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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable G.D. Morgan, Jr., Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TOMMY L. LONG,

APPELLANT

APPELLATE CASE NO. 2023-001183

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1 STATE OF SOUTH CAROLINA
2 COURT OF GENERAL SESSIONS
3 COUNTY OF GREENVILLE
4 2020-GS-23-00160

5 State of South Carolina

6 Vs.

7 Tommy Lee Long

8

9 Greenville, South Carolina

10 July 10, 2023

11 Before the Honorable G. D. Morgan

12 APPEARANCES

13 For the State: Seth Johnson, Courtney Landsverk

14 For the Defendant: Craig Pringle

15

16 Reported by: Michael C. Watkins

17 Official Court Reporter

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VOIR DIRE

1 THE COURT: All right. Anything before we bring the
2 jury up?

3 MR. JOHNSON: Yes, sir. And I have two witness lists.
4 The longer one is for voir dire, and then the shorter one is
5 just so you can have an idea of what we're going to call.

6 THE COURT: Okay.

7 MR. JOHNSON: And you're fine with us turning our backs
8 to Your Honor to face the jury?

9 THE COURT: Yeah. And we may move down to four maybe,
10 because four is open.

11 MR. PRINGLE: You mean the trial or --

12 THE COURT: The trial.

13 MR. PRINGLE: Oh, okay.

14 (Break in proceedings.)

15 (The jury panel entered the courtroom.)

16 THE COURT: All right. Ladies and gentlemen, good to
17 see all of you again. We are about to select a jury for our
18 first case today. The case is the State of South Carolina
19 versus Tommy Long. Now, ladies and gentlemen, there are
20 several indictments Mr. Long has been indicted on, or
21 several charges Mr. Long has been indicted on, I'm going to
22 read the indictments to you. Now, I want to tell you before
23 I read these that these are simply indictments, this is not
24 evidence. These are the ways that the State brings cases to
25 court, an indictment is entered and filed with the Court,

VOIR DIRE

1 and again, this is not evidence. These are simply
2 allegations and they're set forth in the indictment. All
3 right. The defendant has been indicted for murder, and
4 possession of a weapon during the commission of a violent
5 crime. The indictment alleges that on or about May the
6 11th, 2019, that the defendant did unlawfully and with
7 malice aforethought kill Udeh Osuagwu, Udeh Prince Osuagwu,
8 by means of shooting him with a handgun, and that Udeh
9 Osuagwu died as a proximate result. The possession of a
10 weapon during the commission of a violent crime alleges that
11 the defendant did possess or visibly display a handgun
12 during the commission, or attempted commission of a violent
13 crime; to wit, murder. There is an indictment for attempted
14 armed robbery that alleges that Tommy Lee Long did in
15 Greenville County on or about the 11th day of May, 2019,
16 while armed with a deadly weapon, or while alleging either
17 by action or words he was armed while using a representation
18 of a deadly weapon, or any object which a person present
19 during the commission of the robbery would reasonably
20 believe to be a deadly weapon, attempt to take by means of
21 force or intimidation, goods or monies described as money
22 from the person and presence or -- presence of Udeh Osuagwu.
23 There's an indictment for burglary first degree that alleges
24 that Tommy Lee Long did in Greenville County on the 11th day
25 of May of 2019, willfully and unlawfully enter the dwelling

VOIR DIRE

1 of Karen Harrison and/or Dominique Cheatham, located at [REDACTED]
2 Woodruff Road in Greenville, without consent, and with the
3 intent to commit a crime therein. And the burglary was
4 accompanied by circumstances of aggravation; to wit, the
5 entering or remaining occurring during the nighttime hours,
6 and/or the defendant was armed with a deadly weapon, and/or
7 did cause physical injury to a person who was not a
8 participant in the crime. An indictment for kidnapping that
9 alleges that Tommy Lee Long did in Greenville County on the
10 11th day of May of, 2019, unlawfully seized, abduct,
11 confine, inveigled, decoy, or carried away Udeh Osuagwu
12 without the authority of law. Assault and battery -- an
13 indictment for assault and battery first degree that alleges
14 that Tommy Lee Long did in Greenville County on the 11th
15 day -- or with (sic) the 11th day of May, offer or attempt to
16 injure Malik Norris, with the present ability to commit the
17 act, and the act was accomplished by means likely to produce
18 death or great bodily injury, or the act occurred during the
19 commission of a robbery, burglary, kidnapping, or theft.
20 And the indictment -- an indictment for conspiracy alleges
21 that Tommy Lee Long did in Greenville County on or about the
22 11th day of May, 2019, willfully and unlawfully combined
23 with Jaylan Fair, Jevonda Dillard, Darius Rhodes, and/or
24 Natasha Booker, for the purpose of accomplishing an unlawful
25 act, or a lawful act by unlawful means to commit a crime of

VOIR DIRE

1 burglary and/or attempted armed robbery. Now, ladies and
2 gentlemen, those are the indictments, and so I ask each one
3 of you, has anyone ever been related by blood or marriage to
4 Tommy Lee Long, or any of the victims just named in the
5 indictments, Udeh Osuagwu, and Malik Norris? Has anyone, or
6 does anyone, or has anyone ever had a close personal, or
7 social relationship with any of those individuals I just
8 named? All right, ladies and gentlemen, the following is a
9 possible list of witnesses that would testify in this case.
10 Brad Lust with the Greenville Police Department. Cade Wood
11 with the Greenville Police Department. Cameron Steele with
12 the Greenville Police Department. Darius Rhodes. Dustin
13 Sherbert with the Greenville Police Department. Garret
14 Holden with the Greenville Police Department. James Lee
15 Wood with the Greenville Police Department. Jaylan Fair.
16 Jevonda Dillard. Julian Conrad with the Greenville Police
17 Department. Karen Harrison. Kimberly Norman. Lauren
18 Priscilla Dobson. Malik Norris. Mary Ashley Thomas,
19 formerly Mary Blair, with the Greenville Police Department.
20 Michael Ward, M.D. Natasha Booker. Rebecca Lindlar with
21 the Greenville Police Department. Thomas Garbett
22 (phonetically), or Garbett, with the Greenville Police
23 Department. And Tania (phonetically) Glass. Has anyone
24 ever been related by blood or marriage to any of these
25 potential witnesses I have just named? Or has anyone had a

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1 close, personal, or social relationship with any of these
2 potential witnesses I have just named? Or does anyone know
3 any of these witnesses I have potentially -- that I have
4 just named that are potential witnesses?

5 THE JUROR: I have.

6 THE COURT: All right. Ma'am, what is your number?

7 THE JUROR: 169.

8 THE COURT: 169? All right. Who do you know?

9 THE JUROR: Karen Harrison, she's my cousin on my mom's
10 side.

11 THE COURT: She is your cousin on --

12 THE JUROR: On my mother's side.

13 THE COURT: -- on your mother's side? Is she a first
14 cousin?

15 THE JUROR: Yeah, she's my first cousin.

16 THE COURT: All right.

17 MR. JOHNSON: And, Your Honor, that will be one of the
18 State's witnesses.

19 THE COURT: Okay. It is?

20 MR. JOHNSON: Yes, sir.

21 THE COURT: All right. I will ask you, Ms. Juror
22 Number 169, the fact that a witness in this case is related
23 to you as a cousin on your mother's side, could you put that
24 aside and decide this case solely on the evidence and be
25 fair and impartial to both the State and the defendant in

VOIR DIRE

1 this case?

