm trying to take away that  
17    disadvantage. Let him go get his computer.

18          THE COURT: I'm inclined to let him go do that. Let me  
19    let me ask you this, Solicitor, before I do that. Do you  
20    have any other additional witnesses that you're going to be  
21    calling concerning this issue?

22          MR. STUMBO: I didn't think we'd need Detective  
23    McClinton, Judge, but we probably do based on Detective  
24    Blackwell's testimony, because he obviously has worked on  
25    this with him, so I did not believe we needed him for

1 purposes of this hearing until today. But he is under  
2 subpoena. He is available.

3 THE COURT: All right. Well, I realized that Mr.  
4 Grose is still involved with his cross examination. I  
5 understand that you may want to ask some additional  
6 questions on redirect. I also understand that I've got a  
7 jury calling in here tonight at 06:00, and I've got to be  
8 concerned about getting this case tried in a timely and  
9 reasonable fashion. And this is not going to be a repeating  
10 of the Mall shooting case that goes on ad infinitum or some  
11 cases that are tried over in Lexington where people seem to  
12 feel like they've got all the time in the world.

13 I've looked at Johnson. I've looked at Price. The  
14 standard is high. You have to prove by clear and  
15 convincing evidence of the prior bad act. Okay, so first of  
16 all, this is not a preponderance of the evidence standard.  
17 This is clear and convincing evidence standard, which is  
18 pretty high. I'm sure Ms. Taylor has some wonderful  
19 arguments that I'm more than happy to hear at some future  
20 point in time. So, threshold question. Has the State  
21 sufficiently demonstrated that these individuals are,  
22 in fact, members of gangs of some kind? That's a really  
23 good question. I'm hearing from this witness that some of  
24 these people are not even in GangNET. I'm not hearing that  
25 any of them have tattoos that normally associate someone



1 with a gang. I'm hearing that the gangs, as we describe in  
2 Greenwood, are better described perhaps as loosely organized  
3 associations.

4 By the testimony of this witness, we're not talking  
5 Bloods and Crips with a hierarchy. Significantly, in both  
6 Johnson and Price, there was no dispute that either of those  
7 individuals were in gangs. They admitted as much. In  
8 Johnson, that particular gang was apparently a very well  
9 structured gang, a very well organized gang. And Johnson  
10 was the one that was at the top of that gang. So you've got  
11 that initial problem.

12 Clear and convincing evidence. Let's assume you clear  
13 that hurdle, Solicitor. You've then got the question of  
14 403. Well, you've got a question of, you know, relevancy,  
15 but let's just move on to 403, because maybe that's a  
16 simpler question. The judge in Johnson, Judge -- I believe  
17 it was Hill. I don't know.

18 MR. GROSE: Judge Hill wrote the opinion.

19 THE COURT: Okay, Judge Hill.

20 MR. STUMBO: It was Judge Seals that was the trial  
21 judge.

22 THE COURT: Seals tried it. Hill wrote the opinion.  
23 So Judge Hill states, "In so holding that it was admissible  
24 in this case, we cautioned that cases where prior bad act  
25 evidence of gang affiliation may be admitted to prove motive

1 or intent will be uncommon. These terms are not magic words  
2 whose mere incantation will open wide the courtroom doors to  
3 whatever evidence may be offered in their names." He goes  
4 on to explain, "Evidence of gang affiliation demands a  
5 careful kind of handling because of its power to distract  
6 the fact finder from its rational task of deciding the facts  
7 from an objective evidence, luring their attention to lurid,  
8 raising the risk that they will decide the case on an  
9 improper or subjective (and often an unduly emotional)  
10 basis. Mentions of gangs summons a stigma of lawlessness,  
11 and rule 403 requires exclusion of gang evidence if the  
12 prejudicial risk substantially outweighs the evidence's.  
13 probative value. Trial courts must be vigilant in limiting  
14 its scope to the essential."

15 So, we've got to determine if -- or I have to determine  
16 if this evidence is substantially outweighed by unfair  
17 prejudice. Solicitor, I think that to the extent you're  
18 wanting to perhaps argue that these people knew each other  
19 and hung around each other and were friends with each other,  
20 just as the way the kids in my neighborhood were friends  
21 when my kids were growing up, and that perhaps retaliation  
22 for the murder of one of their friends was the motive that  
23 ultimately led to Mr. Alston, who, of course, is somebody  
24 who was apparently also trying to kill Goode or Parks -- and  
25 that's not lost on me in the slightest. But to the extent

1     that retaliation is a motive, why pollute this case with a  
2     reference to gangs when the standard in both Johnson and  
3     Price is, A, extremely high, and B, in both of those  
4     cases, the court has cautioned, especially in Price the  
5     court went out of its way to say that most of what tagged  
6     Mr. Price as a gang member was hearsay. Didn't even deal  
7     with the confrontation clause issue. They just sort of  
8     passed over that and we haven't heard from that. I'm sure  
9     Mr. Grose or somebody's going to be bringing that up.

10           MR. GROSE: If we need to. Sounds like we might not.

11           MR. STUMBO: Judge, would you like to see the pictures?  
12     I know that's one thing I didn't pass up, but they've been  
13     sitting on the table. I don't know if that makes any  
14     difference to you, but we're not talking about hearsay.  
15     We're talking about pictures that they themselves put on  
16     public social media. I do think that makes a difference  
17     here.

18           THE COURT: And I appreciate ---

19           MR. STUMBO: That they themselves put this out there ---

20           THE COURT: And that might be fair game to show the  
21     relationship between these individuals and to establish that  
22     motive in this case was retaliation for the death of a  
23     friend of theirs. I'm not saying that I'm negating the  
24     possibility of you presenting that as motive. That sounds  
25     like what you're going with. And if you can present

1 competent evidence that these people were close, they were  
2 associated with one another, and ladies and gentlemen, the  
3 jury, the State's theory is that because of the death of  
4 this gentleman, that's why a hit or a lick was ordered or  
5 desired on Goode and Parks. That's fine. Throwing gangs out  
6 there jeopardizes any possible conviction that you have in  
7 a number of significant perspectives.

8 MR. STUMBO: Judge, just as a pushback on that  
9 slightly, and I understand the Court's position, Parks and  
10 Goode were not ever accused of or convicted of killing,  
11 themselves, this Jakevius Parker kid. Okay? There was no  
12 evidence in any of the investigation that the city conducted  
13 that those two individuals were connected in any way  
14 directly with that at all. And I'll say, directly, even  
15 indirectly, we didn't have any evidence that those two guys,  
16 say, ordered the killing of Jakevius.

17 What we do have is a connection between the BowLane  
18 members. And quite honestly, Judge, I think in the vacuum  
19 of any reference to these gangs, this case will make no  
20 sense to the jury because there's no proof that Parks and  
21 Goode killed Jakevius Parker, but they were Southside gang  
22 members. So, if it was a tit for tat gang retaliation,  
23 that's the only way there's a motive that makes sense to the  
24 jury. And, Judge, quite frankly, I don't think that -- it  
25 would be extraordinarily difficult for them to wrap their

1 minds around why this happened and what connected these  
2 three individuals. I say three, four individuals, including  
3 the one that's dead, Mr. Alston, outside of this Contraband  
4 versus BowlLane. There's no way for them to understand why  
5 this happened. And it just puts, I think, the burden to the  
6 point where, yes, if it's just a matter, well, they're  
7 friends and they were getting back for their friend.  
8 There's no evidence that Parks and Goode killed their  
9 friend.

10 THE COURT: What I'm concerned with is, okay, first  
11 we've got the qualification as an expert. I feel like he  
12 does have sufficient expertise to testify intelligently  
13 about gang dynamics and things like that in this particular  
14 area. All right. I don't have a problem with him being  
15 qualified as an expert in that realm. The problem with us,  
16 of course, us qualifying him as an expert in that realm is  
17 then that we're now lending the imprimature of an expert  
18 onto a social dynamic that, from what I've heard testified  
19 to so far, it doesn't take you much to get listed onto a  
20 gang database in this town. You live in the same area, and  
21 you hang around with the same people that are in gangs. I'm  
22 not hearing again that any of these people -- there were  
23 pictures up there of tattoos. I'm not hearing any of  
24 these three individuals have tattoos.

25 MR. STUMBO: I was going to deal with that on redirect,

1 Judge. One of them does.

2 THE COURT: Okay. And then I'm hearing that several of  
3 them have not even been entered into the database. I'll let  
4 you do redirect. I'll let you get his computer, but I want  
5 to move this thing along ---

6 MR. STUMBO: I know.

7 THE COURT: --- folks, and we still have the Castle  
8 Doctrine and the jury calling at 6:00.

9 MR. GROSE: Judge, if I can just add one other thing.  
10 In the Johnson case, you had testimony from members of  
11 the gang about the gang hit being a motive.

12 THE COURT: Right.

13 MR. GROSE: And I don't think we have any of that here.  
14 I think that for them to just speculate that because  
15 all these people had associations with each other and made  
16 that and argue that as a motive is getting way past what was  
17 authorized in the Johnson case. We may be getting a little  
18 further down the road, but that's eventually where the  
19 journey is going to take us. As far as the admissibility of  
20 some of this and whatnot.

21 MR. STUMBO: And Judge, I would say that State's 117 is  
22 the social media post that's attributed to Mr. Hill in this  
23 case that says we're going to go broad daylight some ops  
24 Again, I'm paraphrasing that. I don't have 117 in front of  
25 me. Shortly before this happened, enough to the extent that

1     these guys put out a BOLO, say there may be a retaliation  
2     and sure enough there was.

3           THE COURT: And subject to authentication or something  
4     along those lines, State's 117 may very well be admissible  
5     to demonstrate that perhaps he was the leader or he was  
6     involved with this in one way, shape, or form. I'm dealing  
7     with the limited issue of gangs, and again, it does not  
8     sound like it takes much to get you on the list. I'm kind  
9     of curious how you get off. I mean, is this like a Hotel  
10    California thing or once you're on the list, do you stay on  
11    the list?

12          MR. STUMBO: Well, the only reason I brought that up,  
13    Judge, was the probative value. Because of that post makes  
14    it much higher than us just saying well look, these guys are  
15    all Contraband. They were mad because their guy got killed  
16    and they were looking for revenge. It's more than that.  
17    We have a specific post that's making reference to --

18          THE COURT: Gang members are commonly thought of as  
19    being violent individuals. The rules exists, 404 exists to  
20    prevent propensity evidence from coming into evidence  
21    absent, first, clear and convincing proof that the bad act  
22    in fact occurred. We don't have a conviction here, so  
23    you've got to prove by clear and convincing evidence. And  
24    then secondly, it has to substantially outweigh the danger  
25    of that very propensity evidence. And so that is what the

1 court is very suspect about.

2 Again, if you want to start counting the number of  
3 times he's been found to be -- that this witness is found to  
4 be an expert, I'm finding him to be an expert. Whether this  
5 testimony is reliable, whether you vet it by clear and  
6 convincing evidence, if you want to get his computer, and if  
7 you feel like that computer will magically answer these  
8 questions and your redirect will then change my mind and  
9 that's fine. But I'm giving you the benefit of where I am  
10 right now going forward. And I guess we'll take a break.

11 MR. STUMBO: And Judge, just very briefly.

12 THE COURT: Sure.

13 MR. STUMBO: Taking a deep dive into all of the gang  
14 files and their references to each one of these individuals  
15 will include at least 20 incident reports related to Mr.  
16 Reid, at least nine reports that I could count that these  
17 guys had access to and looked at last week as to Mr. Hill.  
18 So we can go through each of those reports one at a time and  
19 have Mr. Blackwell answer why is this important.  
20 Again, Judge, because of the Johnson case limits the highly  
21 prejudicial material, obviously the State, we're trying to  
22 stay away from all that ultimately. The pictures of them  
23 associating with each other, flashing gang signs. We're  
24 trying to keep out the pictures of them showing guns when we  
25 can, Judge. Again, and we're not trying to paint the



1 targets, the alleged victims of this case as some kind of  
2 heroes. I mean, they're Southside members.

3 THE COURT: And so far as I'm concerned, the rights as  
4 to the victims in this case, quote unquote victims, who were  
5 sitting on their porch, is of no concern of the court. If  
6 you want to characterize them as gang members, for all I  
7 care, I don't care. I'm only concerned with how the case in  
8 front of me is going to progress. Again, clear and  
9 convincing evidence. I'm hearing he hadn't touched it for a  
10 year. Mr. Grose has made a fine point that the database  
11 hasn't been updated. Names weren't on there and entered  
12 until recently. I mean we're retroactively making these  
13 people gang members. I mean...

14 MR. STUMBO: And there again, I haven't had an  
15 opportunity on redirect to ask the witness those questions  
16 as to what he's been doing on the ACE Team.  
17 He got diverted into another role. He's recently, before we  
18 even started prepping this trial, he testified that the  
19 chief had asked him to get back on the gang stuff.  
20 So there again, there's probably some reasons for that that  
21 I can go into on redirect that I'm not able to.

22 THE COURT: You're certainly going to be welcome to  
23 and he can go get his computer. We'll take a break for  
24 about ten minutes and just understand, Solicitor, this is  
25 coming off of your watch. I'm wanting the defense to be

1     able to start presenting their case sometime Thursday  
2     afternoon. So, if you're going to trim your witness list or  
3     be able to move more expeditiously, then that's perfectly  
4     fine. But we've still got a Castle thing to deal with this  
5     evening and I don't know what other evidentiary matters we  
6     have and I want to pick a jury tomorrow morning. We're  
7     going to have a hard time doing that and so that's where we  
8     are.

9           MR. STUMBO: I do understand that, Judge. I'm trying  
10    to do my job and do it as efficiently as I possibly can.  
11    And I haven't asked a question of this witness since, I  
12    believe, 11:30. So, if it's coming off my time, it's not  
13    because I'm asking him questions.

14           MR. GROSE: Judge, I just would defer the rest of my  
15    cross examination to see what they put up so that I don't  
16    have to plow the same territory more than once.

17           THE COURT: Very good. If you want to go get your  
18    computer, you can go get your computer. If the solicitor  
19    feels like that's something that would be beneficial, that's  
20    fine. But again, clear and convincing and substantially  
21    outweighed, unfair prejudice, too pretty high burdens to  
22    meet. We'll be at ease.

23           (WHEREUPON, recess 3:03 p.m.-3:26 p.m.)

24           THE COURT: Solicitor, are you ready?

25           MR. STUMBO: Yes, sir. I'll try to take them in turn.

Blackwell-Redirect (in camera)

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1 My first questions will be in relation to redirect on Mr.  
2 Tinsley's questioning in Mr. Hill's case.

3 REDIRECT EXAMINATION

4 BY MR. STUMBO:

5 Q Detective Blackwell, we have established, I guess,  
6 through your testimony that there are a variety of methods  
7 by which you document a gang member; correct?

8 A Yes, sir.

9 Q Okay. One of those might be incident reports related  
10 to that individual being arrested with somebody else  
11 that you've identified as a gang member?

12 A Yes, sir.

13 Q Some of those may be incidents where they're not  
14 arrested, but there is an incident report where they're  
15 associated with other people that are gang members; correct?

16 A Yes, sir.

17 Q All right, I'm going to hand you two incident reports.  
18 That would be Court's 12 and 13. As to Mr. Hill, who we are  
19 going to be discussing right now. We'll get the stickers on  
20 them in a second. We'll start with 12. That's an incident  
21 report from the police department?

22 A Yes, sir, it is.

23 Q Okay. What's the date on it?

24 A The date is 2/12/20.

25 Q Okay. Who wrote the report?

1     A     Wesley McClinton.

2     Q     Okay.  He's one of your colleagues at the Police  
3     department; correct?

4     A     Yes, sir.

5     Q     Now, was Mr. Hill named in that report?

6     A     Yes, sir.  This is an incident that happened on  
7     February 12, 2020 where Olivia Pettis, Ms. Buhar, Bernard  
8     Sanders, Xayvion Hill and Jacobi Elmore were pulled over and  
9     a traffic stop was conducted by the Crime Suppression Unit.  
10    They detected an odor of marijuana and searched the vehicle,  
11    and there was marijuana and there was a firearm located  
12    underneath the driver's side of the vehicle.

13    Q     Okay.  Ultimately, was Xayvion Hill arrested in this  
14    incident?

15    A     No, sir.

16    Q     Okay.  Other individuals in the car?

17    A     The female driver in the car, I believe, claimed  
18    everything was hers.

19    Q     Okay, but you put this report in your files related to  
20    Xayvion Hill?

21    A     Yes, sir.  Just to show who he associated with.

22    Q     And the people here that he's associating with are  
23    Eastside folks?

24    A     Yes, sir.

25           MR. TINSLEY: Judge, I'm just going to put on the record

1 an objection. Riding in a car where somebody else is  
2 found with illegal drugs is not against the law.

3 THE COURT: I tend to agree with you. Your point is  
4 well made. I don't know that that is an objection, but that  
5 is something that is not lost on me. Do not feel a need to  
6 inquire of that on recross.

7 MR. TINSLEY: Thank you, Judge.

8 MR. STUMBO: This is basically, essentially recross and  
9 redirecting, Judge. Just for -- not purposes of necessarily  
10 entering this into the record in our case in chief, we do  
11 believe it's important for context, Judge.

12 Q State's 13. When was that incident report written?

13 A September 12, 2019. This was made by Lieutenant Bailey  
14 Thompson. It was a case of possession with intent to  
15 distribute marijuana, failure to stop for blue light, and  
16 littering.

17 Q I'm going to refer you, just for the sake of time, to  
18 refresh, the supplemental by Officer Sanders. Take a look  
19 at that. You've been able to review that?

20 A Yes.

21 Q Mr. Xayvion Hill arrested in that incident?

22 A He was arrested in this incident. It was a vehicle  
23 chase. Mr. Hill was arrested after a vehicle chase with  
24 DaQuan Hill, Xayvion Hill, and Jadavis Holloway.

25 Q Okay. Daiquon Hill, is he someone else here?

1     A     Yes, sir. He's also a gang member.

2     Q     He's associated with the Contraband?

3     A     Yes, sir.

4     Q     Okay. And you put that report in your files?

5     A     Gang files. Yes, sir. He was arrested with a gang  
6     member. Yes, sir.

7     Q     Okay. Are there are any other reports? I mean, we're  
8     not going to go through them line by line.

9     A     Yes, sir. We have -- I have several different reports  
10    in the gang file from 2018 to, like, 2020.

11    Q     Okay. And ultimately, those reports you put in your  
12    gang files is to establish their associations with members  
13    of the same gang?

14    A     Yes, sir and to meet criteria that he was arrested with  
15    other members.

16    Q     Okay. You have multiple reports ---

17    A     Yes, sir.

18    Q     --- related to Xayvion Hill? These two are examples of  
19    that?

20    A     Yes, sir. There's also a report in here where he was  
21    arrested for fighting with Southside members, maybe at  
22    school, when he was in high school.

23    Q     Okay. As to Narkevious Reid, do you have his file?

24    How many incident reports do you have attached to your files  
25    related to incident reports involving Narkevious Reid?

1     A     From 2015 to 2018 I have about 15 reports here in his  
2     file.

3     Q     Okay, and you put those in your file for Mr. Reid for  
4     what reason?

5     A     Just to show that he was - when he was arrested with  
6     gang members or he was associating with the gang members.

7           THE COURT: Do all of those reports reflect that he was  
8     arrested with gang members?

9           THE WITNESS: Not all of them. Some of them just show  
10    that he was with them when there was a traffic stop  
11    happening. Some were fighting. Just as a suspect in some.  
12    Just different things that we have on our record I put in  
13    the file.

14    Q     So, some of the reports resulted in his arrest. Some  
15    of the reports he was not arrested.

16    A     Yes, sir. I believe I have one arrested with other  
17    members, two arrested in gang area with other members.  
18    Arrested with gang members in three, four, five.

19    Q     Okay, five of the 15 you just cited were labeled as  
20    ones where he got arrested?

21    A     Yes, sir.

22    Q     Okay. All right.

23           MR. STUMBO: Judge, if I could get Tara to mark these.  
24    These would be 14 and 15.

25    (WHEREUPON, Court's 14 and 15 marked for identification.)

Blackwell-Redirect (in camera)

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1 Q You've talked about these social media posts. Along  
2 with these reports do you have other pictures and screen  
3 shots?

4 A Yes, sir. Give me a second and I can find when I took  
5 them off of social media.

6 Q I'm going to hand you what's been marked as Court's 14  
7 and 15 for purposes of this hearing.

8 MR. GROSE: Court's what?

9 MR. STUMBO: 14 and 15.

10 MR. GROSE: Can I see that?

11 A Yes, sir. This photo here is him holding up the  
12 Eastside gang sign. On here I have photo was taken from  
13 Highklass YG social media on 9/26/2018.

14 Q So, that was the one where he's sitting there. What  
15 does he have on the shirt?

16 A Contraband Gang, holding up the Eastside hand sign and  
17 he has Contraband Gang on his shirt.

18 MR. HENDERSON: And could I clarify, that's when you  
19 downloaded it from the internet was 9/26/18?

20 THE WITNESS: Yes, sir.

21 Q When Mr. Henderson says "downloaded", you took a  
22 screenshot, so it's a picture basically of the screen?

23 A I saved the image from his social media to this file. Q

24 Q And put it in your files for that person?

25 A Yes, sir.



Blackwell-Redirect (in camera)

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1 Q Narkevious Reid.

2 A Yes, sir. Same thing here with the tattoo of  
3 Contraband Gang. You can't see his face.

4 Q Where did that come from? Where did State's 15 ---

5 A Off his social media page.

6 Q Okay, you said "his". Who's?

7 A Narkevious Reid.

8 Q Okay. Do you have a date on that?

9 A 9/26/2018.

10 Q On 9/26/18 you had both of these ---

11 A Yes.

12 Q That you screen shot'ed and put in the file?

13 A Yes, sir.

14 Q 2015, that's a tattoo of ---

15 A Contraband Gang.

16 Q That's from Highklass YG -

17 A Yes, sir.

18 Q --- who you've identified as Narkevious Reid's, okay?

19 COURT REPORTER: Please let him finish his questions  
20 before you answer.

21 Q So, ultimately Detective Blackwell, you had some  
22 questions from Mr. Henderson saying that you're just basing  
23 all this stuff off what people told you, ---

24 A Yes, sir.

25 Q --- but these pictures came off sites that you had --

Blackwell-Redirect (in camera)

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1     were publicly accessible that you would identify with the  
2     defendants themselves?

3     A     Yes, sir.

4     Q     Okay, and those would be these would be -- these were  
5     particularly as to Defendant Narkevious Reid?

6     A     Yes, sir.

7     Q     And these incident reports were two traffic stops that  
8     included Xayvion Hill; correct?

9     A     Yes, sir.

10    Q     So, it was officers that pulled him over with other  
11    people in the car that were associated with the gang?

12    A     Yes, sir.

13    Q     Okay. All right, just briefly and we'll be done,  
14    Detective Blackwell. I believe it was State's 11 -- excuse  
15    me, Court's 11. Just to show it to you again. This is a  
16    document that you identified earlier on cross with Mr.  
17    Grose as something that you had started working on as to  
18    Xayvion Hill?

19    A     Yes, sir.

20    Q     Okay, and when did you work on that?

21    A     That would have been on August the 10th.

22    Q     Okay, now that is a document that you just brought with  
23    you today; correct?

24    A     Yes, sir. I had it in there. I didn't realize that I  
25    -- I just had it in there so I could read up on -- work on

1 my gang files whenever I started getting back to it.

2 Q Okay, and in light of that, just to try to clarify  
3 this, the chief puts you on a separate mission over the last  
4 year; correct?

5 A Yes, sir.

6 Q What is the ACE Team?

7 A ACE is the Active Community Engagement team. I was put  
8 on that and taken out of the detective's office for a little  
9 bit. My hope was to get into the schools and try to start  
10 speaking with the youth and working with the community to  
11 prevent some of them from wanting to join these neighborhood  
12 gangs. But it didn't last long time because of our  
13 manpower. They needed somebody back into the detectives  
14 office. So I was put back into the detectives office and  
15 worked a full caseload since about last November. And we've  
16 had several shootings over the past month, and they wanted  
17 me to see if I would go back to doing the gang  
18 investigation, and I'm trying to get back into it now.

19 Q So you not putting updated GangNET files was not  
20 necessarily because you didn't know about this stuff going  
21 on. You've been an investigations; right?