2 THE JUROR: Yes, sir.

3 THE COURT: All right. Thank you. All right.

4 Counsel, I would like for you to each introduce yourselves
5 and your clients. Mr. Johnson?

6 MR. JOHNSON: Yes, Your Honor. Good afternoon, my name
7 is Seth Redus Johnson, I'm with the 13th Circuit Solicitor's
8 Office, and with me is Ms. Courtney Landsverk. We are both
9 prosecutors here, like I said, for the 13 Circuit
10 Solicitor's Office. We represent the State of South
11 Carolina and the people of Greenville County. Also with us
12 is Ms. Jeannie Hilton, she's an investigator here at the
13 solicitor's office, and Detective Mary Ashley Thomas with
14 the Greenville City Police Department, and we are the
15 prosecution team.

16 MR. PRINGLE: Good morning, I'm Craig Pringle from the
17 Greenville Bar, I've been in practice for about 27 years.
18 It's been awhile but I was actually a prosecutor for about
19 ten as well. I'm here, it's my privilege to represent Tommy
20 Long today.

21 THE COURT: All right. Ladies and gentlemen, has any
22 member of the jury panel ever been represented by any of
23 these lawyers in the case or their law firms? Has any
24 members of the jury panel ever been related, either by blood
25 or marriage, or had a close, personal, or social

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1 relationship with any of the lawyers in this case, or anyone
2 in their law firms? If so, please stand. Is there any
3 member of the jury panel who is a member of, or a
4 contributor to, any group which has as its primary concern,
5 the promotion of law enforcement, or victim's rights? Now,
6 folks, these organizations include groups like MADD, Mothers
7 Against Drunk Drivers; SADD, which used to be Students
8 Against Drunk Drivers; CAVE, Citizens Against Violent Crime,
9 among others. So is there any member of the jury panel who
10 fits -- or has been a member or a contributor to any of
11 these organizations? Has any member of the jury panel heard
12 of, formed, or expressed any opinion about any of the issues
13 or matters involved in this case? Is there any member of -
14 the jury panel aware of any bias or prejudice towards either
15 the State or the defendant in this case? Is there a member
16 of -- is there any member of the jury panel that was a
17 member of the grand jury which issued the indictment in this
18 case? Does any member of the jury panel know of any reason
19 whatsoever why he or she should not serve as a juror in this
20 case, with particular emphasis being placed on your ability
21 to be fair and impartial to both the State and the defendant
22 in this case? All right. Any additional questions from the
23 State?

24 MR. JOHNSON: No, Your Honor.

25 THE COURT: Any from the defense?

VOIR DIRE

1 MR. PRINGLE: No, Your Honor.

2 THE COURT: All right. We'll have two alternates,
3 counsel agree on that?

4 MR. JOHNSON: Yes, sir.

5 THE COURT: All right. Ten and five strikes, correct?

6 (Break in proceedings.)

7 THE CLERK: Okay. Whenever I say your juror number and
8 your name, if you would please stand and wait for further
9 instructions. Juror number 28, Olga Cosme. What says the
10 State?

11 MR. JOHNSON: Please present the juror.

12 THE CLERK: What says the defense?

13 MR. PRINGLE: Please seat the juror.

14 THE CLERK: Ma'am, if you would take your belongings
15 and come this way up to the bailiff. Thank you. Juror
16 Number 86, Bobby Kersey. What says the State?

17 MR. JOHNSON: Please present the juror.

18 THE CLERK: What says the defense?

19 MR. PRINGLE: Please excuse the juror.

20 THE CLERK: You may be seated, sir, you have been
21 excused. Juror Number 170, Mary Wingold. What says the
22 State?

23 MR. JOHNSON: Please present the juror.

24 THE CLERK: What says the defense?

25 MR. PRINGLE: Please seat the juror.

VOIR DIRE

1 THE CLERK: Ma'am, please bring your belongings and
2 come to the jury box. Thank you. Juror Number 34, Kayla
3 Dix. What says the State?

4 MR. JOHNSON: Please present the juror.

5 THE CLERK: What says defense?

6 MR. PRINGLE: Please seat the juror.

7 THE CLERK: Juror number 18, Larry Brooks. What says
8 the State?

9 MR. JOHNSON: Please present the juror.

10 THE CLERK: What says defense?

11 MR. PRINGLE: Please seat the juror.

12 THE CLERK: Sir, please pick up your belongings and
13 come to the front. Juror number 111, Matthew Myers. What
14 says the State?

15 MR. JOHNSON: Please present the juror.

16 THE CLERK: What says defense?

17 MR. PRINGLE: Please excuse Mr. Myers, thank you.

18 THE CLERK: Sir, you may be seated, you have been
19 excused. Juror Number 165, Vicki Webb. What says the
20 State?

21 MR. JOHNSON: Please present the juror.

22 THE CLERK: What says the defense?

23 MR. PRINGLE: Please excuse Ms. Webb.

24 THE CLERK: You may have a seat, you've been excused,
25 Ms. Webb. Juror Number 138, Alexander Slaunwhite. What

VOIR DIRE

1 says the State?

2 MR. JOHNSON: Please seat the juror.

3 THE CLERK: What says the defense?

4 MR. PRINGLE: Please seat the juror.

5 THE CLERK: Sir, please bring your belongings and come
6 to the front. Juror Number 85 -- Juror Number 85, Teresa
7 Kelley.

8 MR. PRINGLE: What was that number again, please?

9 THE CLERK: 85. What says the State?

10 MR. JOHNSON: Please strike the juror.

11 THE CLERK: Okay. You may be seated, you have been
12 excused. Juror Number 40, Dori Edwards. What says the
13 State?

14 MR. JOHNSON: Please present the juror.

15 THE CLERK: What says defense?

16 MR. PRINGLE: Please seat the juror.

17 THE CLERK: Ma'am, please pick up your belongings and
18 come to the front. Juror Number 150, Laura Jo Taylor. What
19 says the State?

20 MR. JOHNSON: Please strike the juror.

21 THE CLERK: Ma'am, you have been excused, you may be
22 seated. Juror Number 101, Nicole Martin. What says the
23 State?

24 MR. JOHNSON: Please present the juror.

25 THE CLERK: What says defense?

VOIR DIRE

1 MR. PRINGLE: Please seat the juror.

2 THE CLERK: Ma'am, please pick up your belongings and
3 come to the front. Thank you. Juror Number 8, Dale
4 Bartlett. What says the State?

5 MR. JOHNSON: Please present the juror.

6 THE CLERK: What says defense?

7 MR. PRINGLE: Please seat the juror.

8 THE CLERK: Sir, please bring your belongings and come
9 to the front. Juror Number 57, Carla Giordano. What says
10 the State?

11 MR. JOHNSON: Please strike the juror.

12 THE CLERK: You have been excused, ma'am. Juror Number
13 149, Sharon Swift.

14 MR. JOHNSON: What was that number? I apologize.

15 THE CLERK: 149. What says the State?

16 MR. JOHNSON: Please present the juror.

17 THE CLERK: What says defense?

18 MR. PRINGLE: Please excuse the juror.

19 THE CLERK: Ma'am, you have been excused, you may be
20 seated. Juror Number 83, Irina Johnson. What says the
21 State?

22 MR. JOHNSON: Please present the juror.

23 THE CLERK: What says defense?

24 MR. PRINGLE: Please excuse the juror.

25 THE CLERK: Did you say excuse, sir?

VOIR DIRE

1 MR. PRINGLE: Yes, ma'am.

2 THE CLERK: Thank you. Ma'am, you have been excused.

3 Juror Number 14, Robert Bousquet. What says the State?

4 MR. JOHNSON: Please present the juror.

5 THE CLERK: What says defense?

6 MR. PRINGLE: Please excuse the juror.

7 THE CLERK: Sir, you have been excused. Juror Number

8 126, Kathleen Ray. What says --

9 MR. JOHNSON: What was that number again? Was it 126

10 or 106?

11 THE CLERK: 126.

12 MR. JOHNSON: 126. Okay. Please strike the juror.

13 THE CLERK: Ma'am, you have been excused. Juror Number

14 13, Donna Blevins. What says the State?

15 MR. JOHNSON: Please present the juror.

16 THE CLERK: What says defense?

17 MR. PRINGLE: Please seat the juror.

18 THE CLERK: Ma'am, please get your belongings and come

19 to the front. Thank you. Juror Number 128, Lorie Robinson.

20 What says the State?

21 MR. JOHNSON: Please present the juror.

22 THE CLERK: What says the defense?

23 MR. PRINGLE: Please excuse Ms. Robinson.

24 THE CLERK: Ms. Robinson, you may be excused. Juror

25 Number 119, Sharon Penn. What says the State?

VOIR DIRE

1 MR. JOHNSON: Please present the juror.

2 THE CLERK: What says defense?

3 MR. PRINGLE: Please seat the juror.

4 THE CLERK: Please bring your belongings, ma'am, and
5 come to the front. Thank you. Juror Number 91, Katie Lee.
6 What says the State?

7 MR. JOHNSON: Please present the juror.

8 THE CLERK: What says defense?

9 MR. PRINGLE: Please seat Ms. Lee.

10 THE CLERK: Ms. Lee, please bring your belongings and
11 come to the front. Thank you. Juror Number 77, Randolph
12 Hutchison. What with says the State?

13 MR. JOHNSON: Please strike the juror.

14 THE CLERK: Sir, you have been excused, you may be
15 seated. Juror Number 168, Bradley Whaley. What says the
16 State?

17 MR. JOHNSON: Please present the juror.

18 THE CLERK: What says defense?

19 MR. PRINGLE: Please seat Mr. Whaley.

20 THE CLERK: Sir, bring your belongings and come to the
21 front, please. That's 12.

22 THE COURT: All right. Alternates, two and one on each
23 alternate.

24 THE CLERK: Juror Number 107, Crystal Money. What says
25 the State?

VOIR DIRE

1 MR. JOHNSON: Please present the alternate.

2 THE CLERK: What says defense?

3 MR. PRINGLE: Please seat Ms. Money.

4 THE CLERK: Ma'am, bring your belongings and come to
5 the front, please. Juror number 110, Christopher Murrell.
6 What says the State?

7 MR. JOHNSON: Please strike the alternate.

8 THE CLERK: You have been excused, sir, you may be
9 seated. Juror Number 67, Meredith Harper. What says the
10 State?

11 MR. JOHNSON: Please present the alternate.

12 THE CLERK: What says defense?

13 MR. PRINGLE: Please seat Ms. Harper.

14 THE CLERK: Bring your belongings and come to the
15 front, ma'am. That's two.

16 THE COURT: All right. All right. Any motions from
17 the State as to the selection of the jury?

18 MR. JOHNSON: Nothing from the State, Your Honor.

19 THE CLERK: Anything from the defendant?

20 MR. PRINGLE: No, Your Honor.

21 THE COURT: All right.

22 (The remaining panel was excused.)

23 THE COURT: All right. Ladies and gentlemen, you have
24 been selected for this jury. What we're going to do, we're
25 going to go ahead and take our lunch break right now, and we

VOIR DIRE

1 have some matters that we have to take up during the lunch
2 break, so I'm going to excuse you until 2:00. That's a
3 little bit longer today, because, again, we've got some
4 issues and matters pretrial that we've got to take up, and
5 then I'll bring you back here at 2:00 and we'll start the
6 trial. Let me mention this to you, and I will give this
7 instruction to you each time that I excuse you either for
8 lunch or for the day, it's very important that you not
9 discuss this case with anyone, and that includes among
10 yourselves, even if you're at lunch, or you're standing out
11 in the hallway, or in the room. I am requiring that you not
12 speak with anybody about the case, and that also includes
13 when you go home today. You're probably going to have
14 family members or friends, they'll know that you're on jury
15 duty and they'll ask you about: Tell me about the case.
16 What's going on? Who's the witness? What's happening? I
17 am going to ask you, or require you to tell them: I cannot
18 tell you anything, I can't speak with you or about it. The
19 Judge has ordered me to do so, and it will be in contempt if
20 I did. And tell them you can -- you'll talk to them all
21 they want after the trial, but until then please don't
22 discuss. And, again, that includes anything, oh, I didn't
23 like what that lawyer was wearing, or that coat and tie that
24 witness had on, or anything. You can talk about the Braves,
25 you can talk about anything in the world, the weather,

VOIR DIRE

1 anything you want to talk about, but please don't discuss
2 this case. Also, you will have your phones, of course, not
3 here in the jury (sic) room, and when you work at the end of
4 the day and during lunch, but I also am going to require you
5 not to do any kind of search. I know we live in the world
6 where anything that comes up, it's an automatic I've got to
7 Google something, and I'm going to ask you to please don't
8 do that, again, that will be a violation of my order, and so
9 I don't want you to look up anybody in the case. Don't look
10 up the case, don't look up the name of the defendant, don't
11 look up the name of the lawyers for the State, anybody.
12 Don't go to the scene or anything like that. The only thing
13 that you need to decide this case is going to be based on
14 the people who testify in this witness stand right here, and
15 any exhibits that may be admitted into evidence, but
16 anything outside of that you are forbidden to look at. And
17 so I am requiring that you not do any kind of research on
18 your own, and do not Google anything, because if I find out
19 about it, and most of the time it does not happen much, but
20 every now and then it does and the juror messes up, you'd be
21 surprised how we find out about it, and you could be held in
22 contempt of court. So I know you won't. I've got -- I feel
23 confident that none of you will and you will abide by my
24 instructions, but I'm going to give you that instruction
25 each time I dismiss you for the day or at lunch, and so I

VOIR DIRE

1 ask you that you abide by that. All right. So we will be
2 in recess for lunch until 2:00. Again, please don't discuss
3 the case, and I will see you back then. Do one more thing
4 for me. When you get back either to the jury room right now
5 or before you come out at 2:00, please select a foreperson
6 for the jury. Now, it has to be among the 12 of you. You
7 two ladies there are my alternates, our alternates, and so
8 there's a possibility at the end of the case you may not be
9 deciding the case, and so the 12 of you must select a
10 foreperson. And that person does not have any greater
11 weight or any bigger vote or anything like that at all, it
12 simply -- it's got to be somebody who will sort of be my
13 liaison during the trial. And in deliberations if you have
14 any questions, or during the trial if you've got any
15 questions, whoever that foreperson is will be the
16 spokesperson for you. And, again, it is not going to be
17 anybody that has greater weight or value in their vote, but
18 it's just simply I've got to have a foreperson to
19 communicate with the bailiffs and communicate with me. So
20 with that in mind, I will excuse you and I'll see you back
21 here at 2:00. Have a good lunch.

22 (The jury left the courtroom.)

23 THE COURT: All right. Before we get into the motions,
24 anybody want to take a short restroom break before we start?

25 MR. JOHNSON: Yes, sir. And we'll need to go grab our

PRETRIAL MOTIONS

1 victim.

2 THE COURT: Okay. Maybe about ten minutes?

3 (A break was taken.)