22 A Yes, sir. I just didn't know -- I didn't have it --  
23 There was supposed to be another guy doing it or working to  
24 start doing it, and that kind of fell through, so they asked  
25 me to start it back up so somebody was actually doing it.

1 Q Okay. And the GangNET login at SLED, if you don't use  
2 it for so long ---

3 A Yes, sir.

4 Q --- the password expires?

5 A For safety it expires the password. And they did  
6 something new, I believe, where I can't get into the SLED  
7 names, so I had to call down there and get my password  
8 changed and all that, and I'm still waiting on them to send  
9 it to me.

10 Q Okay, but this State's or Court's 11 that related to  
11 Xayvion Hill, you haven't been able to put that in GangNET?

12 A No, sir.

13 Q You intend to?

14 A I intend to.

15 Q And that's a document that you just brought today ---

16 A I had it and it just got shuffled around in the other  
17 papers.

18 Q That didn't get transferred to us to share with the  
19 defense attorneys ---

20 A No, sir. There was nothing that I intended. And I  
21 apologize.

22 Q Specifically as to Deshawn Chazz Hurley, Mr. Grose's he  
23 is documented -- he is not documented yet in GangNET;  
24 correct?

25 A No, sir.

Blackwell-Redirect (in camera)

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1 Q Okay. Why is that?

2 A I just -- I haven't had time to work on his file or get  
3 him into GangNET yet. Like I said, it's something I haven't  
4 done. And back then, I wouldn't have had the criteria. Just  
5 somebody that just didn't come up on my list. I'm the only  
6 one working for the city and the county, and sometimes  
7 people just slip by me.

8 Q Would the incident reports in this case, even though  
9 they haven't resulted in a conviction yet, obviously.  
10 But would they be put into your gang files?

11 A Yes, sir.

12 Q Okay, so there has been an arrest made with other  
13 people that you have documented as Contraband Gang members;  
14 correct?

15 A Yes, sir.

16 Q All right, so that's one of the two criteria that you  
17 need; correct?

18 A Yes, sir.

19 Q Another criteria would be other information. Included  
20 in your other information criteria does that includes social  
21 media?

22 A Social media and other information other than  
23 information made in police reports. Yes, sir.

24 Q Okay. And your intention would be when you're able to  
25 regain your access to GangNET, that Chazz Hurley would be

1 entered?

2 A Yes, sir. If I find that he -- if I go through all  
3 this criteria and he makes it. Yes, sir.

4 Q Okay, well, you say go through all this criteria. I  
5 mean ---

6 A I have to make sure he fits the criteria before I put  
7 him in there. Like I said, reports, I have one thing of  
8 criteria now, but we have to have two.

9 Q The social media ---

10 A The social media ---

11 Q --- would that be a second?

12 A -- that would that be another. Yes, sir. As long as  
13 it's up to date.

14 Q For example, the stuff, I think it's State's 125, 126,  
15 and 127, that has -- that you've identified as Deshawn Chazz  
16 Hurley. This is State's 127 I'm showing you.

17 A Yes, sir.

18 Q Do those three ---

19 A Yes, sir. He's holding the Eastside hand sign up and  
20 hanging out with gang members that's in all these documents,  
21 so that would be ---

22 Q How many criteria would you -- would that credit Chazz

23 Hurley, in your analysis, for the GangNET admission?

24 A One.

1 MR. GROSE: I'm sorry. I couldn't hear that.

2 Q So these three pictures would count for one, correct?

3 A Yes, sir. Just because those of him with gang members  
4 hanging out, that would fulfill my associates with gang  
5 members.

6 MR. GROSE: And just for the record, Solicitor, would  
7 you agree that those exhibits 125, 126, and 127 were  
8 produced to us for the first time this morning?

9 MR. STUMBO: That's correct. I saw them for the first  
10 time this morning and provided copies of them.

11 Q So your testimony today, Detective Blackwell, is that  
12 Deshawn Chazz Hurley qualifies as a documented member,  
13 you just haven't been able to document it yet?

14 A Yes, sir.

15 Q Now, just as far as dates, the dates that you've  
16 modified that you worked on the documents for Contraband.  
17 We'll go with that one first. I believe that is Court's  
18 number five. That's a redacted copy of it. Do you have  
19 that in your files?

20 A Yes, sir. It's in my file. Created around 6/1/2020.  
21 This actual list, and I modified it within last week, I  
22 guess, as I'm starting to work on people.

23 Q Okay, you opened the file?

24 A Yes, sir.

25 Q It was created 6/1/2020?

1     A     Yes, sir.

2     Q     Can you say when you put these guys on here  
3     definitively to the list?

4     A     6/1/2020. Then add to it. Just added to that when I  
5     started working.

6     Q     You said in your prior testimony that last Wednesday --  
7     Mr. Grose's question was Deshawn Chazz Hurley was put on  
8     there last Wednesday?

9     A     I'm not one hundred percent positive it was last  
10    Wednesday.

11    Q     Did I ask you to put -- add ---

12    A     No, sir.

13    Q     --- one of these guys to that list?

14    A     No, sir.

15    Q     Okay.

16    A     It would have been -- I mean, it would have been  
17    probably before then when I start looking at them, I just  
18    don't know the exact date. It just stays modified. I  
19    worked on it 6/1/2020.

20    Q     Okay. That's when it was created.

21    A     Yes, sir.

22    Q     And that would have been two months after this  
23    incident?

24    A     Yes, sir.

25    Q     April of 2020?



1 A Yes, sir.

2 Q Okay. And at that point, Deshawn Chazz Hurley had been  
3 arrested and charged in this case.

4 A I believe so.

5 Q The Sheriff's Department had the case, not you;  
6 correct?

7 A Yes, sir.

8 Q But that report would be something --

9 A Yes, sir, because ---

10 Q -- that would be in your gang file?

11 A --- the reason why he never would have been put in  
12 GangNET after that if I put him on there at that time is  
13 because I was out of the gang position so I ...

14 MR. HENDERSON: I didn't hear those last few words.  
15 He kind of trailed off. It sounded like I was out of the  
16 gang position ---

17 THE WITNESS: Yes, sir.

18 MR. HENDERSON: --- at the time of this shooting.

19 THE WITNESS: Well, afterwards. So if it would have  
20 been around 6/1/20, if I never put him into GangNET just  
21 because I wasn't working the gangs about a year or so after  
22 that, and they just wasn't put into GangNET.

23 Q So you put him on your list. You failed to ---

24 A Yes, sir.

25 Q --- put him in the SLED system.

1 A In GangNET. Yes, sir.

2 Q Okay, I got you. But your testimony today is you  
3 intend to do so when you regain your access ---

4 A Yes, sir.

5 Q --- to GangNET. One last thing and we're done. So  
6 you've already identified these pictures and social media  
7 posts and these --- State's 109 through State's 127. Those  
8 are documents that you were able to glean off the social  
9 media accounts?

10 A Yes, sir.

11 Q You did that publicly accessible?

12 A Yes, sir. The post was actually sent to me by Detective  
13 Kay, but then I sent the email about it back and said to  
14 make everybody aware of it.

15 Q Okay, you're talking about the BOLO?

16 A Yes, sir.

17 Q That's one of the Court's Exhibits, and also Court's 14  
18 and 15, both were publicly accessible?

19 A Yes, sir.

20 MR. STUMBO: That's all we have at this time, Your  
21 Honor.

22 THE COURT: Mr. Tinsley, briefly anything?

23 RECROSS EXAMINATION

24 BY MR. TINSLEY:

25 Q My client, Mr. Hill, was a juvenile at the time of

1     these incident reports that you were referring to?

2     A     I assume he was.  Yes, sir.

3     Q     Okay.  His birthday was [REDACTED], then ---

4     A     Yes, sir.  I think on one of them they contacted his  
5     mom and stuff about it.

6     Q     Okay.  And you mentioned a Daquan Hill.  Is he a named  
7     gang member in y'all's system?

8     A     I do have a file on him.  Yes, sir.

9     Q     Does that mean he's in the GangNET or no.

10    A     I haven't looked.

11    Q     DaQuan Hill is Xayvion Hill's brother, so there's  
12    nothing uncommon about hanging out with your brother?

13    A     No, sir.

14           MR. TINSLEY:  I don't have any further questions.

15           THE COURT:  Mr. Henderson?

16                         RE CROSS EXAMINATION

17    BY MR. HENDERSON:

18    Q     Very briefly.  Detective, I've heard a lot of this  
19    testimony.  It seems to be some moving parts, some moving  
20    dates.  Let's go back to the date of this incident why we're  
21    here.  April the eighth of 20.  You would agree that's  
22    the date of the incident that we're here about?

23    A     Yes, sir.

24    Q     On that particular date, if I'm not mistaken, and

Blackwell-Recross (in camera)

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1 correct me if I'm wrong, you had already determined that my  
2 client was a member of a gang?

3 A Yes, sir.

4 Q Okay. On that particular date, it's my understanding  
5 that you had not determined that Mr. Alston was a member of  
6 a gang.

7 A Yes, sir.

8 Q Okay. If I'm not mistaken, on that particular date,  
9 you had not determined that Mr. Hill was a member of a gang?

10 A No, sir.

11 Q Okay. And again, if I'm not mistaken, on that  
12 particular date that you had not determined that Mr. Hurley  
13 was a member of a gang?

14 A No, sir.

15 Q Okay, again. So one quarter of the people that you're  
16 alleging to be gang members, you've only determined at that  
17 point in time that one of them, in your mind's eye, was a  
18 member of a gang; Is that correct?

19 A Yes, sir.

20 Q And very briefly, I may have to bring this up to you,  
21 but I don't profess to be a YouTube expert at all. But over  
22 here looking at a video where these Osborne gang members,  
23 that you call them, these Contraband gang members and these  
24 South Side gang members are all in the same video, rapping  
25 together. Have you seen that?

1 A I've seen several of them, yes, sir.

2 Q Where they're rapping together?

3 A Yes, sir.

4 Q Okay. Again, it sounds like you're trying to shade all  
5 your testimony that the South Side are mortal enemies of the  
6 East Side and the Osborne Contraband gang.

7 A Yes, sir.

8 Q Okay, and yet you acknowledge there's video out here  
9 where they're all rapping together.

10 A They did have video or two, I think, together.

11 Q And I just showed you a photo earlier where there are  
12 photographs of them together.

13 A Yes, sir.

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

15 THE COURT: Mr. Grose?

16 RECROSS EXAMINATION

17 BY MR. GROSE:

18 Q I'm going to hand you photos 125, 126 and 127 State's  
19 marked for identification. Did you hear Solicitor Stumbo  
20 say that the first time he saw those was this morning?

21 A Yes, sir.

22 Q Were you the one who showed them to him?

23 A I sent him to Investigator Moore, I believe, and I  
24 think he might have shown them to him.

25 Q Investigator Moore in the Solicitor's Office?

- 1     A     Yes, sir.
- 2     Q     When did you send them to Investigator Moore?
- 3     A     I think maybe last week sometime.
- 4     Q     What day last week?
- 5     A     Maybe Friday.
- 6     Q     Can you check on your computer and tell us when you
- 7     sent them? Do you send them by email?
- 8     A     No, I think it was just text messages. And it would
- 9     have been Friday. It was Friday.
- 10    Q     It was Friday?
- 11    A     Yes, sir.
- 12    Q     You can check your text messages.
- 13    A     It was Friday.
- 14    Q     Okay. All right. When did you come into possession of
- 15    those three exhibits?
- 16    A     Friday.
- 17    Q     And how did you come into possession of them?
- 18    A     Officer McClinton let me know what his social media
- 19    site was. He found his social media site, Money Making
- 20    Mitch.
- 21    Q     And when do you understand that -- you said Officer
- 22    McClinton?
- 23    A     Yes, sir.
- 24    Q     When did Mr. McClinton discover that site?

- 1 A I'm assuming Friday.
- 2 Q Okay. Did you go to that site?
- 3 A Yes, sir.
- 4 Q All right. So I'm assuming you downloaded those
- 5 pictures on Friday?
- 6 A Yes, sir. There were screenshots and photos of them.
- 7 Q Do you know what day those pictures were created?
- 8 A It says July 15, 2019 on this one.
- 9 Q But which one is this one?
- 10 A 125. And June the 16th, 2018 on 127.
- 11 Q What about 126?
- 12 A 126 doesn't have a date on it.
- 13 Q And the Solicitors ask you a hundred times if he's
- 14 asked you once, that all of these photographs, not just
- 15 those three, but the others, are on publicly accessible
- 16 social media?
- 17 A Yes, sir.
- 18 Q All right. As a detective of the Greenwood Police
- 19 Department and somebody who investigates gangs, are you
- 20 familiar with procedures to subpoena documents from
- 21 Facebook, YouTube and other social media sources?
- 22 A Yes, sir.
- 23 Q Has that been done in this case?
- 24 A No, sir.
- 25 Q Has anybody from the Sheriff's Department, like

1 Detective Murdoch, asked you to do that?

2 A No, sir.

3 Q I saw Sheriff Kelly here earlier today. Has he asked  
4 you to do that?

5 A No, sir.

6 Q Has Solicitor Stumbo asked you to do that?

7 A No, sir.

8 Q Has anybody from the Solicitor's Office asked you to do  
9 that?

10 A No, sir.

11 Q Okay. Earlier, Ms. Taylor said that some of these  
12 documents were emailed to us on August 4. Is that right?

13 A Yes, sir.

14 Q Okay. Yet you had testified earlier that some of these  
15 names were added after August 4, is that right?

16 A Yes, sir.

17 Q Specifically on Court's Exhibit 5, we were talking  
18 about Mr. Hill, correct?

19 A Yes, sir.

20 Q I believe you testified that Court's Exhibit 5 you  
21 started working on in June of 2020.

22 A The beginning of it is when it was made.

23 Q All right. Do you have or does your computer system  
24 save the different versions of the document documents?

25 A No, sir.



1 Q Don't you think that would have been helpful?

2 A Yeah. Probably so.

3 Q Could have answered a lot of my questions here today,  
4 couldn't you?

5 A Yes, sir.

6 Q Sitting here today, can you tell us when Mr. Hill was  
7 added to Court's Exhibit number 5?

8 A No, sir.

9 Q Was it this year?

10 A It probably was this year. Yes, sir.

11 Q I don't want any probably. What do you remember?

12 A I don't know.

13 Q What do you remember? When do you remember?

14 A Right here I have Xayvion Hill on 8/10/22 when I was  
15 working on criteria, so it would have probably been 8/10/22.

16 Q Okay. So you're sticking to the 8/10/22?

17 A Yes, sir.

18 Q And then everybody else was added after that?

19 A Yes, sir. I just put in there.

20 MR. GROSE: Let's mark these as the next Court's exhibit  
21 in order. One document.

22 Q Other than the incident reports regarding Mr. Hurley  
23 for these allegations, do you have any other incident  
24 reports on your computer that you allege established that he  
25 was in a gang?

1     A     No, sir.

2     Q     I didn't think you did, because they didn't ask you  
3     about that.  When they showed me files last week, there  
4     wasn't a separate file for Mr. Hurley.

5     A     Yes, sir.

6     Q     You don't have a separate gang file for Mr. Hurley on  
7     your computer?

8     A     Not at this time.

9     Q     Not at this time.  And the first assessment that you  
10    did about putting Mr. Hurley into the GangNET was actually  
11    today while the Solicitor was leading you through some  
12    questions?

13    A     No, sir.  I was looking -- when he told me about this,  
14    we began -- I started looking at to get him put into  
15    GangNET.

16    Q     Well, I thought I understood you to testify earlier  
17    that you had to sit down and go through that criteria before  
18    you could do it.

19    A     Yes, sir.

20    Q     And then Mr. Stumbo walked you through that criteria  
21    today.

22    A     Yes, sir.

23    Q     And it sounded like until he walked you through that  
24    criteria, you hadn't made up your mind.

25    A     Not the exact criteria I was going to use.

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1 Q Okay, so you made up your mind without applying the  
2 criteria.

3 A No, I said I wasn't going to without doing the  
4 criteria.

5 Q And then Mr. Stumbo helped you for the purposes of your  
6 testimony here today. I want to show you what's been marked  
7 as Court's Exhibit Number 16, which is the witness list that  
8 the Solicitor's Office provided me today. And earlier this  
9 morning, if I remember right, Solicitor Stumbo asked you  
10 questions about your investigation to help determine  
11 motives, right?

12 A Yes, sir.

13 Q Okay. Now, are you going to offer any testimony in  
14 this trial as to what the motive was for the shooting in  
15 this case?

16 A No, sir.

17 Q Okay. Has anybody suggested to you what that motive  
18 is?

19 A No, sir.

20 Q You have no clue?

21 A Well, it was a retaliation for the murder of Mr.  
22 Parker.

23 Q Okay, and where do you understand that from?

24 A Well, the Facebook post.

25 Q Okay. And specifically you're talking about, I believe

1 Exhibit 117. Let's just make sure that that's right. This  
2 one.

3 A Yes, sir.

4 Q Is that a yes?

5 A Yes, sir.

6 Q Okay. On Court's Exhibit Number 19.

7 THE COURT: 16.

8 Q I'm sorry? 16. I was looking at it upside down in  
9 my mind, I guess. Court's exhibit number 16. Based on your  
10 role in the police department as a detective and as a gang  
11 investigator, is there anybody on that list that's going to  
12 be able to testify about the motive of being a gang  
13 retaliation?

14 A Yes, sir. I believe all the officers on here could be  
15 able to testify to that.

16 Q Can they testify to that from their personal knowledge?

17 A I can't say that or not.

18 Q Okay. Other than the officers, is there anybody who  
19 you think can testify to that?

20 A Yes, sir, probably some of the people that would have  
21 been involved in it that could, but I'm not sure.

22 Q Give me the name off that list that can testify about  
23 it being the motive from their personal knowledge?

24 A From their personal knowledge? I'm not sure. I can't  
25 talk for anybody.

Blackwell-Recross (in camera)

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1 Q So, as a gang investigator, there's not a single person  
2 on this list from their personal knowledge, who can testify  
3 about this --

4 A If you're referring to Justin Parks and Gabriel Goode,  
5 then maybe, but I'm not sure. I can't talk to them.

6 Q Other than those, anybody else?

7 A I'm not sure.

8 Q Why can't you talk to them?

9 A What do you mean?

10 Q You just said you couldn't talk to Mr. Goode and Mr.  
11 Parks.

12 A I can't say what they would say.

13 Q Okay, so you haven't interviewed them about that?

14 A No, sir.

15 Q Have you interviewed a single lay person? Not a police  
16 officer, a single lay person who has knowledge that this was  
17 a gang retaliation, the incident in the case we're here to  
18 try?

19 A No, sir.

20 Q Okay. On that list, is there a single lay witness who  
21 can testify about the organization or leadership of the  
22 South Side gang?

23 A There could be, but I don't know who they would know.

24 Q Who?

25 A The gang members from the South side.

1 Q And that would be Goode and Parks?

2 A Yes, sir.

3 Q Okay. How about on that list, the State's witness  
4 list, is there a single person who can testify about the  
5 leadership or the organization of the Eastside Gang?

6 A Some of the police officers might be able to.

7 Q As a lay witness?

8 A No, sir. I don't know off the top of my head right  
9 now.

10 Q But as a gang investigator, you don't recognize anybody  
11 on that list that could testify about the organization of  
12 any of the East side gangs? A lay witness,

13 A Yes, sir. I'm looking. Not on top of my head. No,  
14 sir.

15 MR. GROSE: Beg the court's indulgence for a moment. I  
16 do have one other question and then I'll end.

17 Q On State's Exhibit 117 for identification, there was a  
18 number of people who you testified liked that post.

19 A Yes, sir.

20 Q Was Chazz Hurley one of them?

21 A Not that I can see right here.

22 Q Is there anything ---

23 A Well, it says there's three more there. I didn't do  
24 the post.

25 Q Okay, well, who did?

1 A Detective Kay. Officer Kay. He sent me the post.

2 Q All right. You haven't gone to independently confirm  
3 who those other three people are?

4 A No, sir. I mean, I don't know right here off top of my  
5 head. No, sir.

6 Q But, of the people listed, Mr. Hurley is not one of  
7 them?

8 A No, sir.

9 MR. GROSE: That's all I have. Thank you, Your Honor.  
10 We don't have any more questions, but if I could supplement  
11 the record with just one more exhibit, Judge.

12 THE COURT: Sure.

13 MR. STUMBO: This would be Court's Exhibit Number 17.  
14 It's just a supplemental from Matthew Womack that was given  
15 on this case was given early on in discovery. There's a  
16 reference to Ms. Ayesha Jackson, who was Mr. Alston, who's  
17 deceased, his mother. This was from the beginning at the  
18 hospital. Investigator Womack, not Detective Blackwell,  
19 talked to her -- and he's subpoenaed. He's going to testify  
20 in the case in chief, but Ms. Jackson is as well. She's  
21 subpoenaed, going to testify in the case in chief. And she  
22 indicated Investigator Womack asked Jackson what information  
23 she could provide, and she stated, "It's this East Side,  
24 South Side bull going on," in quotes. And she later on  
25 said, in quotes, to Detective Womack with the Sheriff's

1 office, "He was with the wrong group of people." And then,  
2 Judge, the Defendant's mother, Xayvion Hill's mother, Ms.  
3 Turner, was asked -- talked to Detective Womack in this same  
4 report and again she talked about, you know, confirmed that  
5 Alston and Hill were there together. His nickname was Man-  
6 Man and that they hung out together. And that Hill's mother  
7 stated that he had no business being -- Mr. Hill that is,  
8 that he has had no business being over at those apartments.  
9 She also indicates in this report -- and it will just be  
10 here to supplement the record. That she stated that she  
11 believed it was in response to Investigator Womack, that it  
12 was gang related. So she indicated that. So in the initial  
13 reports that were -- supplementals that were handed over and  
14 discovery early on in this case, it was an indication from  
15 mothers of Mr. Hill and the deceased, Mr. Alston, that it  
16 was potentially gang related. And to the east side, south  
17 side conflict. That would be State's -- or excuse me,  
18 Court's 17.

19 And again, Judge, we would intend -- you've seen the  
20 witness list. Mr. Grose put it in as an exhibit. But we  
21 would intend to call Detective Womack in this case.  
22 Detective McClinton is another one who, as Detective  
23 Blackwell indicated, gave a great amount of assistance to  
24 him in doing research in this case as to the social media  
25 evidence and as to the motive in this case, Judge. But we



1 believe lay witnesses and law enforcement would indicate  
2 that. That's all from the State as to the proffer  
3 testimony, Judge.

4 MR. GROSE: We would ask that you not consider any of  
5 that unless they're going to proffer those witnesses for the  
6 purposes of this hearing.

7 THE COURT: Well, I don't know that the issue is  
8 necessarily whether this is gang related or not. The issue  
9 at hand is whether, assuming for the moment it is gang  
10 related, the State has sufficiently proven that the  
11 defendants in this case are members of those gangs. My  
12 notes reflect that it's clear that Hill was not entered into  
13 GangNET as a member at the time of the incident. That  
14 document was created on August 10 of this year, well over  
15 two years after this incident. Again, Hurly was never  
16 documented into GangNET. He would not have had the  
17 criteria, or he would not have met the criteria to put him  
18 on the list back on April 8, 2020. The witness that  
19 testified said that he's still not sure that Hurley needed  
20 that criteria, and was not sure when Hurley was added to the  
21 gang list, State's whatever it is. Reid, the best thing  
22 that y'all have on him is a tattoo that I hear matches a rap  
23 group or a music group. But Ms. Taylor, I'm trying to  
24 provide you the opportunity to give an argument that you've  
25 been preparing for over the weekend. So, let me hear from

1     you, please.

2           MS. TAYLOR: Thank you, Your Honor. Your Honor, I  
3     think the important thing to remember is this is a continuum  
4     of information that law enforcement is getting. It's not a  
5     snapshot on any given day. The social media accounts  
6     change. I believe Detective Blackwell testified they  
7     actually found Mr. Hurley's Friday. The names are never  
8     Deshawn Chazz Hurley on Facebook. It's Money Making Mitch.  
9     HighKlass YG for Narkevious Reid. 93 Drip for Xayvion Hill.  
10    So it takes some digging to find these accounts, and then it  
11    takes some digging to go farther into them and find these  
12    pictures.