4 THE COURT: Okay. Any matters that we need to address?
5 Any motions? I'll hear from you.

6 MR. PRINGLE: Yes, Your Honor. On behalf of Tommy Long
7 and the defense, at this time we would move to suppress the
8 identification, or the alleged identification of Mr. Long by
9 the State's witness, Malik Norris. If I could briefly
10 summarize the law, what we're relying upon, and then we can
11 apply that to some of the facts and the circumstances of the
12 case in support of our argument.

13 THE COURT: All right. I'll hear from you.

14 MR. PRINGLE: Thank you. May it please the Court? A
15 criminal defendant may be deprived of due process of law by
16 an identification procedure which is unnecessarily
17 suggestive and conducive to irreparable mistaken
18 identification. That's really the brunt of it is we believe
19 that -- and we think after we show the facts and
20 circumstances of how this alleged identification was made,
21 we believe that it was certainly unnecessarily suggestive
22 and conducive to a mistaken ID. Further, an in-court
23 identification of an accused is inadmissible if a suggestive
24 out of court identification procedure created a very
25 substantial likelihood of irreparable misidentification.

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1 The U.S. Supreme Court has developed a two pronged test to
2 determine admissibility of an out of court identification,
3 that would be under the Biggers case that -- had referenced.
4 The first thing is the Court must ascertain whether the ID
5 process was unduly suggestive, and then the Court must next
6 decide whether that out of court ID was nevertheless so
7 reliable that no substantial likelihood of misidentification
8 existed. The central question is whether under the totality
9 of the circumstances the ID was reliable even though the
10 confrontation procedure was suggestive. The inquiry must
11 focus upon whether under the totality of the circumstances
12 there was a substantial likelihood of irreparable
13 misidentification. That's citing State versus Moore, it's a
14 South Carolina case. The following factors should be
15 considered in evaluating the totality of the circumstances
16 to determine the likelihood of a misidentification. Number
17 one, the witness' opportunity to view the perpetrator at the
18 time of the crime. Two, the witness' degree of attention.
19 Three, the accuracy of the witness' prior description of the
20 perpetrator. Four, the level of certainty demonstrated by
21 the witness at the confrontation. And five, the length of
22 time between the crime and the confrontation, citing State
23 versus Cheeseboro, 2002. Your Honor, what we're -- what we
24 want to point out here is essentially this shooting with the
25 deceased took place back on or about May 11th of 2019,

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1 roughly a little over four years ago. At the time the
2 witness Norris, the subject of this motion, and his alleged
3 ID, he was interviewed immediately after the incident, like
4 the morning following it, he was still in the same clothes
5 and everything from the night before. And there was a
6 very -- it was -- there was a videotaped statement that was
7 taken by Greenville police on that date, and, again, this is
8 virtually immediately after the incident, and the witness,
9 Malik Norris, never identified Tommy Long at any point
10 during that -- during that interview. In fact, he was
11 unable to -- he failed to identify anyone at that time.
12 Very detailed about what happened. He told the whole story
13 about who came in, who went out, he described guys in
14 hoodies, and black hoodie, red hoodie. He gave somewhat of
15 a sketched narrative of what he observed, but at that time
16 it was very clear that he was unable to identify Mr. Long,
17 that was back basically within hours of the shooting. The
18 focus of this motion is some time later on there were
19 mugshots that were shown on the news, and subsequent to that
20 on or about November 30th of 2022, Malik Norris gave a
21 written statement. It was taken by Greenville police --

22 THE COURT: When was that, November when?

23 THE JUROR: That was November 30th of 2022, which is
24 just about exactly three and a half years after the
25 incident.

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1 THE COURT: And when were the mugshots, when were
2 those -- when were they shown on TV?

3 MS. LANDSVERK: See, Your Honor, he didn't actually see
4 mugshots. I think the news was a separate point in time
5 that he happened to see them flash across the screen as far
6 it is concerned. Now, our office did show him a picture of
7 the three defendants leaving a hotel room.

8 MR. PRINGLE: Right, and I'm going to get to that.

9 MS. LANDSVERK: Okay. And that is probably what Mr.
10 Pringle is going down that road to get to.

11 MR. PRINGLE: Well, I will get to that, but I want to
12 point out, and what we're asserting and alleging is that
13 Malik Norris' first identification of Mr. Long was on or
14 about November 30th of 2022, three and a half years after
15 the incident. Again, he gave the statement right after the
16 incident, couldn't identify anybody. Okay? And that's any
17 of the three alleged perpetrators. His written statement,
18 which is clearly not written by him, it's in the handwriting
19 of M.A. Thomas, who evidently was the investigator that
20 dealt with him, but he signed off on it, and I quote: When
21 this first happened I was 17 years old, I was young and
22 scared. I just witnessed my friend get shot. Once I saw
23 the mugshots on the news of the three guys that did this, I
24 recognized who they were. He goes on to say: I Jaylan,
25 which would be Jaylan Fair, one of the co-defendants, as

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1 Jevonda's boyfriend. Jevonda Dillard is one of the
2 charged -- she's not pled, but she was charged in this case
3 as well. So he mentions them by name clearly: I knew,
4 Jaylan as Jevonda's boyfriend. When him and Darius, Darius
5 would be Darius Rhodes, the other codefendant, those are two
6 of the three alleged guys that went in and did this: When
7 him and Darius ran out after Karen, Tommy stood in the
8 doorway with his gun pointed at us. He goes on to indicate,
9 you know, that Tommy was there. But the key language
10 clearly, I mean, by his own words, and his words were
11 obviously assisted, you can infer his words were assisted by
12 the investigator that actually wrote the statement that he
13 signed, but he says: Once I saw the mugshots on the news of
14 the guys that did this I recognize who they were. So three
15 and a half years later he's talking about he sees mugshots
16 of three guys, he knew two of them, he knew Jaylan Fair, he
17 knew Darius Rhodes, he referred to them by name in his
18 statement, never ID'd them at the time of the robbery. But
19 then he sees on the news two guys that he knows, and they're
20 saying they're part of this robbery, and whose picture is
21 that right there with the two guys that he knows? Tommy
22 Long.

23 THE COURT: All right. So that's his first
24 identification, though, right?

25 MR. PRINGLE: That's his first identification. That's

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1 three and a half years later when he went through all kinds
2 of questions and a recorded statement that was right after
3 the incident back on May 19th of --

4 THE COURT: So it's after he sees it on TV that he then
5 writes the statement.

6 MR. PRINGLE: He sees it on TV. But it's not just that
7 he saw a picture of Tommy, he say a picture of Tommy with
8 two other guys that he knew, that I believe he knew, and I
9 think we could probably show he knew they were involved in
10 thing, but he knew those two guys, and they're saying these
11 are the three suspects in this thing. So he sees his
12 picture along with two guys three and a half years later,
13 oh, wow, okay. So now all of the sudden he can identify
14 them, and he even says that's the first time he can identify
15 them. And that's when his picture is put up there with the
16 two guys that he already knows are part of this. So
17 obviously we think that was obviously suggestive, and it
18 tainted his ID. And then he goes on later, he gives a -- he
19 meets with Jeannie Hilton from the solicitor's office, and I
20 think that's what Ms. Landsverk was referring to, that would
21 have been -- the date of the email that was provided to us
22 was September 21 of 2021, so I'm guessing it happened right
23 around that time, I'm not sure of the exact date, but
24 Jeannie Hilton met with Malik Norris after. So again, this
25 would have been September of '21, which is about, what is

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1 that, two and a half years after the incident. And she
2 shows Mr. Norris a picture of three guys leaving the hotel
3 room. She even said she explained to him these are photos
4 of the three -- of the three males leaving the hotel room
5 the night of the incident. So what's he hearing? Well,
6 these are the three guys that did this, you know, he doesn't
7 know. So there's a picture of these three guys.