13           Your Honor, their own admissions on Facebook establish  
14    by clear and convincing evidence that they're members of  
15    these gangs. They're on there, particularly Mr. Reid, is  
16    wearing shirts, has a tattoo, is making videos on YouTube,  
17    all affiliated with Contraband gang, which is, per Detective  
18    Blackwell's testimony, a neighborhood gang here in  
19    Greenwood. And Your Honor did, for the purposes of this  
20    hearing, decide that he was an expert. So that is a gang  
21    here in Greenwood that Mr. Reid is, by his own admission,  
22    publicly on Facebook associating himself with. Same thing  
23    with Xayvion Hill. He's in these pictures. They are -- I  
24    don't know if they were put into the record, but there are  
25    pictures with guns, with lots of money, again, all publicly

1 holding themselves out to be members of these gangs. And if  
2 that's not your own admission when you're on YouTube and on  
3 Facebook, I don't know what else is. And then when you  
4 combine that with law enforcement interviews of other people  
5 in these neighborhoods, the arrests, I forget what the  
6 numbers were, but they were high. The prior arrests. Your  
7 Honor, I think the State has met the burden of showing that  
8 they're members of these groups by clear and convincing  
9 evidence. And we also didn't really get into Mr. Parks and  
10 Mr. Goode, but it's really the same analysis for them as  
11 well.

12 And going to the why this is so important into this  
13 case. And I think you go back to the Johnson case, and a lot  
14 of the reasoning that applies there applies here as well.  
15 They cited to a case out of New Hampshire that said  
16 otherwise, we have a case of a seemingly inexplicable  
17 senseless killing. And that's what this jury would be  
18 hearing, Your Honor, is essentially four young men, for no  
19 apparent reason, got into a car and went to shoot two other  
20 young men who were just sitting on the steps. And that  
21 happens in a vacuum. And, Your Honor, I think that it is  
22 asking a lot to ask a jury to be able to make the leap of  
23 why would that happen? And the State is absolutely entitled  
24 to prove motive. That is the exception under 404, a classic  
25 exception. We are entitled to prove motive in this case.

1           Also, Your Honor, it goes to intent. Why these men  
2   were going to kill these other two men. And again, no  
3   testimony, no evidence whatsoever, that Parks and Goode were  
4   relating to the killing of Parker. So, to the average  
5   juror, why would these four guys jump in the car to go kill  
6   them? That doesn't make sense. That's a reasonable doubt  
7   right there. Without motive, without this evidence, there  
8   is reasonable doubt. Why would this go happen? This makes  
9   no sense.

10          So, Your Honor, it is extremely probative of motive.  
11   Identity, that these men hung out together. They were in  
12   the same gang together. It's very probative on the criminal  
13   conspiracy case. The way this case happened, they all kind  
14   of scattered after the fact. So, for the State to be able  
15   to prove the planning on the front end, the gang evidence is  
16   extremely probative of that. Again, as in the Johnson case.  
17   And, Your Honor, I think the line that I liked best out of  
18   the Johnson case is, you know, Rule 404 does not require the  
19   government to sanitize its case, to deflate its witnesses  
20   testimony, or to tell its story in a monotone. And that's  
21   that, without this gang evidence, that's what we will be  
22   doing for this jury. We will be telling the story in a  
23   monotone, in a vacuum. It won't make sense. And frankly,  
24   the State believes that it -- just the very inexplicable  
25   nature of the crime, absent that evidence, would create a

1 reasonable doubt and would substantially impair our ability  
2 to try this case, Judge.

3       How do you deal with Johnson's caution that's on page  
4 five of my Westlaw print out. "We caution that cases where  
5 prior bad act evidence of gang affiliation may be admitted,  
6 to prove motive and intent will be uncommon." And then it  
7 goes on to discuss 403 gang affiliation, careful handling,  
8 it's extremely prejudicial. And then how do you square the  
9 facts of both Johnson and Prince, where again, in Johnson  
10 you've got someone who admitted -- the defendant in that  
11 case admitted that they were in the gang. It was much more  
12 structured gang. You had a co-defendant who was also a gang  
13 member, testify that, yes, he's in this gang and he's the  
14 leader. I mean, if you had one of these three defendants,  
15 or some other member of this gang, to come up here and say,  
16 yes, it is widely understood that all three of these  
17 individuals have been members of this gang since April of  
18 '20. And the facts in Johnson extremely, extremely strong.  
19 It's not even controverted that Johnson was in a gang.  
20 Ditto for Price. And yet the Court is saying, Judges, be  
21 really, really, really careful with this evidence, even when  
22 it's not contradicted. That's what I'm getting out of  
23 Johnson. That's what I'm getting out of Price.

24       MS. TAYLOR: And I agree that we do have to be very,  
25 very careful with this evidence. And I think what they're

1     saying is if this was a case of -- I'm trying to think of a  
2     good example, but a carjacking or some random criminal  
3     activity, then just the fact that they're in a gang would  
4     not be admissible, because it would not be relevant to  
5     motive. It would not be relevant to intent or identity. It  
6     would be more prejudicial than probative. For sure. But  
7     the fact that this is so closely tied to that prior  
8     shooting, the State believes, and that it was the exact same  
9     gangs involved, this is a narrow set of circumstances where  
10    we're not just offering it to show, well, these guys are  
11    in a gang, so they're bad people. I think that's the  
12    balancing we have to do.

13           And that's one of the reasons we had a lot of material  
14    that we have really tried to sanitize down to the least  
15    prejudicial that we have. We're not trying to put in any  
16    pictures of, for example, Mr. Reid holding what looks like  
17    an uzi. We have that picture, Your Honor. We're not trying  
18    to put in pictures of them flashing large amounts of money.  
19    We have really tried to thread the needle here, and  
20    realizing the emotional nature of the gang evidence, while  
21    at the same time being able to fully tell the story to the  
22    jury of why the State believes this happened the way it  
23    happened.

24           THE COURT: I do understand the State's position. If  
25    there's nothing further, here's where the Court's coming

1 down on this. As it relates to retaliation being a  
2 potential motive. To the extent that the State wishes to  
3 introduce evidence that the defendants in this case were  
4 friends with ,or otherwise associated with, the decedent who  
5 supposedly his death had supposedly created the motive for  
6 this, then to the extent that the State can offer competent  
7 evidence along those lines, the State may do so. I've  
8 looked again at Johnson and Price in detail, and in those  
9 cases, again, it was uncontroverted that both Johnson and  
10 Price were involved with gangs. Those gangs, the ones that  
11 are specifically described in those cases, were much more  
12 structured, had a much more rigid organizational structure,  
13 hierarchy, if you will, than what I'm hearing testified  
14 about here today, too.

15 So the threshold question for the Court is whether the  
16 State has met its burden of proving that this association,  
17 these individuals belonging in a gang, whether it's proven  
18 that by clear and convincing evidence. Again, we're dealing  
19 with matters that are not subject to a conviction. Now, as  
20 it relates to Reid, perhaps the State has come fairly close  
21 to meeting that burden. And I simply say that, because from  
22 the testimony of the last witness, the gang that is  
23 referenced with the tattoo is supposedly an active gang here  
24 in this area. Mr. Henderson's point that this is also a rap  
25 group, that's well taken. And he did bring out, that the

1 officer uses, kind of, the group and the gang as being  
2 interchangeable. Members of one are the members of the  
3 other. So, as a threshold matter, has the Court proven by  
4 the preponderance -- or has the State proven by a  
5 preponderance of the evidence and the satisfaction of the  
6 Court that these people are, more likely than not, members  
7 of the gang? Yes. Has it State proven by clear and  
8 convincing evidence that they are members? The court  
9 concludes no. For the reasons explained previously. Hill  
10 and Hurley, not even entered in. Not even documented.  
11 Again, the relevant period of time here is April 8, 2020,  
12 not August 15, 2022, or August 10, 2022. And by all  
13 accounts, these people were not on the radar of law  
14 enforcement as gang members. At least Hill and Hurley were  
15 not at the time that this incident took place. Perhaps they  
16 should have been. Perhaps they should have been put on the  
17 list. Perhaps they should have been entered into the  
18 GangNET, but they were not. So, in terms of clear and  
19 convincing evidence, the Court finds that the State has  
20 failed to meet that burden. Warranting admission of that  
21 evidence under Lyle, which, as we all need to remember, is a  
22 rule of exclusion, not a rule of admission.

23 Even if the State had met its burden by clearing  
24 convincing evidence, the court takes precautions in Johnson  
25 very seriously. And of course, I grew up in the 80s, went



1 to college in the 90s. Remember vividly all the stuff about  
2 the Bloods and the Crips. Those of you who are maybe a  
3 little bit more dated might remember the Jets and the Sharks  
4 from West Side Story. And so, when you start talking about  
5 gangs, there's a very, very prejudicial connotation  
6 associated with that label. And because of that, even if  
7 the Court were to have concluded that the State had met its  
8 burden of proving by clear and convincing evidence these  
9 people were members of gangs, the Court finds that the  
10 prejudicial effect of that is substantially outweighing any  
11 probative value.

12 And again, I'm not preventing the State from  
13 introducing evidence that, to the extent that they can offer  
14 competent evidence, that the initial shooting at Goode and  
15 Parts was in retaliation for the shooting of the other  
16 person, who's name escapes me. What's his name?

17 MR. STUMBO: Jakevius Parker.

18 THE COURT: Parker. Okay. In retaliation for that.  
19 I'm not prohibiting them from introducing that evidence, but  
20 we are going to avoid the stigmatizing and the highly  
21 prejudicial moniker of "gang member" throughout the trial of  
22 this case. And that is what the law requires and that's the  
23 only reason I'm doing it. So, that's my ruling on that.

24 Mr. Tinsley, how long will it take to do your Castle?

25 MR. TINSLEY: I'm not exactly sure. I'd call -- my

1 first witness was going to be Investigator Murdoch.

2 THE COURT: We'll do that in just a moment. You indicated  
3 earlier that you were under the impression that if your  
4 client were to testify in the Castle Doctrine hearing, that  
5 what he said can't be used against him subsequently. You  
6 may want to double check that, because I think he could be  
7 crossed on that should he take the stand in the trial.

8 MR. TINSLEY: Agree one hundred percent. My point was in  
9 the State's case in chief.

10 THE COURT: Yeah, I don't know that that's necessarily  
11 cricket, unless somebody can point me to a different rule,  
12 but I don't think that's fair game in the State's case in  
13 chief. We'll take a few moments for ourselves and be back  
14 on the record in ten minutes.

15 (WHEREUPON, recess 4:31 p.m.-4:48 p.m.)

16 MR. GROSE: Before we move on, Judge, can I just ask  
17 one point of clarification? You ruled that the evidence of  
18 the associations could be admitted for purposes of proven  
19 motive. But, I think you said that that would be provided  
20 that they had competent evidence. Your ruling doesn't in  
21 any way limit our ability to object to that evidence, if  
22 they presented.

23 THE COURT: It does not. I don't know how they  
24 anticipate proving that. They referenced the decendant's  
25 mother as a possible witness, and somebody else as a

1 possible witness. And I can tell you, and I'm sure Kelly  
2 could tell you, every single kid that our kids hung around  
3 with from age two to age 24 now, so I don't know how they  
4 intend to introduce that, but any such testimony would be  
5 subject, of course, to any objection that you want to offer.

6 MR. GROSE: All right. I just wanted to clarify, Your  
7 Honor. Thank you. I didn't think you were, but if you were  
8 ruling ahead, I would want to argue, but I don't have any  
9 reason to argue right now. All right.

10 THE COURT: Mr. Tinsley, do you want to call your first  
11 witness now?

12 MR. TINELSY: Judge, despite my understanding of the law  
13 when it comes to these immunity hearings, is that if my  
14 client takes the stand, obviously he would be cross examined  
15 by the State and he couldn't testify inconsistently with  
16 that without being -- you know, obviously they could cross  
17 examine him at trial of that. But my understanding is if he  
18 didn't take the stand, the State couldn't use anything he  
19 said in here against him, is my understanding of the law.  
20 But, with that being said, he's told me that he wants to  
21 exercise the right to remain silent. So, at this point, I  
22 don't need any pretrial.

23 THE COURT: Okay, were you going to call the officer?

24 MR. TINSLEY: I'm going to back off that at this point.

25 THE COURT: Okay. Housekeeping wise, what else do we

1     need to address tonight? My intention is to have the jury  
2     report tomorrow morning. Hopefully that we can check them  
3     in quickly and that way I can ask that maybe we can start,  
4     since they'll be gathering over there, we can start around  
5     nine with any housekeeping matters, but any other  
6     housekeeping issues that we need to deal with tonight?

7           MR. HENDERSON: Your Honor, as far as I understand, I  
8     think Mr. Grose has still got his motion, and then I guess I  
9     don't know if the State is still going forward with their  
10    Biggers motion that I'm going to want to counter as well.

11          THE COURT: Do we have any Neil v Biggers on this?

12    MS. TAYLOR: Somewhat, your Honor. We have a lineup that  
13    was shown to a witness. She did not actually pick Mr.  
14    Reid out of the lineup, although she did say she was fairly  
15    certain it was him, but she did not actually circle him.  
16    So, we can have her here. She's not here right now, but we  
17    can have her here to address that issue on the line up.

18          THE COURT: Factually, I'm trying to recall, I think  
19    it's alleged that the State's theory is that Mr. Hurley was  
20    the driver and that Hill, Reid and Alston got out?

21          MS. TAYLOR: Yes, sir.

22          THE COURT: Okay. And that Alston and Hill were the  
23    shooters.

24          MS. TAYLOR: We know --

25          THE COURT: 'm just trying to refresh.

1           MS. TAYLOR: Yes, sir. Essentially that Hill and Alston  
2       were the shooters. Yes, sir.

3           MR. HENDERSON: And, Your Honor, going back to your  
4       bond order, I think June of last year, where the State  
5       represented, and you so put in your order, that the State's  
6       theory at that time was that my client didn't get out of the  
7       call.

8           MS. TAYLOR: And your Honor, I think that was a  
9       misunderstanding. It's always -- I don't know that I've  
10      represented that, but obviously something I say in a bond  
11      hearing is not evidence in a trial.

12          THE COURT: Right. Well, I recall at some previous  
13      hearing that we had about this, you explained, Ms. Taylor,  
14      that you had -- I think this case had initially been  
15      assigned to Mr. Thomas and that you had to pick this thing  
16      up and basically deal with the bond hearing with maybe a few  
17      moments notice.

18          MS. TAYLOR: Yes, sir.

19          THE COURT: And weren't fully apprised of the facts. I  
20      understand that, and I may have put something to that effect  
21      in the order, but the evidence will simply take us where our  
22      case is. The Neil v Biggers, it was Mr. Henderson's client  
23      that was quasi identified?

24          MS. TAYLOR: Yes, sir.

25          THE COURT: What's her testimony going to be?

1 MS. TAYLOR: Essentially that she saw three young black men.  
2 One runs past her window. He's darker skinned, has little  
3 dreads on his head, shaved sides.

4 THE COURT: Is it wearing a blue shirt?

5 MS. TAYLOR: No, he was shirtless. And then she saw the  
6 other two, kind of crouched down behind some bushes. The  
7 one that runs past her window, the State believes is Mr.  
8 Reid and believes that there's other evidence that ties in  
9 with that, and that's who she was attempting to pick out of  
10 the lineup.

11 THE COURT: You're contending that the lineup was  
12 unduly suggestive?

13 MR. HENDERSON: No, no not at all. That's why I'm  
14 surprised that they're calling -- It's not even a Biggers  
15 issue, until we get to that point. It's going to be whether  
16 or not she can actually identify my client, and as of right  
17 now, she can't. And then based upon my investigation, too,  
18 with her, she even more can't.

19 THE COURT: So, do we need to address anything with her  
20 pretrial?

21 MR. HENDERSON: Absolutely, because I don't want her up  
22 here on the stand fumbling around, and the State elicits  
23 something from her that's not admissible that could be very  
24 detrimental to my client. I don't know.

25 MS. TAYLOR: Well, Your Honor, I think the time to take

1     that up would be when she's actually -- the purpose of a  
2     Bigger's hearing would be if he's saying that the lineup was  
3     unduly suggestive, not a fishing expedition to see what  
4     she's going to say before she ---

5             MR. HENDERSON: Well, I didn't ask for the Biggers  
6     hearing. The State did.

7             MS. TAYLOR: Well, no, the State said there might be an  
8     issue. We are not seeking to have one.

9             THE COURT: Neil v Biggers is not an issue. Thank you  
10    for establishing that. Very good. And what was your  
11    motion, Mr. Grose, that I need to deal with?

12            MR. GROSE: Your Honor, I had a motion that's captioned  
13    motion to abolish the so-called Felony Murder Rule, and it  
14    also deals with some things about jury instructions, and I  
15    think this needs to be taken up before opening statements.  
16    Whether we do it now or later, it not material to me.

17            THE COURT: My understanding is that we don't  
18    have felony murder in South Carolina. The law is that you  
19    could infer malice for someone who's involved in the  
20    commission of a felony. In this case, is the State's theory  
21    going to be more of a transferred intent?

22            MS. TAYLOR: Yes, sir. I was going to say this isn't  
23    really a felony murder, since the felony they're trying to  
24    commit is murder. It's not really a felony murder case  
25    so much as a transferred intent case.

1           MR. GROSE: Well, if they're not going to argue a  
2     felony murder inference and the Court's not going to charge  
3     felony murder, I don't think we have an issue.

4           THE COURT: I've read your motion. It's not that issue,  
5     but I don't think it's ripe on this set of facts perhaps.  
6     I'm hearing it's transferred intent. It's not "felony  
7     murder", even though that's not really what we have. So, I  
8     guess we don't need to take that up.

9           I did look at the request for voir dire the jury. Am I  
10    correct in assuming that everybody who was wanting me to ask  
11    about gang affiliation, that sort of the thing, that you now  
12    want me to not talk about that with the jury panel, correct?

13          MR. GROSE: Correct.

14          MR. HENDERSON: That's correct.

15          THE COURT: Mr. Tinsley?

16          MR. TINSLEY: Agreed as well, Your Honor.

17          THE COURT: I don't think I'm going to go into that  
18    then. I've got the requested voir dire. There's a lot of  
19    stuff there I'm not going to be asking or I'm going to level  
20    it out and even the playing field. If the defense asks have  
21    you ever been a victim of a violent crime or had a close  
22    family member switch it and have accused of, or had a close  
23    family member accused, of or convicted of, a violent crime  
24    or a serious crime, something to that effect. Y'all have  
25    tried enough cases in front of me. You know what I'm going



1 to ask or probably not going to ask. It will be pretty  
2 standard. Do you have anything else, Ms. Taylor?

3 MS. TAYLOR: No, sir. I was just -- I had a remark  
4 about some of the requested voir dire, but I think from what  
5 you're saying, it's probably going to take care of some of  
6 my concerns.

7 THE COURT: Have you all been able to agree on any  
8 exhibits as far as, we're okay with these, we're not okay  
9 with these, kind of thing? Have you all had a chance to  
10 really go through those yet?

11 MR. GROSE: We haven't had a chance to go through  
12 those. I mean, we have hundreds, if not 1,000 or more  
13 photographs and some of them more than once. And, so I  
14 don't know which ones they're using. And so we would need a  
15 chance to look at those.

16 MR. STUMBO: Judge, this table's got them right here.

17 MS. TAYLOR: These are the ones we're intending on  
18 using.

19 MR. STUMBO: I believe it will be 80 out of 1,000.

20 THE COURT: Are they already marked?

21 COURT: REPORTER: Yes, sir.

22 THE COURT: Let's do this. It might be productive for  
23 you guys to look through those. We will meet back up here  
24 tomorrow morning and while the jury is being checked in, I  
25 can deal with any objections to any of the photographs. I'm

1     assuming, like I intimated last week in an email, there's  
2     going to be an objection of the decedent's photograph, and I  
3     gave instructions on that, depending on where I go with  
4     that. I'm sure that's something that we'll need to argue  
5     about or discuss. If y'all could just meet and keep a  
6     running tally of which one's you're okay with and the one's  
7     people have issues with, and that way we can go ahead and  
8     introduce those and save the blah blah blah nonsense.  
9     Anything else for the evening, evidentiary wise?

10           MR. STUMBO: Just a clarification, Judge. On the  
11     ruling, I know we had all the pictures that were marked as  
12     State's exhibits, not these ones that were the Court's  
13     exhibits. Based on the Court's ruling, we would still  
14     intend to offer pictures to show that these guys were  
15     friends. I think we need to be able to do that to get into  
16     the intent, particularly the pictures that include Jakevius  
17     Parker, who was killed. Some of those pictures obviously  
18     have them, have these guys flashing some signs. I don't  
19     think they're specific, but, you know, obviously we  
20     would instruct our witnesses to not make reference to those  
21     signs and what they might or might not mean. But again,  
22     those pictures are ones that we would just need some  
23     guidance from the Court as to what -- obviously we're going  
24     to stay away from any reference whatsoever to gangs, but  
25     associating these guys as friends with the parties in the

1     other case is going to be critical to establish any kind of  
2     motive, even in the absence of gang reference.

3             MR. HENDERSON: And Your Honor, it looks like maybe on  
4     some pages they can almost like crop off at the head.

5             THE COURT: Well, I'm going to let you all look through  
6     those. And you were outside of the program. Mr. Grose asked  
7     the clarification on my ruling concerning those photographs.  
8     I basically said, look, at this point I'm not ruling that  
9     anything's in or if anything is out. I've explained my  
10    position, I think pretty fully and to the extent the State  
11    is going to be able to prove or I'm going to permit the  
12    State to prove motive by virtue of the association of the  
13    decedent with the three defendants as friends I'm going to  
14    allow that. If there's some argument that the photos are  
15    really prejudicial or whatever, I'll hear y'all on that  
16    tomorrow. But what I'll do is let you review those and we  
17    can discuss those more fully tomorrow. I want to try and  
18    narrow down what the actual issues are evidentiary wise and  
19    take it from there tomorrow morning.

20            MR. STUMBO: And Judge, just for the record, those  
21    would be pictures -- we'll review that were State's 109  
22    through 127 would be the relevant pictures.

23            THE COURT: Ms. Taylor, you've got State's -- what are  
24    those?

25            MS. TAYLOR: I believe this is State's 2 through 84.

1 THE COURT: They're all sequential?

2 MS. TAYLOR: Yes, sir.

3 THE COURT: Y'all look at those and we'll go back on the  
4 record tomorrow morning.

5 MS. TAYLOR: Oh, 82. I'm sorry.

6 THE COURT: 82, okay. 2 through 82, and figure out  
7 what's at issue tomorrow morning. The question of bond.  
8 I've had luck in cases where there's gang allegations. I  
9 think that Mr. Henderson's client is already in custody.  
10 I think it lies in my finding there is, more likely than  
11 not, some level of gang involved in this case. Perhaps.  
12 Maybe. But I'm going to ask that Mr. Hill and Mr. Hurley  
13 stay with us tonight so that I can make sure that nothing  
14 untoward takes place and that we be sure that everybody is  
15 here. So, tensions running high. Y'all need to stick  
16 around. I'm sure y'all want to discuss with them telephone  
17 usage and that sort of thing. So that they don't bump into  
18 the jury, I'm going to ask that they be back here -- that  
19 all defendants be back at 8:45 and if y'all could bring them  
20 over in a van and take them out the side entrance over here.  
21 That should minimize any possibility of contact with the  
22 jury since the jury is going to come in from that direction.

23 MR. GROSE: Judge, can we be heard on the issue of  
24 whether or not they are taken into custody?

25 THE COURT: Certainly.

1           MR. GROSE: It sounds like you've already prejudged  
2 this based on other cases, but after trials have started,  
3 I've had relatively good luck with people being out on bond  
4 and staying out through the trial. And I don't think that  
5 there's been any issues with Mr. Hurley while he was out on  
6 bond. And as far as tensions running high, I don't  
7 understand what you mean by that.

8           THE COURT: I'm just concerned that if something did  
9 transpire this evening. Of course, Judge Hocker tried a  
10 case here a couple of weeks ago where somebody went missing,  
11 and that seems to be -- I don't mean this as any reflection  
12 on your professionalism or that of Mr. Tinsley or Mr.  
13 Henderson. You all do an excellent job of getting your  
14 clients here and making sure that they show up. But it just  
15 seems that of late there have been instances with people  
16 showing up, or bad things at least have been so much  
17 frequent as other areas. Had stuff arise during the evening  
18 that I've then had to contend with the next day, phone  
19 calls, Facebook posts, all that other good stuff that I  
20 would rather not have to deal with in this case. And I  
21 appreciate your positions. Conditions of bonds are  
22 discretionary with me. This does involve allegations of  
23 gang involvement, even though we're not talking about that  
24 in front of the jury. I wasn't born yesterday. I'm being  
25 cautious here and just want to make sure that this goes off

1 without a hitch.