8 THE COURT: And who does that?

9 MR. PRINGLE: Ms. Hilton from the solicitor's office
10 met with him and showed him the photograph, or photographs.
11 And she told him up front: These are the three guys leaving
12 the hotel room from that night. And then he goes on to say:
13 I know it's not the guy in the red hoodie because I know
14 that's Jaylan. So he obviously knew Jaylan Fair, knew about
15 his involvement. And then he goes -- there's -- the
16 evidence will show the other two guys were wearing hoodies,
17 and one was bigger than the other, that's not my
18 description, but that's what was used. He also knows Darius
19 Rhodes by name, and he says: The guy on the -- with the
20 writing on the shirt is the smaller guy, Darius Rhodes.
21 Ms. Hilton said: Hey, if you can't actually identify
22 anybody, that's okay. She says: We're told that two or
23 more of these guys may have not had masks on. And see, Mr.
24 Norris' first statement that he gave at the time of the
25 incident, he lied and said these guys had masks on, where

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1 clearly one or more of them did not. Later on -- it's kind
2 of in dispute who had a mask when and where. The key for us
3 is contemporaneously to the time of the incident they
4 brought him in fresh, he couldn't ID anybody at that time,
5 either that or he's unwilling to, and then two and a half
6 years later he's shown a photo of three guys that he's told
7 ahead of time: These are the three guys from that night.
8 And then three and a half years later he actually
9 affirmatively makes the ID that Investigator Thomas wrote
10 out for him. And, again, when the inquiry is -- well, we
11 would say the inquiry focuses on: Once I saw the mugshots
12 on the news of the three guys that did this I recognized who
13 they were. And he goes on to name Jaylan, he knew him and
14 knew him as Jevonda's boyfriend, and then he goes on to name
15 Darius. And then he says: Well, of course that third guy
16 that I saw on TV where it says Tommy Long, that's the guy.
17 We obviously believe that it's completely tainted, he was
18 unable to provide that information at the time, two and a
19 half years later he looks at a -- I've seen the photo, I
20 think it's a reach to say that it's completely clear -- I
21 mean, you know, there's some interpretation certainly with
22 regard to viewing that photograph. But those mugshots that
23 are put up there together when he knows that the other two
24 guys are a part of it, we feel that that irreversibly
25 tainted his identification.

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1 THE COURT: Would you agree with me, though, from a
2 constitutional standpoint, which is what Neil versus Biggers
3 is concerned with, and what these matters and these cases
4 involving identification are concerned with, the key is due
5 process and constitutional rights of the defendant. It's
6 got to be done, though, be suggestive, and be necessary --
7 unnecessarily suggestive under the Neil v. Biggers standard,
8 it's got to be by the State, though, does it not? I mean,
9 isn't it -- I think it's State versus Drayton maybe, it was
10 an older case, that -- discusses the issues where if it's by
11 the media, if identification is by the media then it's not
12 part of the State, and the State is not the one tainting the
13 identification process. And so doesn't that, at least this
14 part of it, the initial identification by the witness by
15 seeing it on TV, and seeing the video -- or the photographs
16 of him on TV, wouldn't that fall under State versus Drayson
17 (sic) or other -- Drayton or other --

18 MR. PRINGLE: And I'm aware of that. But if you look
19 at the timeline, again, Judge, and maybe I might have
20 confused you because I jumped around a little bit, but I'm
21 viewing this as three different statements given by Norris.
22 The one right after the incident back in May in '19, and
23 then two and a half years later is -- or around that time
24 evidently is when he met with --

25 MS. LANDSVERK: Your Honor, if I may. The timeline is

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1 incorrect, Mr. Pringle, on when Ms. Hilton met with him.
2 She met with him on May 1st of 2020.

3 MR. PRINGLE: Okay. So a year -- the date of this
4 email is, September of '21, it doesn't say when that took
5 place.

6 MS. LANDSVERK: Right.

7 MR. PRINGLE: So we can agree it was about a year after
8 the incident that Jeannie met with him.

9 MS. LANDSVERK: Met with him, correct.

10 MR. PRINGLE: All right. So this --

11 THE COURT: The first thing that happened is the TV,
12 right?

13 MR. PRINGLE: The TV is the third and final piece.
14 Okay?

15 THE COURT: The third and final?

16 MR. PRINGLE: So he actually met with his Ms. Hilton a
17 year after the incident and was shown the photo of the three
18 guys coming out of the hotel. Okay? And that's when, you
19 know: Hey, these are the three guys from that night. So
20 obviously he's looking at it, he knows, hey, these are the
21 guys. Okay? He recognizes the two guys he knew again, and
22 he named them, he pointed them out and named them, and then
23 there's the third guy, and, you know, at that point it's not
24 conclusive. I think it would have been included if he would
25 have named Tommy Long at that time. There is no mention of

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1 him naming Tommy Long, knowing who he was or anything. So
2 you've got either -- well, we believe he lied at least in
3 part in his first statement, but at any rate there was no ID
4 made. And one of the main factors, again, the witness'
5 opportunity to view the perpetrator at the time of the
6 crime. I mean, he had a front row seat, allegedly he was in
7 the same room really close to these guys, no ID. The
8 witness' degree of attention. I'm guessing at the time of
9 the incident his attention was probably heightened given
10 that there was an alleged robbery and guns being flashed
11 around, but also his degree of attention at the time that he
12 gave his statement and the time that looked at the photo
13 with Ms. Hilton, certainly he was engaged completely. He
14 was able to ID the other two guys, clearly knows who these
15 guys are. Did not have that same thing with Tommy. So that
16 meeting with Jeannie where he looks at the photo with the
17 guys coming out of the court -- or out of the hotel, that
18 would have been the first time that he got a look at
19 somebody that may or may not have been Tommy Long. But he
20 was not even able to identified him then. Okay? And then,
21 again, we have this last piece, the statement that he gave
22 to Investigator Thomas, which was three and a half years
23 later, and again, once I saw the mugshots on the news of the
24 three guys that did this. Not, you know, I recognized who
25 they were. And he names Jaylan, he names Darius, and then,

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1 of course, when the reel stops, the third guy that's been
2 shown is Tommy Long. So we're going to -- our argument is
3 he's in court -- we participate he's going to try to
4 identify Tommy through his testimony here in court, based on
5 all of aforementioned we feel that should be suppressed.
6 It's not a solid ID. At a minimum he misrepresented and
7 lied about everything at the first interview, and then you
8 can see the chronology and the timeline, it takes us until
9 three and a half years later before -- now he's certain,
10 he's tight. It defies credibility, and it defies reason.
11 Thank you.

12 THE COURT: All right. Let me hear from the State.
13 Yes, ma'am?

14 MS. LANDSVERK: Yes. Thank you, Your Honor. May it
15 please the Court? This is Courtney Landsverk on behalf of
16 the State. Your Honor, as Mr. Pringle just stated, the test
17 for due process in pretrial identification procedures
18 involves determining whether or not the identification
19 procedure was unduly suggestive. The second prong is
20 whether or not, because it was suggestive, it gave rise to a
21 substantial likelihood of irreparable misidentification
22 under the totality of the circumstances. Your Honor, the
23 State's position is that under the first prong that's not
24 even met. We don't believe that it was unduly suggestive.
25 And I'm going to go through a procedural history of what

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1 happened in this case to review everything and touch on
2 everything that Mr. Pringle said. To begin with right after
3 the murder of Prince on 5/11 of 2019, law enforcement did
4 meet with Malik. At that time he stated that --

5 THE COURT: On the day of the murder?

6 MS. LANDSVERK: Right. A few hours after the murder
7 happened they spoke with Malik. At that time he did not
8 identify any of the defendants because he said that they
9 were wearing masks. About a year later, on May 1st, 2020,
10 he met with Ms. Hilton with our office, with the solicitor's
11 office. Your Honor, Ms. Hilton met with him in the parking
12 lot and reviewed a photo that had three -- I guess there
13 were a couple of photos, but the one that Malik signed and
14 identified, it was a picture of two of the defendants
15 walking out of the Motel 6, which is where they conspired to
16 commit the crime before they went. At that time Malik
17 looked at the photo, he signed it, and he identified who the
18 parties were as far as what they -- what he remembers seeing
19 during that time. He remembered seeing -- he knew at that
20 point that the person in the red hoodie was Jaylan, and he
21 was not the person that shot, and he described them as far
22 as the smaller and the bigger of the people. He didn't come
23 out directly and say: That is the shooter, but he did point
24 to Tommy Long as being the bigger guy.

25 THE COURT: So this is the photo of them coming out of

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1 a motel parking lot?

2 MS. LANDSVERK: Right. It's not a photo lineup. It's
3 also very blurry. It's a very blurry photo in general, it's
4 very difficult to see. But this case was put on the trial
5 docket in November of 2022, and at that time once this case
6 actually went to trial Malik then gave an additional
7 statement, and his statement was that it did involve seeing
8 the mugshots on TV, but after he saw that he recognized who
9 they were, and recognized who the shooter was. Your Honor,
10 as you identified before, the State v. Drayton,
11 identification based on media representation it is
12 admissible in to Court, because the State is not responsible
13 for the alleged statement, where the witness saw the
14 defendant on the TV after his arrest, and he was able to
15 identify the defendant in this case was allowed in to court.
16 So that falls under the State v. Drayton. And the State's
17 position is his identification based on some media has
18 nothing to do with law enforcement being unduly suggestive
19 on the defendant's pictures.

20 THE COURT: What about the argument that Ms. Hilton
21 provided him that photograph and -- telling him that these
22 are the three guys leaving the hotel, and that after being
23 shown that photograph --

24 MS. LANDSVERK: Your Honor, if Your Honor would like
25 for the State to put Malik on the stand we would be happy to

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1 do so, but in that testimony he would explain that Ms.
2 Hilton asked him if he could identify anybody in there. She
3 told him he did not need to pick anyone unless he was sure.
4 She was simply showing him photos of defendants that they
5 had interviewed recently, and that they did not -- they
6 indicated they did not have masks on at that time, because
7 for awhile they were trying to determine whether or not the
8 defendants had a mask on. And the testimony will show that
9 the defendant, Mr. Long, did have a mask on for some of the
10 time during the robbery, he later took it off and the victim
11 was able to identify -- identify him during the middle of
12 the robbery, he was very close to his face, with his mask
13 off, so that's exactly what Malik will tell the Court. And
14 he says later on that he wanted to tell law enforcement who
15 it was, and he was using the fact that he had a mask on so
16 he didn't have to identify him, because he was truly scared.
17 I mean, he was scared for his life. He just saw his best
18 friend get shot, and he didn't want to let the cat out of
19 the bag so to speak. So eventually when he came to court
20 and he realized this was actually, in fact, going to trial,
21 he decided to go ahead and tell the truth of the fact that
22 he -- the defendant did take his mask off, and he knew who
23 he was, and he was able to identify him. So it's the
24 State's position that he had been able to identify him from
25 the very beginning outside of any meeting with Ms. Hilton,

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1 even outside of the media representation. It just so
2 happens that he did see them on the news, which falls within
3 the exception of State v. Drayton.

4 THE COURT: Let me -- give me the chronology here. So
5 Mr. Pringle said that the TV identification was the last --
6 was the third and final one; is that correct? Give me the
7 chronology of these events.

8 MS. LANDSVERK: Now, he doesn't state with specificity
9 as far as when he saw the mugshots. He just writes in his
10 statement on November 30th of 2022: Once I saw the mugshots
11 on the news of three guys I recognized who they were. He
12 doesn't say when. So, I mean, he could have seen them
13 within weeks of this, which is probably more likely of this
14 actually happening. But he -- at this point it's going to
15 be his testimony that he finally felt like he wanted to tell
16 the truth, because he knew this case was going to trial and
17 he knew who the defendant was the entire time, and it had
18 nothing to do with what Ms. Hilton discussed with him. I
19 mean, Your Honor, if you would like for me to hand up this
20 photo, you can see this photo, you can barely see who's in
21 this photo that she handed up.

22 THE COURT: Yeah, let me see.

23 MS. LANDSVERK: And, Your Honor, the victim simply
24 states that the person with the red hoodie on was not the
25 shooter is what he ends up telling her in that interview.

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1 THE COURT: All right. So, again, I want to get back
2 from a date standpoint of chronology. The meeting with Ms.
3 Hilton, when was that?

4 MS. LANDSVERK: I'm sorry, Your Honor, when was what?

5 THE COURT: The meeting with Ms. Hilton, when was that?

6 MS. LANDSVERK: That was on May 1st of 2020.

7 THE COURT: May 1st, 2020.

8 MS. LANDSVERK: That is correct.

9 THE COURT: And that's what he's shown that photograph,
10 correct?

11 MS. LANDSVERK: That's correct.

12 THE COURT: All right. And then we've got the
13 statement of November 30, 2022, correct?

14 MS. LANDSVERK: That's correct.

15 THE COURT: Okay. And then somewhere along the way
16 we've got the TV identification, correct?

17 MS. LANDSVERK: Now, he talks about the TV
18 identification in his statement of November 30th, 2022.

19 THE COURT: Okay. But we've got, of course, the
20 meeting right after the incident.

21 MS. LANDSVERK: Right.

22 THE COURT: And he does not identify anyone there.
23 Then we've got the meeting with Ms. Hilton on May 1st, 2020.
24 And we've got a statement written by investigating officer,
25 which is Mr. Norris' statement, and that's November 30th of

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1 2022. And then somewhere along the way, as I understand, we
2 do not have a date as to when he saw them on the news; is
3 that correct?

4 MS. LANDSVERK: Right, that's correct.

5 THE COURT: Okay.

6 MR. PRINGLE: And frankly it could have been social
7 media is my understanding as well, so it might be a little
8 more difficult to pin that down. But I would like to
9 respond to a couple things if I could.

10 THE COURT: All right. Anything else from the State
11 there?

12 MS. LANDSVERK: Your Honor, just to in culmination to
13 say that, I mean, the victim is going to testify that he
14 knew who the defendant was the entire time outside of
15 anything that Ms. Hilton said to him. And even if we were
16 going to take into account the interview that Ms. Hilton had
17 with him, the State argues that it was not unduly
18 suggestive. She was just showing him photos to see if he
19 recognized anybody in the photos. And, Your Honor, if you
20 would like for us to put the victim on the stand and to take
21 it further we absolutely can, we were prepared to do that,
22 the victim is here. I don't know how far you would like to
23 take this, but we're happy to take that, and then also put
24 this exhibit in evidence.