2 MR. TINSLEY: Judge, I'll just say I take the same  
3 position as Mr. Grose.

4 THE COURT: I understand. Look at the exhibits and I  
5 will see y'all tomorrow morning around 8:45.

6 (WHEREUPON, Proceedings recessed 5:29 p.m.)

7 TRIAL DAY 2: August 16, 2022

8 (WHEREUPON, Proceedings resumed 9:36 a.m.)

9 THE COURT: If we may, we'll go ahead and go back on the  
10 record. There were a few matters I needed to attend to this  
11 morning in the back, so I apologize for the delay in coming  
12 out here. My Court Reporter did indicate to me she's having  
13 issues with the backup, so her plan is to basically, during  
14 opening and closing, ask y'all to wear the lapel mics that  
15 we were testing out yesterday so she can be sure to get a  
16 good record of everything, but for some reason the system is  
17 having a conniption fit this morning. She only has two, so  
18 hand them back to her and we'll work through it that way.

19 The jury is here. It has not been checked in and they  
20 are not in the courtroom, of course, but because of  
21 everything that's going on outside I need to go ahead and  
22 get them in here pretty quick. They've got Family Court  
23 hustling downstairs and Magistrate's Court is bustling, so I  
24 need to go ahead and get them in here. I know that y'all  
25 have had an opportunity to meet last night. How many

1 exhibits are agreed to?

2 MR. STUMBO: Judge, Mr. Grose came and indicated there  
3 were five pictures that he found this morning that had a  
4 little label beside the clothing of the Defendants that said  
5 the name of the defendant and said "murder" underneath, so  
6 we have clipped those, the little tag, out of the pictures  
7 on each of those by agreement. I don't have the numbers in  
8 front of me, but it's five particular pictures that they  
9 found that they objected to. So, we have agreed to clip  
10 those out.

11 MR. GROSE: And they were otherwise unobjectionable, and  
12 we have reached an agreement on that.

13 MR. STUMBO: I believe Mr. Tinsley may have a problem  
14 with a couple of the pictures involving his client. They  
15 take a series of pictures of him after he's in custody when  
16 he gets out of the hospital. Essentially, just kind of  
17 pulls his pants down a little bit where you can see the  
18 wounds that he sustained from the gunshot in terms of where  
19 those wounds were. That primarily, I think, is his  
20 objection to him wearing an orange jumpsuit, because he had  
21 been booked into the jail.

22 MR. TINSLEY: It's 50 through 52 that is at issue.

23 MR. STUMBO: I can pull those and let Your Honor look at  
24 them. Our argument on that, Judge, would just be a very  
25 limited prejudice and highly probative to -- I mean,

1 obviously, I think the jury realizes that these guys were  
2 charged at some point and were booked into the jail early,  
3 and these were taken at that point. So, here is 50 through  
4 52. The probative value, Judge, from the State's  
5 perspective would be no pictures were taken at the ER that  
6 reflected where the wounds were in terms of an entry and  
7 exit wounds. We do have the ER doctor that treated him, but  
8 these would be the only pictures in the file. The only  
9 pictures taken at the ER by law enforcement were of the  
10 deceased, not of the guys that were treated and released.

11 THE COURT: Okay, so we're in agreement -- everyone is  
12 in agreement that everything, with the exception of 50  
13 through 52 is okay and can come into evidence, or are there  
14 any other objections?

15 MR. GROSE: Well ---

16 MR. HENDERSON: Are we talking about photographs?

17 THE COURT: Yes.

18 MR. STUMBO: We're talking about 2 through 84, I  
19 believe, the smaller still shots.

20 MR. GROSE: That's before we get to the autopsy photos?

21 MR. STUMBO: Correct.

22 MR. HENDERSON: No, actually the autopsy photos ---

23 MR. GROSE: I thought they were in there.

24 MR. HENDERSON: They are in there. Your Honor, it looks  
25 like at least there is a deceased body at the hospital, and



1 I think that starts with number 80.

2 THE COURT: I thought it was 82, but whatever it is, it  
3 is.

4 MR. STUMBO: It's 84.

5 THE COURT: So, with the exception of 50 through 52 and  
6 80 through 84, no issues with the rest of the photographs?  
7 Those can be considered in evidence? That's what I'm trying  
8 to establish.

9 MR. HENDERSON: We don't want the pictures that deal  
10 with the gang signs.

11 MR. STUMBO: I don't think we're to those yet. But,  
12 through 84 doesn't deal with any of those.

13 THE COURT: Okay. So, again, we're good with everything  
14 1 through 84, with the exception of 80 through 84 and 50  
15 through 52? And we're not dealing with the photos you're  
16 talking about, I assume, with the gang signs that you  
17 referenced a minute ago, gentlemen?

18 MR. GROSE: Well, I think 1 is an audiotape.

19 MR. STUMBO: It is the 911 call.

20 THE COURT: Let's handle it this way, I'm going to  
21 assume, unless there's an objection, that with the exception  
22 of 80 through 84 and 50 through 52 that 1 through 79 --  
23 again, excluding again 50 through 52 for the moment, those  
24 are in evidence without objection. We'll address the other  
25 photographs later. Solicitor, the photos I've been handed,

1 State's 50 through 52, would it be possible to scan these  
2 and make them black and white so that the orange color of  
3 the jumpsuit is not reflected? I don't know what that would  
4 look like or if that would be sufficiently detailed for the  
5 purpose you're seeking their introduction, but it might be  
6 worthwhile just to have your IT guys scan it and see what it  
7 turns out to be.

8 MR. STUMBO: It would probably be a printed out piece of  
9 paper versus a photograph, but we can do that quickly now  
10 and change it to black and white, rather than going to get  
11 them printed out at Walgreen's or wherever we get them  
12 printed. That would take a little time.

13 THE COURT: Sure, and I think they would have to send  
14 them off anyways. I don't know that they develop photos  
15 anymore at the pharmacy, but that would take care of the  
16 orange color of the jumpsuit and perhaps lessen the  
17 prejudice. So, that may be an idea. But I'm not ruling  
18 either way, whether color or black and white or whether it's  
19 coming in or whether it's staying out at this point. We can  
20 handle that when we have a break. So, I'll hand these back  
21 to you, Solicitor.

22 Anything before the jury starts coming in?

23 MR. HENDERSON: Your ruling just deals with photographs,  
24 not audio? I want to make sure ---

25 THE COURT: Well, do you have any objection to the 911

1 call?

2 MR. HENDERSON: Yes.

3 THE COURT: In that case, 2 through 79, with the  
4 exception of 50 through 52 will be in evidence and we'll  
5 deal with the 911 call later.

6 MR. HENDERSON: Absolutely. Thank you.

7 THE COURT: Let's get the jury in, please.

8 MR. GROSE: I think we do have an issue with at least  
9 one of the voir dire questions.

10 THE COURT: Okay, which one is that? Hold on to the  
11 jury.

12 MR. GROSE: Number 6. And, actually number 4 also.

13 MR. HENDERSON: Your Honor, if you would mark as a  
14 Court's Exhibit the State's proposed voir dire.

15 THE COURT: I will, as soon as I get a copy of it.

16 (WHEREUPON, State's proposed voir dire, marked Court's  
17 Exhibit 10 for identification.)

18 THE COURT: Solicitor, do you have an issue with -- I  
19 assume this relates to either Parks or the other guy who  
20 were shot. Do you have an issue with their reluctance to  
21 participate in these proceedings, or what's going on with  
22 that question?

23 MR. STUMBO: Judge, they'll be on the stand testifying.  
24 What they'll say when they get up there, who knows. I think  
25 that's the reason we included the question. I think we

1 extensively talked about the gang stuff yesterday. That's  
2 not going to be stuff we're going to go into, per the  
3 Court's ruling, in the trial, specifically. However, as  
4 Your Honor is aware, that is an underlying issue in this  
5 case in terms of why they may be reluctant to testify. So,  
6 yes, we have met with both of those victims. They have -- I  
7 don't think they're going to be difficult, but I have had  
8 experiences in the past where they are, so I think that  
9 question is important for that reason.

10 MR. GROSE: The problem with the question is -- as well  
11 as number 4, is they're both trying to stake out jurors and  
12 have them prejudge whether or not they would believe a  
13 certain witness or not, without having heard the testimony.  
14 I mean, I think they're both objectionable. Perhaps -- I  
15 don't know how it could be done, but perhaps number 4 could  
16 be reworded some way. You know, trying to stake out whether  
17 or not they're going to believe a reluctant victim in  
18 advance is highly prejudicial.

19 THE COURT: There's a lot of stuff, honestly, that I'm  
20 not going to ask. If somebody is posing the question, "Is  
21 there any member of the jury panel who is a member of the  
22 Klu Klux Klan?"

23 MR. GROSE: I think we need to -- No, seriously, Your  
24 Honor. Hate groups are part of our mainstream life now, and  
25 I think we're entitled to know that. They want to know if

1     somebody wants to defund the police, and I want to know if  
2     somebody wants to defund the FBI. I think all that is fair  
3     game, because that goes to the bias.

4           THE COURT: I appreciate your position on that. The  
5     Klan is defunct.

6           MR. GROSE: Well, not according to the Southern Poverty  
7     Law Center. In 2021 it was still tracked as being active in  
8     South Carolina.

9           THE COURT: According to Rauch Wise, it's defunct. Do  
10    you honestly expect me to get an answer from a jury panel  
11    with ladies and gentlemen of the jury panel, is there  
12    anybody out there who is racist?

13          MR. GROSE: Well, I didn't ask the question if they were  
14    racist. I asked if they were members of those  
15    organizations. The Proud Boys and the Oath Keepers, if  
16    they're in this panel, those are included in there. They  
17    would probably be happy to jump up and tell you about that.

18          THE COURT: The Proud Boys is probably a different  
19    matter entirely, but ----

20          MR. GROSE: Well ---

21          THE COURT: The 1950's -- are you now or have you ever  
22    been a member of the Communist Party? I mean ---

23          MR. STUMBO: Judge, my position on that -- I think if we  
24    go down the rabbit hole too much on specific groups I don't  
25    know where we draw the line on that. That would be -- I

1 mean, we can name off groups nationwide on both sides, all  
2 sides of the political spectrum that could be problematic,  
3 but ...

4 MR. GROSE: Well, I mean, the problem is is that some of  
5 these groups, as well as mainstream politicians, are calling  
6 for the defunding of the FBI. They're in alliance with some  
7 of these groups, and as we speak, the Department of Homeland  
8 Security and the Justice Department has advisories out  
9 trying to protect the lives of law enforcement because of  
10 the threat against them. And that threat comes from a group  
11 of people who also tend to be less tolerant about race.

12 MR. STUMBO: Judge, I just would say to that there  
13 again, it's a rabbit hole if we start to go down all the  
14 sides of the political spectrum could be dragged into that,  
15 in terms of threats or potentially biased.

16 MR. GROSE: We've been ---

17 MR. STUMBO: And I don't think we need to put weight on  
18 one side of the political spectrum or another in this  
19 courtroom.

20 THE COURT: Let's take this by the numbers. So, State's  
21 requested voir dire number 4. There's case law out there  
22 that disapproves of the jury instruction that a victim's  
23 testimony in a CSC situation, for example, need not be  
24 corroborated. So, I'm a little hesitant to give a pre-trial  
25 inquiry to talk about corroboration and that sort of a thing

1     when their task is to judge the credibility of witnesses.  
2     That goes kind of hand in hand with number 6. So, I'm  
3     probably going to be reluctant to ask those questions as  
4     they're phrased on the State's request for voir dire. I may  
5     rephrase them in such a way that's perhaps a little less  
6     pointed, but what I'm trying to do -- and understand that  
7     the Defense also asks for a question, "Is there any member  
8     of the jury panel who's more likely to believe the testimony  
9     of a police officer simply because that person is a police  
10    officer?" I don't know. Maybe what's good for the goose is  
11    good for the gander.

12           MR. GROSE: Well, they have their number 3. If you just  
13    rephrase number 3, "more or less likely to believe because  
14    of a particular type of work", that makes sense.

15           THE COURT: That may be fair, yes. And then I get a  
16    juror that stands up and they say, "Well, I'm very inclined  
17    to believe my priest." But, we'll see what happens with  
18    that.

19           MR. GROSE: Well, then I wouldn't want their priest to  
20    be a witness if they were adverse to us.

21           THE COURT: Certainly.

22           MR. STUMBO: Honestly, Judge, the questions on both  
23    sides I think from the defense requested voir dire and ours  
24    on the gang stuff, I guess based on the ruling yesterday,  
25    you're not asking that.

1           THE COURT: I'm not asking that. I don't think you were  
2   in the room when I posed that question of the attorneys.

3           MR. HENDERSON: Your Honor, something I thought of this  
4   morning too -- always thinking of something. Some of the  
5   videos that will probably come in are very graphic. You've  
6   got lots of blood, lots of screaming, lots of nudity. It  
7   may be some way that you can phrase the question, because  
8   obviously we want everybody that we sit on this jury to be  
9   able to look at the evidence. If somebody is so squeamish  
10   that they can't look at this evidence.

11          THE COURT: I think I can accommodate that.

12          MR. STUMBO: Judge, just to clarify, number 11 and 12 on  
13   the State's, we would still ask for those to be asked. I  
14   know 13 and 14 would be out, as well as 7 through 10. But I  
15   think the specific question about if anybody is Facebook  
16   friends with the Defendants or family members or other  
17   followers on social media.

18          MR. GROSE: If you could, maybe ask those as any ---

19          MR. STUMBO: Include Goode and Parks ---

20          MR. GROSE: --- include Goode and Parks and any of the  
21   other witnesses.

22          THE COURT: You're talking about with number 13?

23          MR. GROSE: State's 11 and 12.

24          THE COURT: Okay.

25          MR. STUMBO: Judge, I do think 14 -- I don't know if you



1 ruled on that. Just looking at 14 again, I think that's  
2 fair for us to know, maybe, some of the areas where they  
3 have lived. Obviously, on the jury list, all they give is  
4 where they live now. That may be relevant to us in terms of  
5 whether we want to strike somebody or not, potentially.  
6 Where they live. There's no reference specifically to gang  
7 in the list of areas.

8 THE COURT: You've got A through P on this. I mean, I'm  
9 trying to get a jury sometime this month, in the following  
10 areas.

11 MR. STUMBO: If they were to stand up and say, yeah, I  
12 lived on such and such. I don't think that would take ---

13 THE COURT: You've got their addresses. If they live  
14 there now, you should know.

15 MR. STUMBO: That's correct, Judge, but people move  
16 quite often. They may have lived there their whole lives  
17 and just moved to where they are now.

18 MR. GROSE: How far are we going to go back? I mean, we  
19 have some people on the list that haven't been excused that  
20 are over 80 years old I think. I don't know if they're here  
21 or not, but certainly this could be going back decades and  
22 decades.

23 MR. HENDERSON: And, Your Honor, we don't want this to  
24 turn into an opportunity for the State to dismiss people  
25 based on race, or the appearance of race.

1 THE COURT: This took place April of 2020; right?

2 MR. HENDERSON: Correct.

3 THE COURT: I will ask if anyone resided in those places  
4 in April 2020 for number 14.

5 MR. STUMBO: Thank you, Judge.

6 THE COURT: There is an objection to 13, or there's not  
7 an objection to 13?

8 MR. STUMBO: No, I assumed 13 was not going to be asked  
9 with reference to gangs. I assumed that was out. If we're  
10 taking 13 out, if we could add Youtube to number 12.  
11 Facebook, Instagram, Twitter, Tik Tok, Youtube.

12 Judge, just specifically -- I know that Mr. Henderson  
13 probably added that one Friday night and it was about this  
14 thing that happened at the football game.

15 MR. HENDERSON: Absolutely, Your Honor. I was going to  
16 get into that.

17 MR. STUMBO: As Your Honor pointed out, that's probably  
18 going to be just about everybody in the jury panel, so there  
19 again, I don't think we're going to get a jury today if  
20 we're going to have to go through everybody who knows  
21 anything about Friday night.

22 THE COURT: Mr. Henderson?

23 MR. HENDERSON: Your Honor, keep in mind that the  
24 allegations in this case, in our case, of public disruption  
25 of firing of guns in a public spot. Basically, mahem.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 THE COURT: Okay.

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

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

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

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



1 in the morning, that's fine.

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

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

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

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

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

11 MR. GROSE: Yes, sir.

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

13 MR. STUMBO: We're ready.

14 THE COURT: You're going to open?

15 MS. TAYLOR: Yes, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and need one go ahead and raise your hand.

2 (WHEREUPON, several jurors raised hands.)

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

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

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

1 of the allegations contained in the indictments.

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

1     what the law should be.

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

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

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

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

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



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

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

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

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

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

8             MR. GROSE: May we approach?

9             THE COURT: Sure.

10            (WHEREUPON, sidebar held.)

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

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

15                             Opening Statements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

9 THE COURT: Mr. Henderson.

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

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

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

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

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

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

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

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

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

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

1 opening.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

12 THE COURT: Yes.

13 (WHEREUPON, sidebar held.)

14 THE COURT: No issues, Mr. Henderson?

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

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

19 DIRECT EXAMINATION

20 BY MR. STUMBO:

21 Q Good afternoon, Ms. Boland.

22 A Good afternoon.

23 Q You work for Greenwood County?

24 A Yes, sir.

25 Q And what is your role with Greenwood County?

26 A I'm the operations manager for 911.

1 Q Okay. So that's in this building, correct?

2 A Yes, sir.

3 Q All the way down the basement?

4 A Yes, sir.

5 Q All right. Why are y'all -- do y'all call it the  
6 bunker down there; is that right? So to speak.

7 A The dungeon.

8 Q Why are y'all downstairs? Why are you all in the  
9 basement?

10 A Safest place for us to be.

11 Q So you all run 24/7?

12 A Yes, sir.

13 Q Anytime any citizen call 911, it relates to any place  
14 in Greenwood County, it comes to you and your folks?

15 A Yes, sir.

16 Q April 8, 2020, did your department have occasion to  
17 take 911 calls in relation to a shooting out at Parkway  
18 Apartments?

19 A Yes, sir.

20 Q Okay. And when you all get a 911 call, is everything  
21 recorded?

22 A Yes, sir.

23 Q All right. Why would you want to record everything?

24 A For this reason.

25 Q For documentation purposes?

26 A Yes, sir.

## Boland-Cross Examination

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1 Q I'm going to approach real quick if I may, Your Honor.  
2 I, going to hand you what's been marked for ID as State's 1.  
3 Have you had the opportunity to review the contents on that  
4 disc?

5 A Yes, sir.

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

9 A Yes, sir.

10 Q Those are your initials ---

11 A Yes, sir.

12 Q -- on the disc. Okay.

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

15 THE COURT: Any objection?

16 MR. TINSLEY: No objection.

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

19 THE COURT: At sidebar, right.

20 MR. GROSE: Same here, Your Honor.

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

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

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

1     where you're sitting.

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

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

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

9           THE COURT: Mr. Tinsley?

10                                   CROSS EXAMINATION

11    BY MR. TINSLEY:

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

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

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

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

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

21    A     Yes, sir.

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

24    A     I'm not sure.

25    Q     Does it have an on scene on there?

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

## Boland-Cross Examination

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

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

5 Q Okay, but that lists 1418; correct?

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

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

9 A Yes, sir.

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

12 A The maintenance man did, yes.

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

15 A Yes, sir.

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

18 A I'm not sure.

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

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

22 MR. TINSLEY: No further questions.

23 THE COURT: Mr. Henderson?

24 CROSS EXAMINATION

25 BY MR. HENDERSON:

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

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

3 A Yes, sir.

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

7 A No, sir.

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

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

11 Q Okay. Are you sure about that?

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

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

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

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

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

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

22 A Yes, sir.

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

25 A It's hectic. Yes, sir.

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



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

3     A     Yes, sir.

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

7     A     Yes, sir.

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

11    A     Yes, sir.

12    Q     Did you hear Hillcrest Apartments mentioned?

13    A     Yes, sir.

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

16    A     Yes, sir.

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

19    A     Yes, sir.

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

21           THE COURT:  Mr. Grose?  Anything?

22           MR. GROSE:  Just briefly.

23                               CROSS EXAMINATION

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

26    A     Yes, sir.

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

3 A Yes, sir.

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

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

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

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

1           MR. GROSE: And reduces the burden.

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

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

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

15          MR. STUMBO: State v Beaty.

16          THE COURT: State v Beaty.

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

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

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

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

22 The next witness is here, Solicitor?

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

25 THE COURT: What is it?

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

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

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

6 MS. HOFFMAN: Yes, sir.

7 THE COURT: Okay. Is she next?

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

9 THE COURT: What's the issue?

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

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

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

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

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

6           THE COURT: Specifically and quickly.

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

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

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

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

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

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

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

7 THE COURT: Objection is noted. Overruled.

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

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

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

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

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

25 THE COURT: I appreciate ---

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

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

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

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

15           MS. HOFFMAN: It's just Reid.

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

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

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

23           MS. HOFFMAN: The State calls Jameel Wilson.

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



1 DIRECT EXAMINATION

2 BY MS. HOFFMAN:

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

5 A Jameel Wilson.

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

7 A I'm employed with Greenwood Housing Authority.

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

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

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

12 A I was at Cardinal Glen Apartments.

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

14 A Yes, ma'am.

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

17 A Yes, ma'am.

18 Q Specifically April 8.

19 A Yes, ma'am.

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

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

24 Q So, you were all over that complex.

25 A Yes, ma'am.

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

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

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

8 A Yes, ma'am.

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

10 A I was going towards two years.

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

13 A Yes.

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

17 A Yes.

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

22 THE COURT: You can step down.

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

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

3 A The complex. This would be the complex.

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

5 A Yes.

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

8 A Yes, I didn't work --

9 Q Make sure you speak loud, sorry.

10 A I didn't work at this one.

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

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

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

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

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

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

20 Q Make sure you speak up.

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

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

23 A Uh-huh.

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

25 Correct?

1 A Uh-huh.

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

3 A Yes.

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

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

7 Q Okay. What unit is that?

8 A I do not know by memory.

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

12 A Main road, uh-huh.

13 Q Okay. And this little building right here?

14 A That's the office.

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

16 A Adjacent to the office. Uh-huh.

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

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

22 THE WITNESS: I can do that.

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

25 A Yes.

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

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

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

14 A Toyota Camry, black.

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

17 A Yes.

18 Q Okay, and you see it doing what?

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

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

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

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

3 A Yes.

4 Q --- to the back ---

5 A Yes.

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

7 A Yes.

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

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

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

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

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

19 A Onto the main road. Yes.

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

23 A Yes.

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

1     that main road?

2     A     Yes.

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

5     A     Yes.

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

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

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

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

15    Q     Hillcrest.

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

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

22    A     Yes.

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

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

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

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

4     A     No.

5     Q     Okay, so you just heard the gunshots?

6     A     I heard it.

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

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

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

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

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

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

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



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

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

5     A     Uh-huh.

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

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

9     Q     Okay, so obviously there was a driver?

10    A     Yes. Uh-huh.

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

13    A     Uh-huh.

14    Q     Okay.

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

16    Q     That's fine.

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

20           THE COURT: Any objections to the diagrams?

21           MR. GROSE: No objections.

22           MR. HENDERSON: None, Your Honor.

23           MR. TINSLEY: No objection.

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

25                                   CROSS EXAMINATION

1 BY MR. TINSLEY:

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

4 A Yes.

5 Q So its entrance and exit is at Parkway?

6 A Yes.

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

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

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

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

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

19 A Uh-huh.

20 THE COURT: That's a Yes.

21 THE WITNESS: Yes.

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

24 A No.

25 Q You don't?

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

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

5     A     Yeah.

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

8     A     Yes.

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

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

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

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

17    A     I don't recall.

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

21    A     No.

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

23    A     No.

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

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

3                                   CROSS EXAMINATION

4 BY MR. HENDERSON:

5 Q       How are you, sir?

6 A       I'm doing great.

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

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

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

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

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

20 A       No.

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

25 A       Yes.

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

3 A From what I saw.

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

6 A No, I did not say any ethnicity.

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

8 A (No verbal response.)

9 Q Is that a no?

10 A I didn't see a race.

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

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

16 Q That you were convinced were males?

17 A Yeah, I could tell they was men.

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

19 A Yeah.

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

22 A No. I couldn't tell.

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

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

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

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

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

9     Q     Both of them had twisties in their hair?

10    A     From what I saw.

11    Q     How far were the twisties standing up?

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

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

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

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

19    A     No.

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

21    A     I didn't see the driver.

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

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

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

4     A     Yes.

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

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

11    Q     Okay.

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

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

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

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

21    A     Yeah.

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

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

1 I was working during this process.

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

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

7 Q You just don't know.

8 A No, I do not.

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

10 A Yes.

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

13 A No, I did not.

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

16 A No, I'm not.

17 Q You just don't know.

18 A I don't know.

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

21 THE COURT: Mr. Grose?

22 CROSS EXAMINATION

23 BY MR. GROSE:

24 Q Is it Mr. Wilson?

25 A Yes.



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

7 A Yes, I was at work.

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

9 A Yes.

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

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

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

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

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

20 A Uh-huh.

21 Q Is that a yes?

22 A Yes, sir. I'm sorry.

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

25 A No, sir.

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

3 A Yeah. No, sir.

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

6 A No, sir.

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

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

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

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

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

15 THE COURT: No redirect, Ms. Hoffman?

16 MS. HOFFMAN: No, sir.

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

20 MR. STUMBO: The State calls Stephanie Moss.

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

23 DIRECT EXAMINATION

24 BY MR. STUMBO:

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

1 up in Greenwood?