25 THE COURT: All right. Yes, sir?

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1 MR. PRINGLE: All right. Well, at a minimum we know
2 he's already lied at some point. But what I keep getting
3 back to, you know, like Ms. Landsverk said, when we say
4 whether something is unduly suggestive or not, I mean, I
5 would just simply pose that when Ms. Hilton showed the
6 photograph, which obviously you've seen the photo, it is
7 sketchy, it's hard to ID anything, but when she hands it to
8 him and says: These are the three guys. Okay? I mean,
9 that's -- I don't know how you can get more suggestive:
10 These are the three guys. And although the State is not
11 responsible for those mugshots being on TV, what I'm saying
12 is is that a year -- okay. Contemporaneously to the event
13 he either lied, or couldn't ID, or both. One year later she
14 shows him the mugshot, he still doesn't say Tommy Long, he
15 doesn't mention that. So I think it's disingenuous now to
16 reach back three and a half years later and say, well, he
17 knew it was Tommy Long at the time of the robbery. He had
18 an opportunity at the time of the robbery, he had an
19 opportunity a year later when he's shown that photo, none of
20 that came forward. Then three and a half years later all of
21 the sudden, and I know we've quoted is ad nauseam, but
22 that's when I realized the three guys that did this, I knew
23 those two guys did it. Wow, Tommy Long is up there with the
24 two guys that he knew did it, these are the guys that did
25 it. This is a photo of the guys that did it. That's

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1 clearly suggestive. Okay? And at this point that's why we
2 would move that his -- you know, his ID would be suppressed,
3 and we would move that he not be permitted to attempt to ID
4 him here today based on all of the aforementioned. At a
5 minimum it's rewarding malfeasance, but I think we've shown
6 that it was clearly unduly suggestive for now. He's got
7 Tommy Long on the brain. The other thing I want to respond
8 to is this idea that he was scared at the time. Well, a
9 year later, you know, Tommy had been -- was in jail. What
10 was he scared about? What changed? I mean, this is a guy,
11 Judge, the evidence will show he had a gun that night. He's
12 in a house with drugs, he had 900 cash, he's a high school
13 kid, he's hanging out in a place with guns, drugs, and
14 money, playing gangster. I mean, he was armed at some point
15 that night immediately prior to the incident, and now we're
16 supposed to believe he's this scared kid babe in the woods.
17 He was a want to be gangster himself, he's in the element,
18 and the fact is you just can't get around the fact that once
19 he got that Tommy Long seed planted seeing him with those
20 other two guys and after Ms. Hilton says these are the guys,
21 you can't go back. We'll never know. I mean, at this point
22 he is clearly tainted, so, I mean, of course he probably
23 wakes up at night thinking Tommy Long. But for three and a
24 half years or so, where was it? It's just disingenuous, and
25 we think we've made our case that for all the aforementioned

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1 reasons it was clearly suggestive, and even if the State is
2 not responsible for those mugshots up there, there was a
3 suggestive episode a year after the incident with Jeannie
4 Hilton prior to the whole mugshot thing.

5 THE COURT: Let me ask the State this, what -- from the
6 media standpoint, I recognize that State versus Drayton is
7 probably applicable here, there's no part of the government
8 involvement regarding that identification, but what about
9 the meeting with Ms. Hilton and the statement that these are
10 the three guys? How would that not be suggestive?

11 MS. LANDSVERK: Okay. Well, Your Honor, before I
12 answer Your Honor, we did get a little bit extra information
13 from Malik, he is here, and it might be helpful for us to
14 get him on the stand so he can testify. But he saw the
15 three mugshots when they were arrested, which would have
16 been ten days after the incident, so it would have been
17 before even Ms. Hilton got involved he saw them on TV.

18 MR. PRINGLE: And yet never mentioned it to her.

19 MS. LANDSVERK: And we know based on his statement
20 that's when he saw them. As far as Ms. Hilton's interview
21 with him, I -- she does show him the picture, she doesn't
22 suggest that any one of these people are the shooters here,
23 but she asks him can he identify anybody here. So he just
24 in general says he knows it's not the person with the red
25 hoodie. It's the bigger guy, not the smaller guy. He's

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1 just talk in general terms. But, Your Honor, I think it's
2 important to note that when he gave this statement he was a
3 17 year old kid, he was a junior in high school when this
4 happened, no prior record. He just -- right after this
5 happened he gave his initial statement. He just saw his
6 best friend get tortured and shot, and I think he truly --
7 like I said, we'll see him testify, he was truly scared for
8 his life and did not want to identify these people. When he
9 gives this statement on November 30th, 2022, that is when
10 it's officially on the trial docket, and he realizes that he
11 needs to come forward and give this information. I mean,
12 this is based on his best friend's death, and I think when
13 he got encouragement from his family members because he knew
14 he had to tell the truth, that's when he decided to come
15 forward. But he knew the identification of the defendant
16 from the very beginning.

17 THE COURT: I recognize that maybe he may have been
18 scared, but my -- I want to get back, though, to the issue
19 with the meeting with Ms. Hilton. We all recognize that
20 under Neil versus Biggers it's got to be either suggested,
21 or if it is suggested it has to be necessary, that's the
22 first prong, and if it's either one of those you don't go
23 further. If it's found to not be suggestive you stop. If
24 it's found to be suggestive but necessary, or but
25 unnecessary, then you go to really -- step two is really

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1 step three, it's the second prong, though, and that's where
2 you determine reliability. If there's any chance of
3 misidentification and the reliability issues are discussed
4 there. So before you get to that, though, we've got to
5 determine is it suggestive, and even if it is suggestive if
6 it was necessary or unnecessary. So with Ms. Hilton, the
7 meeting with Ms. Hilton, what is the State's argument on the
8 issue of suggestion as far as her statement that these are
9 the three guys when shown the photograph? Is that arguably
10 suggestive of the identification of the defendant in this
11 case?

12 MS. LANDSVERK: Your Honor, the State argues that it
13 was not suggestive in the least. We -- first off the
14 picture was blurry so it was very difficult for him to
15 identify really anybody based on the fact that it was
16 blurry, and she told him if he didn't feel comfortable
17 saying anything or picking out anyone he didn't have to.
18 She --

19 THE COURT: But what about the statement of these are
20 the three guys? Let's just say the average photo lineup
21 where there's no issue, let's just say -- use an example,
22 all right, here Mr. Witness, or Ms. Witness, here is a
23 photograph of individuals here, and do you see anybody you
24 recognize? That is the definition of not being suggestive,
25 and that -- assuming that witness picks out whoever the

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1 defendant is, that to me would most likely be suggestive.
2 How, though, in a situation where the statement by the
3 investigating officer, or whomever, says, all right, these
4 are the three guys, or these -- in this group of photos are
5 the three guys that robbed that store, or committed that
6 crime. How would that not be suggestive?

7 MS. LANDSVERK: So, Your Honor, it's the State's
8 position that at that point he already knew who the three
9 people were involved before Ms. Hilton even got involved,
10 and I think that's important to know. In the totality of
11 the circumstances, when she's showing him the pictures he
12 was already aware of who the people were, who the three
13 defendants were. He already knew what they looked like and
14 he knew them by name at that point.

15 THE COURT: All right. What's the evidence -- what's
16 the proof of he already knew? That's what I'm trying to get
17 the chronology here. How --

18 MS. LANDSVERK: The proof is based on his November 30th
19 statement that he says he saw their pictures and mugshots on
20 media, and that we've just learned that he saw them as they
21 were -- right as they were arrested, and that information
22 was put in the news, and he saw that happen. As far as Ms.
23 Hilton explaining it to him, she spoke with him and
24 explained that she had conducted the interview with the
25 defendants, and she was further asking questions based on

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1 the fact that he said they were all wearing masks initially,
2 and then after some more investigation not everybody was
3 wearing masks, so she wanted to talk to him again based on
4 the change of facts. Because the masks, we found out, was
5 an issue, and so at that point could he determine who it
6 was. So he looked at it, and then he was able to identify
7 who the parties were in the room, who was wearing the masks
8 and so forth. But, Your Honor, we have the victim who is
9 going to testify to the fact that the defendant in his
10 testimony had the mask on, then later on took the mask off
11 and was talking with him close to -- face to face.