2 A No, I grew up on the Rock House Road.

3 Q Okay, but in the Greenwood area?

4 A It's Greenwood, South Carolina.

5 Q I'm going to take you to April 8, 2020. Where were you  
6 living at the time?

7 A 1508 Gardens at Parkway, Apartment ■.

8 Q ■, you said?

9 A Yes, sir.

10 Q All right. That's Gardens at Parkway?

11 A Gardens at Parkway.

12 Q Okay. About two in the afternoon, tell the jury what  
13 you were doing that day, Ms. Moss.

14 A I was in the front room, me and my son, and I saw a  
15 black car pull up. I was in the kitchen. I thought it was  
16 my cousin, but when I seen the boys get out, it wasn't her.  
17 So, I sat back down with my son, and the next thing you know  
18 I heard some gunshots. So, by my son's special needs, I got  
19 him up and we went into the closet.

20 Q How old is your son?

21 A My son just turned fourteen.

22 Q You say he's special needs?

23 A He's autistic.

24 Q And so, where are you sitting with your son when this  
25 black Camry ---

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

1     make sure the jury can see.

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

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

7     A     It was right here.

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

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

14    Q     Okay, your cousin drives a black Camry?

15    A     Uh-huh.  A black Camry.

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

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

22    Q     Okay.  More than one?

23    A     I'd say about three.

24    Q     Okay.  You believe it was three?

25    A     Yes, sir.

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

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

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

7 A Yes, sir.

8 Q Where did they run towards?

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

11 Q Okay. Heritage or Hillcrest?

12 A I mean, Hillcrest. Uh-huh.

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

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

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

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

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

23 A Uh-huh.

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

1     A     I heard gunshots.

2     Q     Okay.

3           THE COURT:   Your last answer.   They walked through the  
4     path?

5           THE WITNESS:   They walked through the path.

6     Q     Okay.   And you heard gunshots sometime after that?

7     A     Yes, sir.

8     Q     Okay.   What did you do when you heard the gunshot?

9     A     I got my son and we went in my room and locked the door  
10    and got on the floor.

11    Q     How long did you stay on the floor in your bedroom?

12    A     Probably a good five minutes at the most after I didn't  
13    hear anything else.   I got up.   My son, he stayed in there.  
14    I got up.   Next thing I saw was a gun laying in the parking  
15    lot.

16    Q     Okay, so you walked outside after that?

17    A     Yes.

18    Q     All right.   That gun that's laying in the parking lot,  
19    where is it in relation to where that Camry was parked?

20    A     It was the same, where the Camry was parked at.

21    Q     Okay.   It was in that same spot?

22    A     Yes, sir.

23    Q     Did you touch the gun?

24    A     No, sir.

25    Q     Okay.   When law enforcement arrived, did you talk to

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1     them about what you saw?

2     A     Yes, sir.

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

4     A     Yes, sir.

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

7           THE COURT: Mr. Tinsley?

8                           CROSS EXAMINATION

9     BY MR. TINSLEY:

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

12    A     Yes, sir. I was inside.

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

14    A     The whole time I was inside.

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

17    A     Yes, sir.

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

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

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

22    A     I didn't say two or three.

23    Q     Okay. What did you say then?

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



1     one. That was it.

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

4     A     No, I didn't.

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

7     A     Yes, sir. After the fact.

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

9     A     That's right. After the fact.

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

11    A     No, sir.

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

14    A     No, sir.

15           MR. TINSLEY: No further questions.

16           THE COURT: Mr. Henderson?

17                           CROSS EXAMINATION

18    BY MR. HENDERSON:

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

20    A     Fine.

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

23    A     No.

24    Q     Nobody's ever showed that to you?

25    A     Yeah, they did.

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

1     A     I just don't know.

2     Q     You saw a black car, thinking it was your cousin.

3     A     Yeah.

4     Q     Okay. And did you tell the law enforcement that?

5     A     Yes, I did.

6     Q     Okay. I think your testimony to Mr. Tinsley was that  
7     you just told police that you saw one person?

8     A     That's it. I saw one person.

9     Q     Okay, you could -- I'm kind of confused. I want to be  
10    clear with your testimony. You saw one person, and then I  
11    thought you also said you saw, perhaps, three people. Which  
12    is it?

13    A     I saw one person. I saw three people when they pulled  
14    up. But, I saw one person specifically.

15    Q     Okay. How many people did you see get out of this  
16    black car?

17    A     I just saw one.

18    Q     Just saw one person get out of that black car.

19    A     I just saw that one person and then I sat back down.

20    Q     Okay, and that one person think you said, was wearing  
21    what, a white shirt?

22    A     A white shirt with blue anchors on it.

23    Q     When you say anchors, like sailing anchors?

24    A     Sailing anchors.

25    Q     Okay. And I think your instant report indicates that

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

3     A     Correct.

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

5     A     Yes.

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

8     A     Exactly.

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

11    A     No, I didn't.

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

14    A     Yes, sir.

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

17    A     Exactly.

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

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

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

23    A     The black car was gone.

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

25    A     Yes, sir.

1 Q Okay. Did I recap your testimony correctly?

2 A Correct.

3 Q Okay. That you saw one person get out of the car. Is  
4 that a yes?

5 A Yes.

6 Q That person had on a white shirt with blue anchors.

7 A Yes.

8 Q Okay. That person went toward the path.

9 A Yes.

10 Q You didn't see that person with a handgun or any other  
11 type of weapon?

12 A No, I didn't.

13 Q When you heard some shots, you got down on the floor.

14 A Yes.

15 Q Okay. The next thing you know, when you go outside,  
16 the car is gone, and there's a handgun in the parking lot.

17 A Yes, sir.

18 Q Is that a fair summary, an accurate summary of your  
19 testimony?

20 A Yes, sir.

21 MR. HENDERSON: Okay. I don't have anything further,  
22 Your Honor.

23 THE COURT: Mr. Grose?

24 CROSS EXAMINATION

25 BY MR. GROSE:

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

6 A Yes, sir.

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

9 A Yes, sir.

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

12 A Yeah.

13 Q Is that a yes?

14 A Yes.

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

18 A Yes, sir.

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

23 A That's right.

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

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

2           MR. GROSE: Thank you.

3                         REDIRECT EXAMINATION

4     BY MR. STUMBO:

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

10    A     That's correct.

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

13    A     Yeah.

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

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

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

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

23    Q     That's what you saw.

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

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

2 THE COURT: Any recross Mr. Tinsley?

3 MR. TINSLEY: No, Your Honor.

4 RECROSS EXAMINATION

5 BY MR. HENDERSON:

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

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

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

17 A I don't know.

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

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

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

24 A Yes, sir.

25 Q In the front seat? Back seat?



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

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

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

8     A     Uh-huh.

9     Q     Is that a yes?

10    A     Yes, sir.

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

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

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

15    A     Yes, sir.

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

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

18    Q     You weren't looking. Okay.

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

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

23    A     Yes, sir.

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

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

1 helps the jury out immensely. Thank you.

2 THE COURT: Anything, Mr. Grose?

3 MR. GROSE: No further questions.

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

7 MS. HOFFMAN: The State calls Laurel Bollinger.

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

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

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

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

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

17 DIRECT EXAMINATION

18 BY MS. HOFFMAN:

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

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

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

24 A Yes, ma'am.

25 Q Okay. Grew up here?

## Bollinger-Direct Examination

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1     A     Yes, ma'am.

2     Q     Do you still currently live in Greenwood?

3     A     No, ma'am.

4     Q     Where do you live?

5     A     I live in Abbeville now.

6     Q     Now, where were you living April 8, 2022?

7     A     1522 Parkway Court, Apartment ■■■. Which is Hillcrest  
8     apartments.

9     Q     So you were at Hillcrest Apartments, you said apartment  
10    D1?

11    A     Correct.

12    Q     Okay, and who was living with you at the time?

13    A     My mother's name was on the lease, but she has another  
14    home located close to North Carolina, but my son and myself.

15    Q     Okay. How old was your son?

16    A     He was five at the time.

17    Q     Now, do you remember the incident that happened on  
18    April 8, 2020?

19    A     Yes, ma'am.

20    Q     Okay. And were all three of you home that day?

21    A     Yes, ma'am.

22    Q     Okay. Do you remember why you were all home that day?

23    A     I did not go to work until the afternoon. My mother, I  
24    don't recall if she was off or not, but she doesn't work  
25    until the evenings as well. And Caleb was not in school. Q

1       Because of Covid? Everything was shut down?

2       A       That's correct.

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

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

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

8       A       Yes, ma'am.

9       Q       Okay. Let me have you step down.

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

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

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

17       Q       Take your time.

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

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

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

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

1     this front left one?

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

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

6     A     C.

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

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

9     Q     Okay, so you're in D. This is G?

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

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

14    A     Correct.

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

19    A     I know we were all three, my mother, myself, and my son  
20    were standing in my room, which is on, kind of, when you're  
21    walking into my apartment, you walk into the living room.

22    You go down a hall. My mother's room was on the left, and  
23    then the additional room on the right side would be mine.

24    So, I had a huge window in my room. Then we had the  
25    kitchen. That was it. We were all standing there. I can't

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

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

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

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

16 A It's G.

17 Q They were outside of G?

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

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

21 A Crouched down behind the bush, I guess directly outside  
22 of that apartment. And, it happened really quickly.

23 Thought it was fireworks. Look out. I see these two  
24 gentlemen. I see a white shirt and then a dark shirt. And  
25 then I see somebody, like -- they ran by, and I saw a gun.

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

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

8 A Correct.

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

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

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

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

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

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

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

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

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

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

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

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



1 two still located right around our apartment.

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

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

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

10 A A white shirt. I know it -- I remember it being so  
11 bright. Just a white shirt. And he looked -- two guys  
12 crouched down. The one on the left, he seemed a little bit  
13 bigger, but he was the one with a white shirt. And the  
14 other one, I don't know what color shirt he was wearing, but  
15 it was not white. It was darker, but that's about it.  
16 They were black gentlemen, but I saw the back of their  
17 heads.

18 Q Okay. Now, did you speak to law enforcement that day  
19 when they came out?

20 MR. HENDERSON: Your Honor, this is where I'm going to  
21 object again, just to preserve the record.

22 THE COURT: Noted, and same rulings as before. All  
23 objections are acknowledged. Same ruling as before. Go  
24 ahead.

25 Q You spoke to law enforcement that same day?

1     A     Yes, ma'am.

2     Q     Okay. Did you give them a written statement?

3     A     Yes, ma'am.

4     Q     Now, you talked to law enforcement that day. Did you  
5     speak to law enforcement again at a later time?

6     A     An investigator for -- all I was told was an  
7     investigator for Carson. I didn't know which side was going  
8     for what.

9     Q     Okay. Well, I'm talking about, like, a police officer.

10    A     I mean, after that first incident and then after her  
11    visit, I didn't. I mean, I honestly don't recall too many  
12    meetings with anybody.

13    Q     Okay, but you spoke to law enforcement that day at the  
14    complex?

15    A     When they took my statement. Yes, ma'am.

16    Q     Okay, and you got a written statement. Did law  
17    enforcement show you a photo lineup in this case or, like,  
18    pictures of people?

19    A     I believe so, yes.

20    Q     Okay. From what you remember from that photo lineup,  
21    were you able to identify anyone ---

22    A     I was ---

23    Q     --- that you saw that day ---

24    A     --- very uncertain. No, ma'am.

25    Q     --- from that photo lineup?

## Bollinger-Cross Examination

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1     A     I don't recall picking anybody, because I did not -- I  
2     was not for sure. I mean, it had just happened, so it was  
3     kind of like -- I was a bit of a wreck.

4     Q     Okay, I understand. But when you spoke to law  
5     enforcement, did you give them the same description that the  
6     jury has heard today?

7     A     Yes, ma'am. I did.

8     Q     And, once again, just can you describe for us the  
9     person you saw running and the other two?

10    A     He was a black gentleman. He was shirtless at this  
11    point. Like, acid washed blue jeans, and shaved head around  
12    and little baby dreads on top, with a small silver and black  
13    handgun.

14    Q     And then the other two?

15    A     Like I said, they were crouched down. One was in a  
16    white shirt, and the other one a darker color shirt, and  
17    they were both black gentlemen.

18    Q     All right. Thank you, Ms. Bollinger.

19           MS. HOFFMAN: I don't have any further questions at  
20    this time.

21           THE COURT: Mr. Tinsley?

22                               CROSS EXAMINATION

23    BY MR. TINSLEY:

24    Q     So, after you heard what you thought firecrackers is,

## Bollinger-Cross Examination

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1     when you looked out the window and saw these guys?

2     A     Yes, sir.

3     Q     You didn't actually see anybody fire any shots?

4     A     No, sir, I did not.

5     Q     Okay. And you described the gentleman in the white  
6     shirt as heavy set?

7     A     In my head, I see him as being larger size, maybe not  
8     necessarily heavysset, but he was larger than the guy next to  
9     him.

10    Q     You say larger. Do you mean taller?

11    A     They were crouched down. I just know he looked a  
12    little bit rounder. His top part of his body crouched down,  
13    then the guy to his right.

14    Q     So thicker, stouter would be a good word?

15    A     Yes, sir.

16           MR. TINSLEY: I don't have any further questions.

17           THE COURT: Mr. Henderson.

18                       CROSS EXAMINATION

19    BY MR. HENDERSON:

20    Q     Hey. Very briefly. Ms. Bollinger, thank you for being  
21    here. And you acknowledge that you talked to my  
22    investigator.

23    A     Yes, I did.

24    Q     Okay. I just want to ask you about your statement.

25    Have you reviewed your statement?

## Bollinger-Cross Examination

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1     A     I have looked at it. My initial statement that I gave  
2     to the police first, no, I've glanced at it.

3     Q     I just want to read you a couple of lines and just you  
4     confirm whether or not it's accurate.

5     A     Yes, sir.

6     Q     In your handwriting, that you said, quote, unquote,  
7     he was not wearing a shirt. Do you remember writing that?

8     A     (No verbal response.)

9     Q     Okay. Is that a yes?

10    A     Yes, sir.

11    Q     Okay. He had light colored blue jeans and dark colored  
12    boxers. Do you remember writing that?

13    A     Yes, sir.

14    Q     Okay. His head was shaved. Do you remember writing  
15    that?

16    A     Around the sides.

17    Q     Right. Around the -- his head was shaved, all but on  
18    the crown of his head. Do you remember writing that?

19    A     Yes, sir.

20    Q     And point to the crown of your head.

21         (WITNESS INDICATED)

22    Q     Okay. Kind of where your part is at.

23    A     On the very top of his head. Like, I mean, once it  
24    starts, you know, angling, curving around, it was...

25           MR. HENDERSON: Your Honor, let the record reflect that

1 she's actually pointing to actually the top of her head  
2 where her part is at.

3 THE COURT: Right. She was and basically you indicated  
4 it was --

5 THE WITNESS: I was backward.

6 THE COURT: Yeah, basically where the head, the skull  
7 starts curving. That's where ---

8 THE WITNESS: Well, my apologies. It was the very top  
9 of his head had little baby dreads, but there was no hair  
10 around his head.

11 Q Everything else was shaved; correct?

12 A Correct.

13 Q And the dreads were on the top.

14 A Correct.

15 Q At the crown of the head, so to speak.

16 A Yeah.

17 Q Okay. And you wrote where he had dreads that stood  
18 straight up about an inch tall. Do you remember writing  
19 that?

20 A Yes, sir.

21 Q About an inch tall?

22 A Yeah, they were, I mean, little bitty things.

23 Q Okay. And the rest of it was shaved.

24 A That's correct.

25 Q Any twist?

1     A     I mean -- isn't -- I don't really know hairstyles like  
2     that. I just know in my head that it resembled little baby  
3     dreads. I mean, they looked like little dreadlocks.

4     Q     On top of his head?

5     A     On top of his head.

6     Q     An inch tall?

7     A     Yes, sir.

8           MR. HENDERSON: I don't have anything further, Your  
9     Honor.

10          THE COURT: Mr. Grose?

11                           CROSS EXAMINATION

12     BY MR. GROSE:

13     Q     Ms. Bollinger, I'm Charles Grose, and I represent Chazz  
14     Hurley, who's kind of sitting back there behind everybody  
15     else. I just have a few questions for you. It sounds like  
16     this was a very upsetting event for you.

17     A     Just a little bit.

18     Q     Just a little bit? Maybe a lot?

19     A     Yes, sir.

20     Q     And I think you were worried about your child?

21     A     As well as all the other kids.

22     Q     All the neighborhood kids. Is that right?

23     A     Yes, sir.

24     Q     And it sounds like you really quickly went to a safe  
25     place with your children or with your child?

1     A     Yes, sir.

2     Q     And I'm not criticizing you for that, because that  
3     seems like a smart thing to do. But, what I'm getting at is  
4     all this happened very very quickly.

5     A     Yeah. I mean, that's correct, but I can still -- it  
6     was -- I can see it in my head right now. I can picture  
7     them crouched at the bush. I can literally see him running  
8     by my window. It may have happened that quick, but it has a  
9     lasting impression.

10    Q     And I don't mean to not recognize that at all because,  
11    like I said, it sounds like it was a traumatic event for  
12    you.

13    A     Yes, sir.

14    Q     Okay, and your main emphasis was on protecting yourself  
15    and your child.

16    A     That's correct.

17    Q     Okay, and you didn't see anybody shoot?

18    A     No, I did not see anyone physically shoot any gun.

19    MR. GROSE: Thank you, Your Honor. That's all.

20           THE COURT: Nothing further?

21           MS. HOFFMAN: No, sir.

22           THE COURT: Step down. You're free to go. Do you have  
23    another fairly brief witness that we could get to,  
24    Solicitor?

25           MS. HOFFMAN: Yes, sir. The State calls Paul Hawthorne.



1                   WHEREUPON, Charles William Hawthorne, having  
2   first been duly sworn, testified as follows:

3                   DIRECT EXAMINATION

4   BY MS. HOFFMAN:

5   Q     Good afternoon, Mr. Hawthorne.  Could you state your  
6   name and spell it for the Court Reporter, please?

7   A     Yes.  Charles William Hawthorne, III.  C-h-a-r-l-e-s  
8   W-i-l-l-i-a-m H-a-w-t-h-o-r-n-e.

9   Q     Now, I called you as Charles, but you go by Bill; is  
10   that right?

11   A     That's right.

12   Q     Okay, all right.  So, Bill, can you tell me where your  
13   place of employment is?

14   A     Gardens at Parkway.  1508 Parkway.

15   Q     Okay.  How long have you worked there?

16   A     Eight and a half years.

17   Q     Okay, so in that eight and a half year timeframe, have  
18   you worked pretty much all over that complex?

19   A     Everywhere.

20   Q     Okay, and you're fairly familiar with the area?

21   A     Too much so.

22   Q     Now, were you working there on April 8, 2020?

23   A     I was.

24   Q     Okay.  Do you remember an incident that occurred that  
25   early afternoon?

1     A     Yes.

2     Q     Okay.  When that happened, where were you on the  
3     property?

4     A     I just came out of the office.  I had a work order at  
5     building five, and I came out and I was smoking a cigarette  
6     before I went back there.  And then I heard something that  
7     sounded like firecrackers.  And I said, there's the kids  
8     again.  So I jumped in my Jeep, rode around between building  
9     four and five, and I saw somebody hopping and waving,  
10    hopping down the sidewalk.  So, I pulled in where I was  
11    supposed to do the work, and the gentleman opened up my  
12    passenger door and just jumped in my car and said he had to  
13    go to the hospital.

14    Q     Okay.  Now, Mr. Hawthorne, you just talked about a lot  
15    of different places, so I'm going to have you step down, as  
16    we've done with some prior witnesses and just have you show  
17    me exactly where all this happened.  Okay.  And to just put  
18    you off the stand, and you're kind of turned to the jury.  
19    Just make sure you speak up nice and loud.

20    A     Sure.

21    Q     Okay, so let's look at State's 86 right here.  That's a  
22    zoomed in version of the complex.  So, do you work in the  
23    complex with the brown roofs or the green roofs?

24    A     The green right here.

25    Q     Okay, so now tell me again exactly what happened when

1     you were coming off your break and exactly where you were on  
2     the property.

3     A     Okay, I was right here at the office.  Should be right  
4     here.

5     Q     Okay.  Sorry.  So, let's look at 88.  So, the office is  
6     over here?

7     A     That would be the office right there.

8     Q     Okay.  The far right hand side near the main road on  
9     Parkway, right?

10    A     Yes.  And I always park right here.

11    Q     Okay.  All right.  So it's off to the side here.

12    A     Yes.

13    Q     We'll go from there.

14    A     Okay.  So, I was smoking a cigarette.  I heard what I  
15    sounded like firecrackers going off.  Kids do it all the  
16    time.  And it sounded like it was up the tree line here.  
17    So I said, let me go back there and see what they've done  
18    done now.  So I pulled out and came up here, because I had a  
19    work order for right here.

20    Q     I'm sorry.  Did you walk or were you driving?

21    A     I was driving my Nissan Pathfinder.

22    Q     Okay, so you drive right here.

23    A     I keep my tools in the back, you know, and I just drive  
24    around the complex, you know, as needed.  And I pull -- when  
25    I came to here, I pull in, there was a black car that was

1     parked right here.

2     Q     Okay, I'm sorry, I'm just going to stop you. So when  
3     you pull in, you're between what two buildings?

4     A     This is number four, and that's number five.

5     Q     Okay. So you pull in between four and five.

6     A     I pulled in right here where that car is. And when I  
7     was pulling in, the guy was hopping down the sidewalk. And  
8     I pulled in. Right when I was pulling in, this car was  
9     backing out and it took off and turned and went out.  
10    I didn't get a tag and everything, but it was a black car.

11    Q     Okay. And so that black car was parked right here in  
12    front of building ---

13    A     Four.

14    Q     Okay. And the guy that's hopping down the sidewalk, is  
15    he in front of five?

16    A     Yes, right here. And I got out, because he was waving  
17    his hand and I didn't know what was going on. All of a  
18    sudden, he didn't even say them to me. He just jumped in  
19    the passenger side of the car and said, I need to go to the  
20    hospital. And when he passed my car, I had noticed he had  
21    blood on his backside. I mean, bleeding profusely. Jumped  
22    in my car and I said, you know, what -- He said, I got to go  
23    to the hospital. And I immediately called 911 before I got  
24    in the car. And he said, I've got to go, I got to go.  
25    I said we're going. And I jumped in the car and I had 911

1 on phone the whole time.

2 Q Okay, I'm going to stop you for just a second because I  
3 have a follow up question. So you said you saw black car  
4 parked over here ---

5 A Yes.

6 Q --- and it sped out. What did you see for that car  
7 that you speeding out?

8 A When they turned right here to go out of the  
9 apartments, the back, the passenger side back door was open  
10 and feet were hanging out.

11 Q Okay, so you saw human feet hanging out the back. Were  
12 they barefoot? Did they have shoes on?

13 A They had tennis shoes on.

14 Q Do you remember anything about what those tennis shoes  
15 looked like?

16 A I'm thinking they were blue.

17 Q Okay, so you saw blue sneakers ---

18 A Unless it was a blue bumper sticker or something. I saw  
19 blue.

20 Q Okay, but as you remember that day, they were hanging  
21 out the back seat?

22 A Yes.

23 Q All right, so it leaves, and you get back in the car  
24 with this person from the sidewalk?

25 A Yes. And I immediately got to the hospital.

1 Q I'm going to have you get back on the stand so you can  
2 be a little more comfortable going over these questions.

3 Okay?

4 A All right.

5 Q Okay, so you said you got into the car. You  
6 immediately dialed 911, correct?

7 A Yes. Well, actually before I got in the car I dialed  
8 them.

9 Q Okay. And so, what were you telling 911?

10 A Basically, what I had thought was a drive by shooting,  
11 and I had somebody that was bleeding, that had been shot,  
12 and I was on the way to the emergency room.

13 Q Okay. Were you kind of relaying information from the  
14 person in your car to 911?

15 A I was. They asked me to find out his name.

16 Q Did he tell you his name?

17 A He did.

18 Q What was his name?

19 A He said Xaymon (Phonetic) Hill. He said Xaymon  
20 (Phonetic) at first, and then they asked me, what's your  
21 last name? And asked me his last name and he said Hill.

22 Q Okay. Now, Mr. Hawthorn, did you see him get shot?

23 A I did not.

24 Q Okay, you just saw blood, and he was screaming about  
25 being shot.

## Hawthorne-Cross Examination

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1     A     Yeah, it was easy to tell he had been shot, probably  
2     several times, in the back.

3     Q     Okay. When you were relaying information to 911, did  
4     they ask any information about how he got shot?

5     A     No, not that I recall.

6     Q     Was he able to tell you how he got shot?

7     A     He didn't. He was just saying, I just got to go. I got  
8     to go. I got to go. I ran two red light. It was two red  
9     lights between. I ran them both.

10    Q     So, you were doing the right thing, taking him to the  
11    hospital?

12    A     I think. I hope.

13    Q     Now, he couldn't tell you how he was shot. Was he able  
14    to tell you who shot him?

15    A     No, that didn't come up.

16    Q     Had you seen Mr. Hill before that day when he hopped  
17    into your car?

18    Q     I may have seen -- there's people walk through all the  
19    time. They cut through back and forth. There's a path  
20    between building four and five. Actually, it's just a  
21    little curb. You can actually drive a car through there if  
22    you wanted to, because we've had people drive through there  
23    before from the apartments next door.

24           MS. HOFFMAN: No further questions.

25           THE COURT: Mr. Tinsley:

1 CROSS EXAMINATION

2 BY MR. TINSLEY:

3 Q Mr. Hill didn't have a handgun when he got near your  
4 pathfinder; did he?

5 A I saw no gun.

6 Q And he was in excruciating pain at that point?

7 A I would imagine so, yeah. He was hopping. He wasn't  
8 screaming or anything like that, but, I mean, by the looks  
9 of his back, he had to be in terrible pain.

10 Q And that's why you ran two red lights to get him to the  
11 hospital so quick; wasn't it?

12 A Yeah. I mean, that was a lot of blood. It ruined my  
13 seats in the car. Hopefully I got him there, and I was  
14 hoping I'd get him there in time, because there's a lot of  
15 blood, so that's why I ran two red lights.

16 Q Thank you for coming today, and thank you for your  
17 service. Taking Mr. Hill to the hospital, and I don't have  
18 any further questions.

19 THE COURT: Mr. Henderson?

20 CROSS EXAMINATION

21 BY MR. HENDERSON:

22 Q Hey, Mr. Hawthorne. How are you, sir?

23 A I'm doing well.

24 Q And I think your testimony was, Mr. Tinsley asked you,  
25 did you see Mr. Hill with any guns? And your answer was no.



1     A     No.  I did not.

2     Q     Did you see any guns that day?

3     A     When I got back, I saw a gun in the parking lot that  
4     the law enforcement was surrounding. I don't know guns.  It  
5     was a black handgun, and it was orange Bic lighter beside  
6     it.

7     Q     Are you just assuming that guns associated with this  
8     incident, or are you just guessing?  Or do you know?

9     A     I would assume so, if there was just a shooting and  
10    there's a gun laying in the parking lot.

11    Q     Okay, but you didn't see any shooting, though?

12    A     No.

13    Q     Okay.  And you said you saw a black car ---

14    A     Yes.

15    Q     --- heading out.  And you said -- I'm looking kind of a  
16    statement that you gave to law enforcement that it appears  
17    as if feet were hanging out of the car?

18    A     Yes.

19    Q     Okay.  And you didn't hear any gunshots coming from  
20    that vehicle, did you?

21    A     No.

22    Q     Okay.  You didn't see any muzzle flashes coming out of  
23    that car?

24    A     No.

25    Q     Okay.  Didn't see anybody shooting toward that car,

1     did you?

2     A     Did not.

3     Q     Okay. You said you took Mr. Hill to the hospital.

4     A     That's correct.

5     Q     Okay. Did you see anybody else's body there? I mean,

6     obviously, you saw Mr. Hill in person. You saw his full

7     body. Did you see any other full bodies of anybody else

8     that you think might have been involved that day?

9     A     I did not.

10    Q     You did not? Okay. Just not at all?

11    A     Well, I mean, I've seen the feet hanging out of the

12    black car.

13    Q     Right, but that's not a full body.

14    A     Okay.

15    Q     Okay. You saw Mr. Hill's full body. His full body was

16    in your car. Is that correct?

17    A     Right.

18    Q     And you didn't see any other full bodies that day?

19    A     I did not.

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

21    Your Honor.

22           THE COURT: Mr. Grose?

23                           CROSS EXAMINATION

24    BY MR. GROSE:

25    Q     Just a couple of questions, sort of following up. When

1     you first heard the sounds, you thought it was fireworks?

2     A     That's correct.

3     Q     And apparently that's common in the area sometimes with  
4     kids playing.

5     A     It is.

6     Q     And when you realized that it wasn't fireworks, was  
7     when you saw this person that turned out to be Mr. Hill  
8     hopping down the road.

9     A     That's correct.

10    Q     All right, but you didn't actually see any gunshots  
11    fired?

12    A     I did not.

13    Q     You didn't actually see anyone with a gun?

14    A     I did not.

15    Q     You were just there doing your job that day?

16    A     Correct.

17    Q     And when you saw somebody who was hurt, you took them  
18    to the hospital?

19    A     That's right.

20    Q     And you're here to tell us what you remember from that  
21    day?

22    A     That's correct.

23    Q     And, don't take this the wrong way, but you're not  
24    trying to guess or theorize anything about what might have  
25    happened or could not have happened?

1     A     I'm not guessing.

2     Q     Because you wouldn't want to make assumptions.

3     A     It wouldn't be fair.

4     Q     That's a very good way of saying it. Mr. Hawthorne,  
5     thank you for being here today.

6           THE COURT: No redirect?

7           MS. HOFFMAN: Just briefly, Your Honor.

8                                 REDIRECT EXAMINATION

9     BY MS. HOFFMAN:

10    Q     Mr. Hawthorne, one of the defense attorneys asked you,  
11    when Mr. Hill got into your car, did you see a gun, and you  
12    said no, correct?

13    A     That's correct.

14    Q     Okay. Did you see a holster on his person?

15    A     I did not. I didn't notice. I was just too busy  
16    driving. I didn't keep gandering over. You know, I was  
17    just on the phone and driving.

18    Q     I understand. And they asked you about that gun in the  
19    parking lot. Would you have noticed if there had been a gun  
20    in the middle of that parking lot previously in that day?

21    A     I didn't. No.

22    Q     Okay. So, you didn't see a gun in that parking lot  
23    previously in the day?

24    A     No, I did not.

25    Q     Okay, and then when you saw what we now know is Mr.

1 Hill kind of coming down that sidewalk and that black

2 car leaving, was that happening at the same time?

3 A Same time.

4 Q Okay, so as he's hobbling in your direction, that black

5 car is speeding off.

6 MR. GROSE: Objection. Leading.

7 THE COURT: I think she's just trying to get

8 clarification. Overruled.

9 A That's correct.

10 MS. HOFFMAN: No further questions, Your Honor.

11 THE COURT: Recross, Mr. Tinsley?

12 MR. TINSLEY: No, Your Honor.

13 THE COURT: Recross, Mr. Henderson?

14 RECROSS EXAMINATION

15 BY MR. HENDERSON:

16 Q When you left with Mr. Hill to the hospital, was the

17 gun in the parking lot?

18 A I have no idea. I only noticed the gun when the law

19 enforcement was around it when I came back.

20 Q When you got back. So, you don't know when the gun got

21 there?

22 A No.

23 Q You don't know how it got there?

24 A I have no idea.

25 MR. HENDERSON: Nothing further, Your Honor.

1           THE COURT: Anything further, Mr. Grose?

2           MR. GROSE: No follow up.

3           THE COURT: Do you have another brief witness for the  
4 evening, or are we at a good stopping point?

5           MR. STUMBO: Judge, I think our next witness is Deputy  
6 Cockrell, who we have body cam footage, which is about 30,  
7 about 20 minutes worth of body cam. If we want to work  
8 later tonight, we're willing to do it. I don't know what  
9 the Court's preference is.

10          THE COURT: Let's do this. Let me get a preview of  
11 what we got coming tomorrow. Y'all step over here real  
12 quick.

13          (WHEREUPON, sidebar held.)

14          All right, ladies and gentlemen of the jury, I've  
15 talked to the attorneys. It's probably best that we go  
16 ahead and take a break for the evening because the next  
17 witness may last just a little while. And I know I'm  
18 imposing on you already, and I know I'm inconveniencing you  
19 enough, and I'm trying to minimize that. And I'm sure that  
20 you all have a life outside of these walls, or at least I  
21 hope you do. God knows I do.

22          I'm going to let you all go for the night. If you could  
23 be back here tomorrow morning at 9:15 and just come straight  
24 into the jury room here. There should be some coffee there,  
25 maybe some snacks or light snacks of some kind, but just

1     come straight and try and be here right here at 9:15  
2     tomorrow morning. Do wear the juror badges back. It'll  
3     help you get in quicker and identify you as jurors in this  
4     particular case.

5             Now, ladies and gentlemen, I'm well aware that when you  
6     got your juror summons a month or two ago, you came from the  
7     mailbox, and with glee, you opened it up and you were like,  
8     oh, honey, or whoever it is you share a room with or a roof  
9     with. Honey, I've been summoned for jury duty. This is  
10    just so fantastic. I'm so excited. I'm thrilled. Okay, so  
11    I know that you your spouse significant other -- I know that  
12    they know that you had jury duty this morning. All right?  
13    So when you get home tonight, how's it going to play out?  
14    Well, probably the same way as with me and Kelly. She comes  
15    in, oh, Frank, how was your day? Oh, it was fine. And of  
16    course, they're going to ask you, how was your day? Oh, it  
17    was fine. What are they going to ask next? Well, were you  
18    picked on a jury? And you can say, yes, I was picked on a  
19    jury. What are they going to ask next? What kind of case  
20    is it? All right, that's where you got to draw the line.  
21    Explain that you're dealing with a very codgedy, angry, old,  
22    mean judge who has instructed you that you can't talk to  
23    them about the case. And the reason for that, ladies and  
24    gentlemen, is this is your decision to make, not your  
25    significant other, your husband, wife, or whoever it is you

1 share a house with, all right? So, it's your decision, not  
2 theirs. And just tell them, hey, look, I'll talk to you  
3 about it after it's over with, but hopefully you've got more  
4 interesting things to talk about than this case, all right?  
5 So, again, no independent research. Don't discuss the case  
6 with anybody that you share a house with, and I'll see you  
7 back here tomorrow morning at 9:15. Leave the tablets in  
8 your seats. The bailiff will collect those, and we'll  
9 secure those tonight. Have a pleasant evening. See you at  
10 9:15. Thank you.

11 (WHEREUPON, jury exited and proceedings recessed 5:45  
12 p.m.)

13 TRIAL DAY 3: August 17, 2022

14 (WHEREUPON, proceedings resumed at 10:43 a.m.)

15 THE COURT: We're going back on the record. The record,  
16 of course, will reflect we've been waiting for a juror to  
17 arrive. (Juror 158, Timothy Jackson in courtroom.)

18 Sir, I understand that the deputy -- they found you  
19 this morning asleep, okay? We were supposed to start at  
20 9:15 and we need to try to do better in terms of moving  
21 forward efficiently. Tonight, let me suggest a bedtime of  
22 around 10:00 for you. Because we need to minimize the  
23 inconvenience of all concerned, and that includes you as  
24 well. So, let's do that. If you could, just join the jury  
25 in the jury room and we'll start shortly. Okay, sir. Thank



1     you.

2           (WHEREUPON, Juror 158 exited courtroom.)

3           THE COURT: Of course, the record will reflect that  
4 everyone is present with counsel again. I apologize for the  
5 delay in beginning. Solicitor, are you ready to proceed?

6           MR. STUMBO: We are, Judge.

7           THE COURT: Let's go ahead and have the jury in please.

8           (WHEREUPON, jury entered 10:44 a.m.)

9           THE COURT: All right. Ladies and gentlemen of the  
10 jury, welcome back and thank you for being here. Again, I  
11 apologize for the delay in getting started this morning.  
12 I'm confident that that we won't have a problem along those  
13 lines going forward. We're still, of course, in the State's  
14 case in chief, so at this point, Solicitor, if you'll call  
15 your next witness, please.

16          MS. TAYLOR: Thank you, Your Honor. The State calls  
17 Deputy Cody Cockrell.

18                       WHEREUPON, Cody Cockrell, having first  
19 been duly sworn, testified as follows:

20                       DIRECT EXAMINATION

21 BY MS. TAYLOR:

22 Q     Good morning. Please tell us your name for the record.

23 A     Cody Cockrell.

24 Q     And obviously, you're here in uniform. Who do you work  
25 for?

1     A     Greenwood County Sheriff's Office.

2     Q     What's your job at the Sheriff's Office?

3     A     Right now I'm a school resource officer.

4     Q     Back in April of 2020, what was your job then?

5     A     I was a school resource officer, but I was helping  
6     uniform patrol due to being out of school for the pandemic.

7     Q     So, you were on uniform patrol on April 8, 2020?

8     A     Yes, ma'am.

9     Q     Did you receive a call about gunshots at Hillcrest  
10    Condos?

11    A     Yes, ma'am.

12    Q     I'm not going to get you to come down. Can you hear me  
13    okay if I come over here?

14    A     Yes, ma'am.

15    Q     Hillcrest Condos -- is that this apartment complex  
16    right here?

17    A     Yes, ma'am.

18    Q     Is this in the county of Greenwood?

19    A     Yes, ma'am.

20    Q     All right, and do you know if these complexes are  
21    county, city?

22    A     From what I remember when I worked uniform patrol full  
23    time, one or two of those complexes around it is in the  
24    city.

25    Q     So, this is a, kind of, a donut hole of the county in

1     here?

2     A     Yes, ma'am.

3     Q     So, you received the call about gunshots at Hillcrest.

4     Condos. What did you do?

5     A     I was actually really close, so I responded as quickly  
6     as I could. Once pulling into the complex, with all the  
7     radio traffic, we kind of didn't have a good idea as to  
8     where or what was going on. So then I got out of my  
9     vehicle, and got out on foot, and that's when -- eventually  
10    came to apartment building "G" where I encountered Mr. Goode  
11    with a gunshot wound to the foot.

12    Q     At some point after you arrived did you -- did you have  
13    a body worn camera at the time, a body cam?

14    A     Yes, ma'am.

15    Q     At some point after you arrived, did you activate that?

16    A     Yes, ma'am. I attempted to activate it upon my  
17    arrival, but it was getting close to the end of my shift  
18    that day and in an attempt to save battery, I'll cut it all  
19    the way off. So, at that point when I need to activate it,  
20    I have to let it power up and then hit record.

21    Q     So, is there a little bit of a lag from when you start  
22    it?

23    A     Yes, ma'am.

24    Q     I'm going to show you what's been marked as State's  
25    Exhibit 85. Is that a copy of your body cam from that day?

1     A     Yes, ma'am.

2           MS. TAYLOR: Your Honor, the State offers Exhibit 85  
3     into evidence.

4           THE COURT: Any objections? No objections.

5           MR. HENDERSON: Subject to what I said yesterday about  
6     the "my people".

7           THE COURT: Sustained. Well, not sustained, but noted.  
8     It's in it's in evidence. State's 85 is in evidence and you  
9     may publish.

10          MS. TAYLOR: Thank you, Your Honor.

11          (WHEREUPON, State's Exhibit No. 85 in evidence and  
12     published to the jury.)

13          MS. TAYLOR: All right, I'm going to stop it right  
14     there.

15     Q     If you don't mind, I want to go back through the video  
16     and ask you some questions about different things we see at  
17     different points. Can you see from right there?

18     A     Yes, ma'am.

19     Q     I'm going to take us all the way back to the beginning.  
20     You said there was a bit of a lag on your camera?

21     A     Yes, ma'am.

22     Q     So, had you already seen Mr. Goode at this point?

23     A     Yes, ma'am.

24     Q     Now, at 1:05 -- the gun you just picked up right there.

25     Can you describe how that -- the state of that gun when you

1 found it?

2 A It didn't appear to be thrown. It appeared to be just  
3 set up there. It was -- it was loaded, and the reason I took  
4 it is I had to make it safe for the scene, because at that  
5 point I didn't know if anybody else was in the apartment and  
6 I didn't want somebody to come out while I was rendering  
7 medical aid and there be a weapon readily available.

8 Q Was it loaded with -- was it fully loaded, do you know?

9 A I don't remember, as far as the magazine. I know there  
10 was one in the chamber which I popped out and locked the  
11 chamber back.

12 Q So this is you making that gun safe at this point?

13 A Yes, ma'am.

14 Q Outside -- can you see where the cursor is?

15 A Yes, ma'am.

16 Q Is that where Mr. Goode was located when you got there?

17 A Yes, ma'am.

18 Q Now, we hear you on the video calling out to dispatch a  
19 lot to note different things in the log. Did you note to  
20 dispatch the exact second you arrived on scene?

21 A In this situation, what I remember doing is, since we  
22 didn't have -- prior to my arrival, since I was the first  
23 one there, there was a lot of talk on the radio. People  
24 trying to get information. As I arrived into the apartment  
25 complex and got out on foot, I tried to get out and tell

1     them I was in the area, which is what I usually do on a  
2     call. I'll say 10-88, which is our "in the area" and I  
3     don't call 10-23, or "on scene", until I know I'm at the  
4     scene of whatever I'm investigating. And in this incident,  
5     as soon as I walked around the building and saw Mr. Goode  
6     and saw he was injured, I called out 10-23, or "on scene".

7     Q     So, how long would you say you were actually there  
8     before you called out that you were on scene?

9     A     Two to four minutes.

10    Q     So, if we hear about a seven minute gap between the 911  
11    call and you arriving, would that be accurate? The seven  
12    minute gap between the 911 call and ---

13    A     On scene?

14    Q     --- on the CAD on scene time?

15    A     That's -- I mean, that could probably -- that's going  
16    to probably be pretty close, because I was fairly close and,  
17    like I said, I got out on foot. And I don't think -- I  
18    wasn't even close to the actual incident location when I got  
19    out on foot. So originally, once things kind of settled  
20    down, I actually had to walk back to my vehicle and retrieve  
21    my patrol car and move it closer to the scene.

22    Q     Now, we see you next. Obviously y'all applied  
23    tourniquets to Mr. Parks; is that correct?

24    A     Yes, ma'am.

25    Q     This may sound like a silly question, but did he

1     appear to be in a lot of pain?

2     A       Yes, ma'am.

3     Q       Did he appear to be able to get up and walk around and  
4     move about?

5     A       Honestly, by his -- just the way he was acting, it was  
6     probably a lot of work for him just to get inside the  
7     apartment.

8     Q       I'm going to fast forward it a little bit. We see you  
9     now. What are you doing here?

10    A       I'm clearly clearing the apartment, making it safe,  
11    doing what we call a safety sweep to make sure there's no  
12    one else in the apartment.

13    Q       And was there any evidence that anyone else was in  
14    that apartment?

15    A       No, ma'am.

16    Q       Did you see in plain view any firearms in that  
17    apartment?

18    A       Just the one that was sitting on the back of the  
19    couch.

20    Q       Did you see? Do you recall any bloody footprints, or  
21    any evidence that someone had been bleeding in the back of  
22    that apartment?

23    A       No, ma'am. The only the only blood I remember seeing  
24    would be in the main living area, and it appeared that Mr.  
25    Parks had went over to -- if you see where I grabbed the

1 towel and throw it. It appeared he had went to that same  
2 stack of clothing and tried to grab something to put  
3 pressure on his wounds.

4 Q I'm going to fast forward a little bit more. All  
5 right, here, at about the seven minute mark, 7:11. Is this  
6 EMS on scene now?

7 A I believe so. It's either EMS or fire along with  
8 EMS.

9 Q Are they having to assist Mr. Parks into that chair?

10 A Yes, ma'am.

11 Q And it looks -- how many guys does it look like it  
12 took to get him in that chair?

13 A It took three guys to lift him up and one to actually  
14 push the chair up under.

15 Q All right. I want to ask a question about the surface  
16 on the ceiling over that stoop. What does that look like  
17 it's made of? Is that, like, brick? Siding?

18 A Vinyl siding.

19 Q Vinyl siding?

20 A Or vinyl soffit.

21 Q Alright, and around this here, around the 6:15 mark.  
22 What were you doing there?

23 A Seeing if the gun had been recently fired.

24 Q Now, as a law enforcement officer, do you have to fire  
25 a weapon routinely?



- 1     A       Yes, ma'am.
- 2     Q       Just to stay qualified.
- 3     A       Qualify, yes, ma'am.
- 4     Q       So, are you familiar with the way a handgun smells
- 5     after it's just been fired?
- 6     A       Yes, ma'am. I've been around guns most of my life.
- 7     Q       Can you describe that smell for the jury?
- 8     A       It's a -- it's like a -- I mean, I just call it a
- 9     gunpowder smell of, you know, freshly fired gunpowder.
- 10    Q       And did you smell that on that weapon in the
- 11    apartment?
- 12    A       No, ma'am.
- 13    Q       And was the weapon warm or cold?
- 14    A       It didn't feel warm, the barrel didn't, which usually,
- 15    even with my gloves on that I've got there, those are the
- 16    exact same gloves that I qualify with. I can still feel a
- 17    barrel's heat coming through those gloves, because they're
- 18    not real thick. I did not feel any heat coming from that
- 19    barrel when I cleared it.
- 20    Q       Alright, thanks for going over that video with me.
- 21    I'm going to switch now and ask you about some pictures.
- 22    I'm going to hand you what's been marked as State's exhibits
- 23    2 through 9. Are these all pictures from the scene that
- 24    day?
- 25    A       Yes, ma'am.

1 MS. TAYLOR: Your Honor, the State offers Exhibits 2  
2 through 9 into evidence at this time.

3 THE COURT: I think those are already agreed to.

4 MR. HENDERSON: I think they're already in evidence by  
5 agreement, Your Honor.

6 MS. TAYLOR: Okay, I just -- we didn't have a  
7 stipulation.

8 THE COURT: I think we've agreed that 2 through 9 and  
9 up to, like, 79 or something, with the exception of three  
10 that we'll talk about later. So, those are in evidence.  
11 You can publish.

12 Q All right, showing you, first of all, State's exhibit  
13 2. Can you see from where you are?

14 A Yes, ma'am.

15 Q The screen up there. What's that?

16 A The front door to the apartment Mr. Parks was in.

17 Q And that's Apartment ■?

18 A Yes, ma'am.

19 Q Can you tell what this is on the door?

20 A It looks like blood smear.

21 Q And is State's 3 -- is that just a wider shot of that  
22 same door?

23 A Yes, ma'am.

24 Q What's this all over the rug out front?

25 A That's also blood.

1 Q And on the door, kind of the spray. What did that  
2 appear to be?

3 A Blood splatter.

4 Q State's exhibit 4. Is that another angle of that  
5 blood?

6 A Yes, ma'am.

7 Q Is this like a rug or something that's been thrown over  
8 the railing?

9 A I think so.

10 Q State's exhibit 5. What is that?

11 A A view inside the apartment from the doorway.

12 Q All of this blood right here, is that where Mr. Parks  
13 was laying?

14 A Yes, ma'am.

15 Q Is this the gun back here on the far side of the couch?

16 A Yes, ma'am.

17 Q Is that after you had made it safe?

18 A Yes, ma'am.

19 Q And when you got in, in the apartment, was the gun  
20 somewhere in here?

21 A It was laid on the top of the -- basically on top of  
22 where your back leans against the couch.

23 Q State's exhibit number 9. Can you tell me what that  
24 is?

25 A That's the magazine that I dropped out, and the bullet

1     that was loaded in the gun.

2     Q     That was the round that was actually in the chamber?

3     A     Yes, ma'am.

4     Q     And then State's exhibit 8. Is that just all three of  
5     -- the gun, plus those other two items?

6     A     Yes, ma'am.

7     Q     State's exhibit number 9. What does this look like on  
8     the front of this couch?

9     A     It looks like blood from ---

10    Q     Did you notice ---

11           MR. GROSE: Is that 9 or 7?

12           MS. TAYLOR: Oh, I'm sorry it's seven. I'm sorry.

13           MR. GROSE: Thank you.

14    Q     Seven. And does the -- most of the blood on that couch  
15    appear to be concentrated on the front side?

16    A     Yes, ma'am.

17    Q     And State's exhibit 6, is that just a different angle?

18    A     Yes, ma'am.

19    Q     What's this back here in the corner? Can you tell?

20    A     I believe that was the -- Oh, that's I -- I can't tell  
21    from the picture without looking closer.

22    Q     Did a child live in this apartment?

23    A     I believe so, or at some point. If you remember from  
24    my body cam video, there was a small child's bed leaning  
25    against a closet that I had to kind of move to get the door

1 open.

2 Q As you were clearing the house, were you conducting a  
3 full search at that time?

4 A No, ma'am. I was just making sure there was no one  
5 else in there.

6 Q Was anyone else allowed in before a search warrant  
7 could be executed?

8 A Other than people helping to get Mr. Parks out.

9 Q So, law enforcement controlled that scene from that --  
10 from the time you arrived?

11 A Yes, ma'am.

12 Q As a road officer, or someone assisting the road at the  
13 time, was it your job to fully investigate a crime or an  
14 incident that occurred?

15 A No, ma'am.

16 Q What was the full extent of your duties that day?

17 A Due to how close I was, it was just getting to the  
18 scene, securing the scene, and offering medical -- whatever  
19 medical I could for anyone that was hurt.

20 MS. TAYLOR: Please answer any questions Mr. Tinsley  
21 has for you.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Mr. Tinsley?

24 MR. TINSLEY: Thank you, Your Honor.

25 CROSS EXAMINATION

1 BY MR. TINSLEY:

2 Q Deputy Cockrell, so you didn't do any investigation at  
3 that scene?

4 A No, sir. All I did is, once we got Mr. Parks out, I  
5 did just kind of see what I could see laying around outside,  
6 is when I located the projectile on the front porch.

7 Q And so you didn't knock on any doors in that apartment  
8 complex?

9 A Not that I recall.

10 Q You didn't find any blood, other than what we saw on  
11 that video?

12 A I mean, there were blood drops, you know, from the top  
13 of the porch at the bottom that had dripped down, obviously,  
14 but other than that, no, sir.

15 Q You didn't find any other type -- any other evidence,  
16 other than what you've been over?

17 A The projectile. I did locate two holes in the vinyl  
18 soffit.

19 Q And the projectile was ---

20 A There was

21 Q --- on the porch?

22 A --- there was one on the on the top porch entering the  
23 apartment, laying in between two slats of lumber. I think  
24 my camera died, but at another point I did locate another  
25 projectile that appeared to have fallen through and was

1     laying on the concrete below.

2     Q     You agree with me that 7 minutes is a decent amount of  
3     time?

4     A     Depends on the situation.

5     Q     Well, to hide something. Seven minutes is a good  
6     amount of time?

7     A     Not if I'm shot.

8     Q     I'm not asking if you're shot. I'm asking is seven  
9     minutes sufficient to hide something.

10    A     Then no, sir. I don't believe it's a long amount of  
11    time, in my personal opinion.

12    Q     Okay. Okay. All right. There's fence back there, at  
13    the back of Hillcrest; correct?

14    A     I'm not sure.

15    Q     Okay, so you didn't go back there and look at that  
16    fence?

17    A     No, sir.

18    Q     You didn't go look behind that fence.

19    A     No, sir.

20    Q     And when you testified that the gun you found in the  
21    apartment had been placed rather than tossed, you were just  
22    speculating, right?

23    A     Well, it's a small area. It'd be hard to toss a gun  
24    and it stay up there.

25    Q     What, somebody good at tossing something?

- 1     A     Maybe so.
- 2     Q     Or just dumb luck?
- 3     A     It's possible.
- 4     Q     You asked Mr. Parks who shot him?
- 5     A     No, sir. I didn't.
- 6     Q     Well, somebody on that on that video did.
- 7     A     I think it was Officer Stroup.
- 8     Q     And his response was, "I don't know."
- 9     A     I don't, honestly, I don't -- I wasn't listening to
- 10    what he was saying. I was trying to ---
- 11    Q     You won't disagree with me that's what he said?
- 12    A     No, sir. I won't.
- 13           MR. TINSLEY: No further questions. Please answer any.
- 14    questions Mr. Henderson has.
- 15                           CROSS EXAMINATION
- 16    BY MR. HENDERSON:
- 17    Q     Hey Deputy. How are you, sir?
- 18    A     Good, how are you, sir?
- 19    Q     Good to have you here. You said you were close by when
- 20    you got the call or you heard the radio traffic?
- 21    A     Yes, sir.
- 22    Q     Do you recall where you were at?
- 23    A     I don't. But I was probably within a mile.
- 24    Q     OK, now when you got a call like that would you have
- 25    turned on your blue lights?



1     A     Yes, sir.

2     Q     OK, and when you turn on your blue lights, your video  
3     comes on; correct?

4     A     Not necessarily for me, since I'm a school resource  
5     officer.

6     Q     Is your car not equipped with video?

7     A     It is now. Yes, sir.

8     Q     But was it in April of 2020?

9     A     It was, but it was not working properly and, like I  
10    said, being a school resource officer, I don't -- I'm never  
11    in my car. I'm always in the school.

12    Q     I understand, and I think your testimony was, that as  
13    best of your recollection it sounds like that you would have  
14    radioed in when you found -- when you saw Mr. Goode on the  
15    ground?

16    A     Well, he was kind of standing there, but yes, sir.

17    Q     Standing, sitting. But -- but, you found him. And  
18    again, according to the incident report, the CAD report,  
19    that was about a seven-minute gap. You don't dispute that,  
20    do you?

21    A     The on-scene time and ---

22    Q     Right, versus when the call came in from 911.

23    A     No, sir.

24    Q     I think you actually said in direct testimony that  
25    sounded about right?

1     A     Yes, sir.

2     Q     Okay. I noticed, looking at that video, there was a  
3     great big old hole in the bathroom door. Do you remember  
4     seeing that?

5     A     Sort of.

6     Q     Did anybody reach their hand down in that hole to see  
7     what might have been in there?

8     A     No, sir.

9     Q     Okay. You didn't, did you?

10    A     I wasn't conducting a search of the apartment.

11    Q     Right. Do you know if anybody, after the fact, put  
12    their hands down that big old hole in the bathroom door?

13    A     Once I -- once the end of my body cam, I never step  
14    foot back in the apartment, so I have no idea.

15    Q     I got you. And it looked like the firearm -- what type  
16    of firearm was that that you found on the sofa?

17    A     I don't remember. I really don't. It was a handgun.

18    Q     Right, and if I'm not mistaken, it looked like it was  
19    aimed toward the door. Pointed toward the door.

20    A     I'd have to look back at the video.

21    Q     Okay. I mean, again, use your best recollection. I  
22    know the jury just looked at the video, but again, it  
23    appeared to be aimed toward the door.

24    A     I'd have to look back at the video.

25    Q     Right. I got you. How about these photos? Was there

1 a photo?

2 A I think the photos were only after I'd made it safe.

3 Q OK, I thought there was the photo of it just laying on  
4 the couch when you got there. Maybe I'm wrong about that,  
5 sir.

6 A No, sir. I took the photos ---

7 Q After the fact? I got you.

8 A Yes, sir.

9 Q And, again, you were in Apartment ■; correct?

10 A Yes, sir.

11 Q Who was renting Apartment ■ right next door?

12 A I don't know.

13 Q Did you bang on the door?

14 A No, sir. I didn't do any investigating.

15 Q Okay. I know it wasn't on your video, but I didn't  
16 know after the fact if you banged on the door?

17 A No, sir.

18 Q Do you know if any of the detectives banged on the  
19 door?

20 A Once -- like I said, once I got out of the apartment  
21 and the scene was turned over to our investigators, I went  
22 and retrieved my patrol car and actually started working on  
23 the initial report.

24 Q Okay. Now, you've read that incident report. You  
25 actually wrote part of the incident report. Is that

1 correct?

2 A Yes, sir.

3 Q Have you, in preparing for your testimony today, have  
4 you read the whole incident report?

5 A No, sir.

6 Q Right below Apartment ■ is Apartment ■. And right  
7 below Apartment ■ is Apartment ■. Do you know if anybody  
8 knocked on those doors?

9 A No, sir. I wasn't there. I don't know.

10 Q Okay. Now, seems like, you know, if I'm not mistaken,  
11 there was another, kind of, that the State hadn't put in.  
12 But, there's a body cam from Deputy Stroup. Do you remember  
13 that? Have you watched that?

14 A No, sir.

15 Q Okay. So you don't know whether or not he suggested  
16 that people knock on those doors?

17 A I don't.

18 Q You just don't know.

19 A (No verbal response.)

20 Q Okay. As far as you know, you didn't.

21 A Correct.

22 Q Do you know if Deputy Stroup knocked on the doors?

23 A No, sir.

24 Q Okay. Do you know if anybody knocked on those doors?

25 A Once again, I wasn't there. I don't know.

1 Q Do you know if anybody started trying to figure out  
2 what Mr. Parks drove? What vehicle he drove.

3 A No, sir, I don't.

4 Q Okay. Do you know if anybody asked Mr. Goode what  
5 vehicle he drove?

6 A No, sir. I don't.

7 Q Okay. And you would agree that there are parking spots  
8 pretty close to this apartment.

9 A Whose parking spots?

10 Q Any parking spots or just general parking spots.

11 A Yes, sir.

12 Q I mean, that's kind of the nature of an apartment  
13 complex; correct?

14 A Yes, sir.

15 Q That there's plenty of parking for the apartments.

16 A Yes, sir.

17 Q Okay. Do you know if anybody inquired as to what type  
18 of vehicles these gentlemen were driving?

19 A That would be something an investigator would have to  
20 let you know.

21 Q Okay, and how about -- and again, I think Mr. Tinsley  
22 asked you this. Did anybody go look behind these fence  
23 lines? Or do you know?

24 A I didn't.

25 Q Okay. And I heard, you know, vaguely, but you can hear

1     it, and the jury may need to go back and listen to it, but  
2     on your video it shows law enforcement, not necessarily you,  
3     talking to Mr. Goode while he's out there on the ground.

4     You remember that?

5     Q     I guess. I wasn't talking to him.

6     A     Right, but you're filming it. You know, it's captured  
7     on your video. Do you remember hearing that a while ago.

8     A     Hearing what? Them talking to him?

9     Q     Right.

10    A     No, sir. I don't recall it. Like I said, just because  
11    my body camera records, it doesn't mean I'm involved in it.

12    Q     And you -- and I'll represent to you that Mr. Goode  
13    said a man in a mask shot him.

14    A     Okay.

15    Q     Did you hear that?

16    A     I did not.

17    Q     Okay. Did you find a mask?

18    A     I didn't look for one.

19    Q     Okay. Do you know if anybody found a mask?

20    A     I did not take part in investigating.

21    Q     Okay. I mean, you're familiar with this case I hope,  
22    aren't you?

23    A     I'm familiar with what I had to do with it. Yes, sir.

24    Q     Right. I mean, just the scuttlebutt at the Sheriff's  
25    Office. Has anybody talked about finding a mask?

1     A     No, sir. Not to me.

2           MS. TAYLOR: Your Honor, I'm going to object to asking  
3     about what other people have told him about the case.

4           THE COURT: Sustained. Sustained.

5           MR. HENDERSON: I don't have anything further, Your  
6     Honor.

7           THE COURT: Mr. Grose?

8           MR. GROSE: May it please the Court?

9                           CROSS EXAMINATION

10    BY MR. GROSE:

11    Q     You may have said this already -- by the way, I'm  
12    Charles Grose. I represent Chazz Hurley. You may have said  
13    this already, Deputy, but how long have you been a law  
14    enforcement officer?

15    A     15 years.

16    Q     And as part of being a law enforcement officer, you go  
17    through training; is that right?

18    A     Yes, sir.

19    Q     Including training at the Criminal Justice Academy?

20    A     Yes, sir.

21    Q     And one of the things that that you do is you're  
22    trained in writing reports?

23    A     Yes, sir.

24    Q     And did I hear you say that as soon as you turned the  
25    scene over to the investigators that you went back to the

1 car and started writing your report?

2 A Yes, sir.

3 Q Because it's important to write things down when  
4 they're fresh in your mind?

5 A (No verbal response.)

6 Q Is that is that a yes?

7 A Yes, sir, sorry.

8 Q And I don't mean to get on you about that, it's just  
9 that our court reporter has to take down those answers,  
10 because we're making a transcript of all this.

11 A Yes, sir.

12 Q And sometimes when I testify, I forget myself. I guess  
13 it's important to write some of that stuff down, because in  
14 a case like we're here today, it's been a year, almost a  
15 year and a half, since this happened. Is that right?

16 A Yes, sir.

17 Q Okay. Do you have a copy of your report there with  
18 you?

19 A No, sir.

20 Q Did you bring one with you today?

21 A No, sir.

22 Q Did you review it before your testimony?

23 A I've read over it, once I received my subpoena.

24 Q You read over it?

25 A Yes, sir.



1 Q Does that look like the first page of your report?

2 A It looks like the first -- yes, sir. I'd have to read  
3 over it to make sure.

4 Q Okay. All right. Do you want to read it over?

5 A Yes, sir.

6 Q And you just swipe that way.

7 A Yes, sir. It appears to be my report.

8 Q And I want to, kind of -- And when you say it appears  
9 to be your report, this is the report you wrote, began on in  
10 your patrol car, right after this happened?

11 A Yes, sir.

12 Q And there's been some questions about the time. The  
13 report reflects the dispatch time at 2:12 in the afternoon.  
14 Is that correct?

15 A Where?

16 Q Right here.

17 A Yes, sir.

18 Q And the time arrived is at 1419?

19 A Yes, sir.

20 Q And, if I understood your testimony earlier, the time  
21 that you arrived would have been when you called in and gave  
22 a code. I forget what it was, but gave a code and said you  
23 had arrived, and that was when you saw Mr. Goode?

24 A Yes, sir.

25 Q Okay. Now, there were some questions about Mr. Goode

1 earlier, and I want to make sure that we are clear about  
2 that. When you first arrived, Mr. Goode was standing,  
3 wasn't he?

4 A Yes, sir.

5 Q Okay, and when you first arrived, Mr. Goode was  
6 walking, wasn't he?

7 A Hobbling on one foot. Yes, sir.

8 Q Okay. And actually it says, it was "limping" is the  
9 word that you used in your report, right?

10 A Yes, sir.

11 Q Okay, and that was when you advised Mr. Goode to lie  
12 down?

13 A Yes, sir.

14 Q Okay. And it was Mr. Goode that told you that somebody  
15 else was shot and was inside an apartment?

16 A Yes, sir.

17 Q Okay. Now, as a first responder, is it fair to say  
18 that one of the first things that you have to do is to make  
19 certain that people are safe?

20 A Make certain people are safe?

21 Q Safe.

22 A Yes, sir.

23 Q Okay, and from reading your incident report it sounds  
24 like you had to make a decision about whether to begin  
25 rendering aid to Mr. Goode, or go check on the person in the

1     apartment. Is that right?

2     A     I wanted to see who had the more serious injuries.

3     Yes, sir.

4     Q     Okay, but you noted that Mr. Goode had a certain level  
5     of awareness, right?

6     A     Yes, sir.

7     Q     And a certain level of alertness?

8     A     Yes, sir.

9     Q     And that Mr. Goode was moving around, walking.  
10    Limping, but walking when you saw him?

11    A     (No verbal response.)

12    Q     Is that correct?

13    A     Yes, sir. I mean, he was hobbling in one spot, but  
14    yes, sir.

15    Q     Okay. And -- well, but he had to get to that spot  
16    though, didn't he?

17    A     Yes, sir.

18    Q     Okay, because he said that his friend was in the  
19    apartment, right?

20    A     Yes, sir.

21    Q     And so, when we're talking about the time between the  
22    dispatch at 4:12 -- I mean, I'm sorry. At 2:12, 1412  
23    military time, 2:12 civilian time, and 2:19 when you  
24    arrived. When we're talking about that 7 minutes, you don't  
25    know where Mr. Goode was between 2:12 and 2:19 before you

1 saw him, do you?

2 A No, sir. I don't.

3 Q You don't know where Mr. Goode was, albeit limping, but  
4 walking around in that 7 minutes from 2:12 to 2:19; do you?

5 A I do not.

6 Q And there was a question about 7 minutes that Mr.  
7 Tinsley asked, I think, about being enough time to hide  
8 things; right?

9 MS. TAYLOR: Objection, Your Honor. Calls for  
10 speculation.

11 MR. GROSE: Well, this is already in evidence, Your  
12 Honor. They didn't object when he was ---

13 THE COURT: Overruled.

14 MR. GROSE: Thank you.

15 Q All right. So -- and I'm just asking what you know and  
16 what you don't know. And you don't know whether Mr. Goode  
17 hid anything in that 7 minutes; do you?

18 A No, sir.

19 Q You don't know whether Mr. Goode gave something to some  
20 other person that wasn't even interviewed; do you?

21 A I do not.

22 Q I mean, you were there doing your job to make sure  
23 people were safe, and secure the scene, and turn it over to  
24 investigators; right?

25 A Yes, sir.

1 Q And obviously you can't speak for Mr. Goode during  
2 those 7 minutes.

3 A No, sir.

4 MR. GROSE: Thank you very much.

5 THE COURT: Any redirect?

6 MS. TAYLOR: Very briefly, Your Honor.

7 REDIRECT EXAMINATION

8 BY MS. TAYLOR:

9 Q It may take me just a second though. While I'm looking  
10 for this, Mr. Tinsley asked a question about a projectile.  
11 And I think it would be helpful. Can you explain to the jury  
12 what the difference is between a projectile, a casing, and a  
13 complete round that would go into a handgun?

14 A A projectile is actually the bullet that comes out of  
15 the gun when you shoot it. A casing is the shell that  
16 ejects that the bullet was fired out of it usually. Those  
17 are, you usually find shell casings a lot. You don't find  
18 projectiles every now and then, especially full projectile.  
19 And the whole bullet is basically the projectile inside the  
20 casing. That's what you load into your gun before you shoot  
21 it.

22 Q Sorry, there's one particular picture I want to show  
23 you. I'm having a hard time putting my hands on it. We'll  
24 ask that of somebody else.

25 MS. TAYLOR: No further questions, Your Honor.

1 THE COURT: No recross?

2 MR. TINSLEY: None, Your Honor.

3 MR. HENDERSON: No, sir.

4 CROSS EXAMINATION

5 BY MR. GROSE:

6 Q Did you say that you observed two projectiles?

7 A Yes, sir.

8 Q You don't know ---

9 A I don't know -- now, I don't know if the second one was  
10 a full projectile that -- like the one I see on my body cam.

11 Q So, a full projectile and a second projectile, which  
12 may or may not have been full?

13 A Right. What we call a fragment.

14 Q All right. But you aren't the one who collected those?

15 A No, sir.

16 Q Somebody else did that?

17 A Yes, sir.

18 THE COURT: You can step down.

19 MR. STUMBO: If we could excuse Mr. Cockrell to get back  
20 to his SRO duties, Judge.

21 THE COURT: Certainly. Sure. Ladies and gentlemen, I'm  
22 going to take a brief ten minute break. We'll be back on  
23 the record at 11:50. Don't discuss the case, but feel free  
24 to pop to the back, get something to drink, refresh  
25 yourselves, and we'll be back on the record at 11:50. Thank

1     you.

2           (WHEREUPON, jury exited 11:40 am. Recess 11:40-11:58  
3     a.m. Jury entered 11:58 a.m.)

4           THE COURT: The jury is back and seated. Solicitor, if  
5     you would call your next witness, please.

6           MR. STUMBO: Your Honor, the State calls Gabriel Goode.

7                   WHEREUPON, Gabriel Goode, having first been  
8     duly sworn, testified as follows:

9                                 DIRECT EXAMINATION

10    BY MR. STUMBO:

11    Q     Good morning, Mr. Goode. Did you grow up in Greenwood?

12    A     Yeah.

13    Q     Make sure you speak up, because this lady right here in  
14    front of you is taking down --

15           THE COURT: Is that microphone on?

16    Q     Just talking to the mic so she can hear you.

17           THE COURT: It's not working. Sorry. Try again.

18    Q     Okay. Did you grow up in Greenwood?

19    A     Yeah. Yes, sir.

20    Q     Thank you. Just make sure you say "yes" or "no" so she  
21    can take it down.

22           THE COURT: I think this one's going to work better.

23    Q     How old are you?

24    A     Twenty-three.

25    Q     Okay. Did you go to school here in Greenwood?

- 1     A     No, sir.
- 2     Q     Okay. Where did you go?
- 3     A     I went to Emerald.
- 4     Q     You went to Emerald not Greenwood High?
- 5     A     Uh-huh.
- 6           THE COURT: That's a "yes".
- 7     Q     Do you go by Gabe?
- 8     A     Yeah.
- 9     Q     Okay, Gabe, back on April 8, 2020, that's the day you
- 10    got shot, where were you living at the time?
- 11    A     In an apartment with my old lady.
- 12    Q     Okay. An apartment -- you said your old lady. Do
- 13    y'all have a child together?
- 14    A     Yeah.
- 15    Q     All right. How old was your child?
- 16    A     At the time or now?
- 17    Q     At the time.
- 18    A     She was one.
- 19    Q     She was one, so now she's three?
- 20    A     Yeah.
- 21    Q     What's your -- the mother of your child. What's her
- 22    name?
- 23    A     Cameron.
- 24    Q     Did you say, "Campbell"?
- 25    A     Cameron.



## Goode-Direct Examination

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- 1 Q Cameron?
- 2 A Uh-huh.
- 3 Q And your child, boy or girl?
- 4 A Girl.
- 5 Q What's her name?
- 6 A Phoenix.
- 7 Q At the time, you said you lived in Cameron's apartment
- 8 and Phoenix lived there with y'all?
- 9 A Yes.
- 10 Q Okay. And that was Apartment ■■■?
- 11 A Yes.
- 12 Q I'm going to show you, if you can -- can you see that
- 13 screen? I'm going to put some pictures up here. Can you
- 14 see that?
- 15 A Yes.
- 16 Q I'm going to show you what's been in evidence as
- 17 State's Exhibit 16. Do you recognize that place?
- 18 A Yes.
- 19 Q Is that your girlfriend's or your -- the mother of your
- 20 child's apartment?
- 21 A Yes.
- 22 Q Which one is it?
- 23 A ■■■ on the right at the top.
- 24 Q OK, on the door that's right side, second floor?
- 25 A Yes.

1 Q And I'm going to also show you what's in evidence as  
2 State's 17, a little bit closer view there. So, it's that  
3 door that's right there at the top of the steps?

4 A Yes.

5 Q Now tell me about April 8, in the afternoon. What --  
6 before all this happened, can you tell me what you were  
7 doing?

8 A Me and my cousin was on the porch smoking a blunt.

9 Q Okay. Let's back up a little bit before then. Cameron  
10 and Phoenix, were they at the apartment that afternoon?

11 A Yeah.

12 Q And when were they there?

13 A Probably, like, what you mean?

14 Q At what point -- were they there before the shooting  
15 took place?

16 A Yes.

17 Q Were they there when the shooting took place?

18 A No.

19 Q Tell me about how your afternoon went. Before all this  
20 happened. Before your cousin, Justin, got there.

21 A Okay. I woke up. Regular day. Fed my daughter. I  
22 forgot me and my girlfriend were arguing about something,  
23 but they end up leaving. My cousin had pulled up before  
24 they left. When they left, me and my cousin went on the  
25 porch and started smoking.

1 Q Okay. So, you and Cameron were arguing about  
2 something?

3 A Yeah.

4 Q Okay. You don't remember what it was about?

5 A Huh-uh.

6 Q That's a "no"?

7 A Yeah, a no.

8 Q And they leave then. So, Cameron leaves and takes  
9 Phoenix with her?

10 A Yes.

11 Q And at what point did your cousin get there?

12 A He got there about ten or fifteen minutes before they  
13 left.

14 Q What's your cousin's name?

15 A Justin Parks.

16 Q After they left -- is this afternoon time at this  
17 point?

18 A Yeah. Afternoon, yeah.

19 Q Let's get back to the point. You said you and your  
20 cousin went out on the porch. I say porch. When you say  
21 porch, you're referring to these steps?

22 A Yes.

23 Q Okay. You said y'all are out there smoking a blunt;  
24 correct?

25 A Yes.

1 Q All right. Where -- what direction are you facing  
2 towards right before this happened?

3 A So, it was, like -- see like a brick wall in front of  
4 the steps. I was facing towards the brick wall.

5 Q Okay. The brick wall would be at the -- at my finger  
6 at the bottom of these steps. There's a brick wall that  
7 that goes along there. You're facing that brick wall?

8 A Yes.

9 Q What direction is your cousin Justin facing?

10 A He on the right of me, facing towards the road.

11 Q Okay. So, he's up here. Where on the steps? At the  
12 top or in the middle?

13 A He at the top.

14 Q All right, and he's facing back the other direction  
15 towards the parking lot?

16 A Yes.

17 Q I'm going to go back to 16 here. So, Justin's back  
18 would be to this corner?

19 A Yes.

20 Q And he'd be facing out toward the parking lot the other  
21 way?

22 A Yes.

23 Q And you're standing at the top, facing down towards the  
24 brick at the bottom of the steps?

25 A Yes.

- 1 Q Tell the jury what happens next, Gabe.
- 2 A Shit, we was smoking a blunt. Somebody came around
- 3 shooting.
- 4 Q Okay. Came around from which direction?
- 5 A My left side.
- 6 Q OK, so looking again at 16 -- I should have just left
- 7 it up there. You say left side. If you're facing down the
- 8 bottom of the steps, it would be down towards that bush on
- 9 the corner?
- 10 A Yes.
- 11 Q That's where the shots came from?
- 12 A Yes.
- 13 Q Okay. Tell me what you remember seeing. Did you hear
- 14 the shots first or did you see people first?
- 15 A I had seen a flash from a muzzle.
- 16 Q Okay. You saw a flash from a muzzle at the same time
- 17 you hear gunshots?
- 18 A Yeah.
- 19 Q What do you remember about -- did you look towards the
- 20 muzzle flash?
- 21 A No, I didn't look towards it. I seen out of my
- 22 peripheral.
- 23 Q Okay. Well, what did you see out of your peripheral?
- 24 A Somebody had on a mask.
- 25 Q What kind of mask? A shirt tied around the face, or a

1 mask like we wear during COVID? What kind of mask?

2 A No, a black ski mask.

3 Q And do you remember anything about -- did you see the  
4 gun? You said you saw the flash coming from the gun. What  
5 do you remember about the guns, if anything?

6 A What you mean?

7 Q Did you recognize any color on the guns?

8 A It was tan.

9 Q Okay, you saw one that was tan?

10 A Yeah.

11 Q All right.

12 MR. STUMBO: Judge, what's been marked as State's 92  
13 for ID only at this point, the evidence custodian will -- If  
14 I could approach the witness?

15 THE COURT: Sure.

16 Q I'm going to show you what's been marked for ID as  
17 State's 92. A tan -- is that color consistent tan color.  
18 what you saw?

19 A (No verbal response.)

20 Q That's a yes?

21 THE COURT: That's a yes.

22 MR. STUMBO: And, Judge, just for the Court's -- I know  
23 you probably saw this. It's secured with a gun lock.

24 THE COURT: Very good.

25 Q What do you do -- do you feel anything? Did you get

1 hit with any bullets?

2 A Yes, in my foot.

3 Q Okay. And is it painful? That's a silly question, but  
4 did it hurt?

5 A Yes.

6 Q What happened to Justin? Did he get shot?

7 A Yeah, he got shot too.

8 Q Where did he get hit?

9 A Once in the hand. Two times in the leg. Something  
10 like that.

11 Q Okay. So, he was bleeding from his legs at that point?

12 A Uh-huh. Yes.

13 Q Where does he go after he gets shot?

14 A We both hit the ground.

15 Q Okay. On the steps?

16 A Yes.

17 Q At the time, did you have a gun in your hand or on your  
18 person?

19 A No. It was in the living room on the couch.

20 Q Okay, so you did own the gun, but it was inside?

21 A Yes.

22 Q Did Justin have a gun in his hand when y'all got shot?

23 A No.

24 Q Did he have one on his person anywhere that you  
25 remember?

- 1     A     No.
- 2     Q     Did you shoot back at where the bullets were coming  
3     from?
- 4     A     No.
- 5     Q     Did you have time to shoot back from where the bullets  
6     were coming from?
- 7     A     No.
- 8     Q     How about Justin? Did he shoot back at anybody?
- 9     A     No.
- 10    Q     Did he have time to shoot back at anybody?
- 11    A     No.
- 12    Q     Did you call 911?
- 13    A     Yes.
- 14    Q     Did you do that from a cell phone or a house phone?
- 15    A     Cell phone.
- 16    Q     And when you're on the phone with 911, where is Justin?
- 17    A     In my apartment.
- 18    Q     Okay. Is he -- I know in reparation for court today  
19    you've watched these officers' body cams where they're  
20    working on him on the floor. Is that where he went to?
- 21    A     Yes.
- 22    Q     And where were you at that time when you were talking  
23    to the 911 operator?
- 24    A     I was talking to them inside my apartment. Then I went  
25    out on the steps. Then I waited for him to come, but they



1     went to the wrong place, so I started hopping off the steps  
2     to get their attention to show them where it was at.

3     Q     You saw some patrol cars roll through and pass where  
4     you were, so you went out to try to get their attention?

5           MR. GROSE:  Objection to the leading.

6           THE COURT:  Overruled.

7     Q     Just to follow up.  All right, this grassy area -- and  
8     I know the grass -- does it extend around the corner here  
9     where that brick wall is?

10    A     A little bit.  Yeah.

11    Q     Where were you, just in relation to the steps, when the  
12    officer approached you?

13    A     Right there by the sidewalk, breezeway, walking towards  
14    steps.

15    Q     Okay, so in the grass, or on the sidewalk?

16    A     In the grass.

17    Q     And that was just right out in front of the apartment  
18    here?

19    A     Yeah.

20    Q     From the time you got on the -- or you got shot, until  
21    the time you call 911, did you go anywhere else besides the  
22    apartment and down in the front of the apartment?

23    A     No.

24    Q     You ever go out to your car?

25    A     No.

1 Q What about Justin? Was he able to walk?

2 A No, he couldn't even get up.

3 Q Okay, so he kind of crawled inside, I guess, the  
4 apartment?

5 A Yeah.

6 Q All right. And from the time you were on the phone  
7 with the 911 operator until the time the first officer got  
8 to you, did you go anywhere else other than in front of the  
9 apartment, the steps, or inside the apartment?

10 A No.

11 Q I'm going to show you -- do you remember what you were  
12 wearing that day, Gabe?

13 A Joggers, bedroom shoes, tank top.

14 Q I'm going to show you what's in evidence as State's 13  
15 on the screen here. Do those look familiar?

16 A Yes.

17 Q Are those your joggers?

18 A Yes.

19 Q Did you have those on when the officers got there?

20 A Yes.

21 Q All right. The tank top. Does this look like the tank  
22 top you were wearing?

23 A Yes.

24 Q And that would be in State's Number 11, the tank top  
25 and a pair of underpants, for the record. I'm going to show

1     you State's 12 now. Did you have on socks?

2     A     Yes.

3     Q     What color socks?

4     A     Black.

5     Q     I'm going to show you State's 12. Does that look like  
6     the sock you were wearing?

7     A     Yes.

8     Q     OK, now this little rod going through it. Obviously,  
9     that's not what you had on your foot, correct?

10    A     (No response.)

11    Q     You didn't have a rod sticking through your foot when  
12    you had the sock on.

13    A     No.

14    Q     Did you take it off or did somebody else take it off?

15    A     The police cut it off.

16    Q     Okay. They cut it off when they were working on you?

17    A     Yes.

18    Q     Did they take you to the hospital, Gabe?

19    A     Yes.

20    Q     The doctors worked on you there?

21    A     Yes.

22    Q     Did you have to spend the night there or did you get  
23    released that day?

24    A     I got out the same day.

25    Q     Have you still got a scar on your foot from that

1     gunshot?

2     A     Yes.

3     Q     Do you remember how many people came around the corner?

4     Do you have any recollection of that, or did you just see a  
5     gun?

6     A     I don't know.

7     Q     Did you follow people -- did you go back around that  
8     corner to see if you could find them?

9     A     No.

10    Q     Gabe, I think you mentioned to me as we were preparing,  
11    talking before today, that you did some rap videos. Did you  
12    do some rap music video?

13    A     Yes.

14    Q     I think you told me your -- you had a nickname,  
15    Backflip Gabe in a lot of those videos?

16    A     (No verbal response.)

17    Q     And those were out on YouTube and anybody can pull them  
18    up and watch it; right?

19    A     Yes.

20    Q     Your rap videos, do you have other guys with you in  
21    those?

22    A     Sometimes.

23    Q     Friends of yours?

24    A     Yes.

25    Q     Your cousin, Justin? Is he in some of those videos

1 with you?

2 A Yes.

3 Q Now of your group of friends, was a guy named Ji'Tavius  
4 Adams one of your friends?

5 A Yes.

6 Q You used to hang out with him?

7 A Every now and then.

8 THE COURT: If I may approach the witness, Your Honor.  
9 This one hasn't been marked yet. Mark, this as the next  
10 number.

11 (WHEREUPON, photo marked State's 135 identification.)

12 Q I'm going to hand you State's 135. Do you recognize  
13 the individual in that picture?

14 A Yes.

15 Q Who was that?

16 A That's Ji' Adams.

17 Q Gabe, where is Ji' today? Do you know where he is?

18 A Prison.

19 Q What's he in prison for? Do you know?

20 A I think murder.

21 Q Do you know where he shot -- so, he shot somebody?

22 MR. HENDERSON: Leading.

23 THE COURT: Overruled.

24 Q You know why -- do you know what happened?

25 A I don't know.

1 Q But he was convicted of killing somebody and he's in  
2 prison now; is that correct?

3 A Yes.

4 Q Did that happen before all of this shooting happened?  
5 Do you know when that happened?

6 A Yeah, I think so. I think it happened before.

7 Q So, at the time that Ji'Tavius Adams was arrested for  
8 killing somebody, he was in jail for awaiting court on that;  
9 right?

10 A Yes.

11 Q He wasn't out hanging out with y'all at that point?

12 A No.

13 Q One last thing, Gabe, if you could. Which foot did it  
14 hit you in?

15 A My left.

16 Q OK, if you could, just step down real briefly and keep  
17 your voice up. I just want you to come to the steps here.  
18 Could you show the jury about -- I know your shoes are on,  
19 but just about where it went in and came out of your foot,  
20 your left foot?

21 A On the side and came out the top.

22 Q Just for the record, you're pointing to the arch of  
23 your left foot, into the arch, and out the top of your foot?

24 A Yes.

25 Q OK, thank you. You can return to the stand.

1           MR. STUMBO: Bet the Court's indulgence. Thank you,  
2   Gabe. Sorry for what you went through that day. Please  
3   answer any questions the defense lawyers may have.

4           THE COURT: Mr. Tinsley?

5                               CROSS EXAMINATION

6   BY MR. TINSLEY:

7   Q     Mr. Goode -- is it Goode or Good?

8   A     Goode.

9   Q     Okay. Do you have any idea of why the police listed  
10   your address is [REDACTED] in their report?

11   A     That's my mama's address.

12   Q     Did your cousin, Justin Parks, did he live at Apartment  
13   [REDACTED] as well?

14   A     No.

15   Q     Any idea of why he would have been listed as that is  
16   his address by the police?

17   A     Huh-uh.

18   Q     Do you know where he lived at the time?

19   A     No.

20   Q     You testified that the shots came from a man in a black  
21   ski mask.

22   A     Yes.

23   Q     So, that's all that you know about who fired the shots?

24   A     Yes.

25   Q     It's just one person?

## Goode-Cross Examination

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1     A     I don't know.

2     Q     You just saw one person.

3     A     Yeah.

4     Q     Did you help your cousin Justin into the apartment  
5     after he got shot?

6     A     Yes.

7     Q     So, did you kind of drag him, or how did that go?

8     A     No, I was on one foot and he was crawling, so we made  
9     team work.

10    Q     Okay, so you were up and just, kind of, helping push  
11    him?

12    A     Yeah.

13    Q     And y'all were both outside on the porch when it  
14    happened?

15    A     Yes.

16    Q     Okay, and after you got him into the apartment, where  
17    did you go?

18    A     On the couch.

19    Q     OK, so you stayed in the apartment?

20    A     Yes.

21    Q     Okay. Was the door open at that point?

22    A     I don't remember.

23    Q     Had you gone outside when you saw the officer ride by  
24    that you went down to flag down?

25    A     No, sir. I was on the front porch and I was talking



1 to the people on the phone. The officer rode by on the  
2 other side.

3 Q Okay, so you came outside at some point to make a phone  
4 make a phone -- to make the phone call to 911?

5 A I started the phone call on the inside, and I walked on  
6 the front porch.

7 Q And you were able to make it down to the parking lot to  
8 flag an officer down?

9 A No, I didn't make it to a parking lot.

10 Q But you made it to the grass by the parking lot?

11 A Yes.

12 Q And you were walking -- limping may be a better word,  
13 when the officer came up.

14 A Hopping on one foot.

15 Q And he had to tell you to -- he told you to sit down?

16 A Yes.

17 Q The hairstyle you have? What do you call that? Is it  
18 dreadlocks? Baby dreads? Twisties? Something else? A A  
19 fro.

20 Q A fro is what you'd call it?

21 A Yeah.

22 Q It comes up about an inch? Is that fair to say?

23 A Yeah.

24 MR. TINSLEY: I don't have any further questions.

25 Please answer any questions Mr. Henderson has.

1 THE COURT: Mr. Henderson?

2 CROSS EXAMINATION

3 BY MR. HENDERSON:

4 Q Hey, Mr. Goode. How are you, sir?

5 A Fine.

6 Q In April of 2020, what type of car did you own?

7 A I didn't own a car.

8 Q Because I heard some mention about a car, if I'm not  
9 mistaken.

10 A I didn't own a car.

11 Q Okay, did you have any transportation at that time?

12 A No.

13 Q How about your girlfriend, Cameron? Is it Cameron, I  
14 believe?

15 A Yes.

16 Q Okay. Did Cameron have a vehicle?

17 A Yes.

18 Q What type of vehicle did she have at that time?

19 A A white Honda.

20 Q A white Honda. And again, you're calling your  
21 hairstyle -- you're calling it a fro?

22 A Yes.

23 Q I guess f-r-o?

24 A Yes.

25 Q And you agree that it's standing up about an inch?

1     A     Yes.

2           MR. HENDERSON:  I don't have anything further, Your  
3     Honor.

4           THE COURT:  Mr. Grose?

5                               CROSS EXAMINATION

6     BY MR. GROSE:

7     Q     When the Solicitor was asking you questions, he asked  
8     you about if you had a gun on that day; is that right?

9     A     Yes.

10    Q     That's not the only gun you've had, is it?

11    A     Rephrase the question.

12    Q     That gun that he asked you about, that's not the only  
13    gun you have or had; is it?

14    A     Ever had?

15    Q     Yes.

16    A     No, that's not the only gun I've ever had.

17    Q     Because you got arrested in 2021 for a gun; right?

18    A     Yes.

19    Q     Is that a "yes"?

20    A     Yes.

21    Q     And you got arrested again in May of this year with a  
22    gun?

23    A     Yes.

24    Q     Okay.  And as I understand it, you're here today to  
25    talk about what happened to you.  Is that right?

1     A     Yes.

2     Q     But you don't know who did it?

3     A     No.

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

5           MR. STUMBO: Just one in redirect.

6                               REDIRECT EXAMINATION

7     BY MR. STUMBO:

8     Q     You've carried a gun recently, and you've been arrested  
9     for that; right?

10    A     Yes.

11    Q     You've been shot before, haven't you?

12    A     Yes.

13           MR. STUMBO: No further questions, Judge.

14           THE COURT: No other recross? Sir, you can step down.

15    Do you have another witness we can get to before lunch?

16           MS. TAYLOR: Yes. The State calls Justin Parks.

17                               WHEREUPON, Justin Parks, having first been  
18    duly sworn, testified as follows:

19                               DIRECT EXAMINATION

20    BY MS. TAYLOR:

21    Q     Good afternoon. Can you please tell us your name for  
22    the jury.

23    A     Justin Parks.

24    Q     How old are you, Mr. Parks?

25    A     Twenty-six.

1 Q Are you from Greenwood?

2 A Yeah.

3 Q Where did you grow up? Where do you go to school?

4 A I went school at Brewer and a little bit of everywhere.

5 Q Are you in prison right now?

6 A Yes.

7 Q Is -- what are you in prison for?

8 A Probation.

9 Q Probation violation?

10 A Yes.

11 Q Is that any anything related to the day you got shot?

12 A No.

13 Q Going back to April 8, 2020, where were you living at  
14 that time?

15 A Columbia.

16 Q You were in Columbia? Were you up here that day in  
17 Greenwood?

18 A Yes.

19 Q Where did you go in Greenwood that day?

20 A I don't know the name of the apartments, but some  
21 apartments.

22 Q Whose apartment was it?

23 A Gabe.

24 Q When you said Gabe, is that Gabriel Goode?

25 A Yeah.

- 1 Q Who else lived there with Gabe?
- 2 A His girlfriend.
- 3 Q Do you remember her name?
- 4 A No.
- 5 Q Did their child live with them?
- 6 A Yes.
- 7 Q Do you remember about what time you got there that day?
- 8 A No.
- 9 Q Was Gabe's girlfriend there when you got there?
- 10 A Yes.
- 11 Q Was his baby there?
- 12 A Yes.
- 13 Q Did they stay there the whole time you were there?
- 14 A No.
- 15 Q Where did they go? Do you know?
- 16 A I don't know.
- 17 Q Did they leave?
- 18 A Yes, they left.
- 19 Q Did they take the car?
- 20 A Yes.
- 21 Q Now, after they left, approximately -- did you get shot
- 22 that day?
- 23 A Yes.
- 24 Q Approximately how much time passed between the time
- 25 they left and when you got shot?

- 1     A     I don't know. Probably about ten minutes or something.
- 2     Q     And where were you when you got shot? Where were you
- 3     standing?
- 4     A     On the porch.
- 5     Q     Can you see the screen from where you're sitting?
- 6     A     Yes.
- 7     Q     Is that the porch you were standing on?
- 8     A     Yes.
- 9     Q     And were you standing or were you sitting?
- 10    A     I was sitting.
- 11    Q     Sitting? Okay. What were you doing?
- 12    A     I was on my phone.
- 13    Q     Were you talking to somebody, or playing a game, or...
- 14    A     I don't know exactly what I was doing, but I just know
- 15    I was on there. I probably texted somebody or something.
- 16    Q     And this is State's 17 for the record. Where was Gabe?
- 17    A     He was with me.
- 18    Q     Was he on the on this porch with you?
- 19    A     Yes.
- 20    Q     Do you remember what he was doing?
- 21    A     No.
- 22    Q     So, you're sitting on the porch, or stand -- I'm
- 23    sorry. I know you answered, but it slipped my mind. Were
- 24    you standing or were you sitting?
- 25    A     I was sitting.

1 Q Sitting? Were you sitting on those top steps?

2 A Yes.

3 Q You're sitting there. You're playing on your phone.

4 What happens next?

5 A I just black out. I'm on the ground. I just crawl in  
6 the house.

7 Q Did you hear any gunshots?

8 A No.

9 Q Did you see anybody shooting?

10 A No.

11 Q So, you went from sitting there, and the next thing you  
12 remember you're laying on the ground?

13 A Yes.

14 Q Were you on the ground outside of the apartment or  
15 inside the apartment?

16 A Outside.

17 Q Where did you go when you woke up?

18 A To the hospital.

19 Q Well -- I'm sorry. Right after you, kind of, came to  
20 and realize you've been shot, did you crawl anywhere?

21 A Yes. Crawled in the house.

22 Q And is that where law enforcement and then EMS found  
23 you?

24 A Yes.

25 Q Were you in a lot of pain?



- 1     A     Yes.
- 2     Q     Were you able to stand up?
- 3     A     No.
- 4     Q     Were you scared?
- 5     A     No.
- 6     Q     You weren't scared?
- 7     A     (No verbal response.)
- 8     Q     Okay. Did you -- did you have a gun on you before you
- 9     got shot?
- 10    A     No.
- 11    Q     Did you even have a gun with you that day?
- 12    A     No.
- 13    Q     The gun that was found inside the apartment, was that
- 14    yours?
- 15    A     No.
- 16    Q     Did you see Gabe with a gun out on hat porch?
- 17    A     No.
- 18    Q     Did you see him shoot anybody?
- 19    A     I'm not going to make you watch it, but we -- there's a
- 20    video in evidence of you after you've been shot and you're
- 21    calling, saying, I want my phone. Why did you want your
- 22    phone?
- 23    A     I wanted to call my family.
- 24    Q     You wanted to reach out to your family to let them know
- 25    what happened?

1     A     Yes.

2     Q     Are you friends with a guy by the name of Ji'Tavius  
3     Adams?

4     A     I know him, yeah.

5     Q     Okay. Have y'all hung out before?

6     A     Yes.

7     Q     I'm going to show you what's been marked for ID as  
8     State's 135. Is that Mr. Adams?

9     A     Yes.

10    Q     Do you know where Mr. Adams is right now?

11    A     He's in jail.

12    Q     What's he in jail for?

13    A     For a murder.

14    Q     Do you know who he is convicted of killing?

15    A     Yes.

16    Q     Who is that?

17    A     Some dude named JP.

18    Q     You don't know his real name? Just JP?

19    A     Huh-uh.

20    Q     Where were you shot?

21    A     In the upper leg and the femur area of both sides and  
22    my knee.

23    Q     Did you have any injuries on your hands?

24    A     Yes.

25    Q     Where on your hands were you hurt?

1     A     On my right index finger.

2     Q     So, over here?

3     A     Yes.

4     Q     Did you have any broken bones?

5     A     Yes.

6     Q     Where? What was broken?

7     A     My femur.

8           MS. TAYLOR: Please answer any questions the Defense  
9     has.

10          THE COURT: Mr. Tinsley?

11          MR. TINSLEY: Thank you, Your Honor.

12                               CROSS EXAMINATION

13     BY MR. TINSLEY:

14     Q     Mr. Parks, you lived in Columbia at the time?

15     A     Yes.

16     Q     Okay. Any idea why the police would have listed your  
17     address as [REDACTED], Apartment [REDACTED]?

18     A     It was an old address.

19     Q     Okay, so you lived in that same apartment at one time?

20     A     Yes.

21     Q     Okay. The gun that the police found in the apartment  
22     on the couch was Gabe's gun?

23     A     I think so.

24     Q     And you answered the question about Mr. Adams that you  
25     know him. Would you call him an acquaintance, I guess?

1     A     Yes.

2     Q     And you don't know who shot you?

3     A     No.

4           MR. TINSLEY:  No further questions.  Please answer any  
5     questions Mr. Henderson has.

6                               CROSS EXAMINATION

7     BY MR. HENDERSON:

8     Q     Hey, Mr. Parks.  How are you today, sir?

9     A     (No verbal response.)

10    Q     You doing okay?

11    A     Yeah.

12    Q     When you blacked out, what's the first thing you  
13    remember after you blacked out?

14    A     Just trying to call -- look for my phone.

15    Q     Okay.  When you're on the stretcher?

16    A     Yes.

17    Q     Okay, but from the time that you blacked out, the first  
18    thing you remember is wanting to use your phone?

19    A     Yes.

20    Q     Okay.  Let me ask you -- and you drove yourself up from  
21    Columbia that day?

22    A     Yes.

23    Q     What vehicle are you driving?

24    A     I was driving a Chrysler.

25    Q     Chrysler?  What type of Chrysler?