12 THE COURT: All right. So you've got him here to
13 testify?

14 MS. LANDSVERK: We have him here.

15 THE COURT: All right. I want to hear from him.

16 MS. LANDSVERK: Your Honor, the State would like to
17 call --

18 THE COURT: Yes, sir?

19 MR. PRINGLE: If I may. You know, Your Honor,
20 regardless of what he says, it just dovetails with what
21 we're saying, that he's tainted. So obviously he's going to
22 take the stand and say that he knew it was Tommy Long all
23 along, that's the whole point of our argument is that once
24 the suggestiveness and the impermissible ID was made, now
25 he's going to bootstrap. I mean, as far as he's concerned

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1 he may even believe --

2 THE COURT: But your argument is the suggestiveness is
3 with the meeting with Ms. Hilton.

4 MR. PRINGLE: Absolutely, yeah. And I think, although
5 the State wasn't responsible, I think it -- you know, it's
6 further bolstered by the way that it was presented when he
7 says he saw these three guys with their names on TV, they
8 grouped Tommy Long along with two guys that he knew by name
9 and knew were involved. So that -- I mean, it kind of -- it
10 dovetails with it. And again, we just find that three and a
11 half years later when he had an opportunity twice, even with
12 Ms. Hilton a year later, Tommy is in jail, these guys are
13 all in jail at that time, he's clearly not scared of
14 anything at this point. And like I said, this idea that he
15 was some scared kid, I mean, he's over there with guns,
16 dope, money, I mean, hanging out --

17 THE COURT: Let me ask you, though, from that
18 perspective, and I hear you on the other part as far as it
19 being suggestive, but from that perspective, is that not an
20 issue of cross, of him not identifying? Because the issues
21 if you look, as you know, under Neil versus Biggers, that
22 you look at that first prong, is it suggestive, and if it is
23 suggestive was it necessary or unnecessary, and that's when
24 you look to the factors of -- the facts of the
25 identification itself. Then if I determine that it was

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1 suggestive, or not -- or was not suggestive, or suggestive
2 and unnecessary, then you go to the second part where you go
3 to a whole different somewhat similar kind of sense of
4 the -- a factual analysis of the opportunity of the victim
5 or the witness to identify the -- I think the prior
6 descriptions, those kind of things. It's a different kind
7 of analysis, although somewhat similar elements. So the
8 fact that he may have been scared or not scared, does that
9 really factor into the elements of a Neil v. Biggers
10 analysis?

11 MR. PRINGLE: They've asserted he was scared and I
12 think that's what they're trying --

13 THE COURT: I know, I heard them say it, and that's --
14 I'm asking you the question, is -- you're countering that,
15 you're responding to that that you question whether he was
16 scared or not and was relevant.

17 MR. PRINGLE: I don't think it's relevant. I mean, I
18 think it clearly shows he lied for whatever reason.

19 THE COURT: Which gets back to my point is that that's
20 from that perspective maybe a cross examination issue, and
21 he had the opportunity back then, he didn't, whether he was
22 scared or not, that's his argument. But that's certainly a
23 cross examination issue that you have, a strong one, that he
24 didn't identify in the beginning. But does that go to a
25 Neil v. Biggers identification issue? That's my inquiry.

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1 And, I mean, you're right, the State did bring up the scared
2 and fearful part of it, but I'm not so -- I'm not so --

3 MR. PRINGLE: I'm not sure that the scared part is
4 really relevant.

5 THE COURT: I'm not either.

6 MR. PRINGLE: The key is there was no ID made. And
7 that's one of the factors, is, you know, the witness'
8 opportunity to view the perpetrator at the time of the
9 crime, and the focus, the degree of attention, the level of
10 certainty. I mean, we're -- it's just convenient now to
11 say: Well, I was scared so I didn't ID him.

12 THE COURT: And that's more --

13 MR. PRINGLE: We're actually saying that he couldn't or
14 was unable to ID him. Okay? And that's the whole thing is
15 he doesn't ID him even a year later when he is shown the
16 photo from Ms. Hilton. There is no actual ID til that, you
17 know, this thing that we've talked about over and over from
18 November of 2022 where by his own words, his own quote was,
19 you know, he clearly knew Jaylan Fair and Darius Rhodes were
20 involved with part of it, and you know, he sees this. The
21 key that we're -- the key we want to focus on is if he's
22 allowed to sit there under oath in front of the jury and
23 point at him and ID him, that there's a serious power in
24 that with the jury seeing that obviously, it's obviously
25 prejudicial. But based on all that we've set out, you know,

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1 the horse is out of the barn door, whatever that cliché is
2 Judge. Once that suggestiveness, and once he puts the name
3 together with, oh, these are the guys that did it, you know,
4 it's like it's all framed up, and all he needs to do is just
5 put the bow on top. Okay? So I'm saying, and I think that
6 the phenomena does exist, that once this thing is planted in
7 somebody's mind, he may actually come in here and believe
8 that he knew it was Tommy Long at the time of the incident.
9 But we're posing that he was unable to ID him, didn't ID
10 him, and that feeds right into what we're talking about with
11 the suggestiveness. Now, it may not be a true Biggers
12 analysis as far as -- certainly as far as the three photos
13 on TV, that's not your traditional Biggers lineup situation,
14 but it does dovetail with the -- what happened with Ms.
15 Hilton's interview with him, at that time we're a year out
16 from the incident, he still doesn't identify Tommy Long, now
17 here we are and he's going to say he can. It's just very
18 convenient, it's bootstrapping, he couldn't do it up to this
19 point.

20 THE COURT: I recognize your argument then. I do want
21 to hear from Mr. Norris. Because, again, if -- even if you
22 do -- listening to your argument that it was suggestive by
23 Ms. Hilton suggesting whatever she suggested, and I get to
24 the second prong and I've got to determine based on the
25 totality of the circumstances whether or not it was reliable

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1 or not, and that gets into the issues really in my opinion
2 as to the factual issues at the time of the incident, the
3 opportunity to see him, what the description -- just, again,
4 the factual issues at the time of the incident, and the time
5 between the incident and the confrontation, those kind of
6 issues. So I think it's really a factual issue to
7 determine, and I do want to hear from the witness.

8 MS. LANDSVERK: Your Honor, and just briefly before we
9 get Mr. Norris on the stand, looking at this closer, Ms.
10 Hilton didn't suggest that these were the defendants. She
11 said these are the three males leaving the hotel room the
12 night of the incident. This is not where the murder
13 occurred. The murder occurred in an apartment in a separate
14 place. So this is just a picture of them leaving a hotel
15 room, it wasn't even at the crime scene, Your Honor. As far
16 as whether or not it's necessary, the reason Ms. Hilton met
17 with him is because they were trying to ID the shooter. And
18 this is just our office trying to crack the case and going
19 through what we know to be true, this was not an official
20 interview. And the fact is, he's the only eye witness, he's
21 the only surviving victim, and he was able to identify him,
22 like I said, from the very beginning. So those are the
23 reasons we feel like, one, it wasn't suggestive. She just
24 brought a picture of them leaving the hotel room, wasn't
25 even the crime scene. And, like I said, it was necessary

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1 because she -- we were trying to find out more information
2 about the case, and the fact that he was the only victim
3 left. But at this time the State would like to call Mr.
4 Norris to the stand.

5 MR. PRINGLE: I promise, I just want to briefly respond
6 to that and I'm done. Okay? You know, it's disingenuous to
7 say that it wasn't suggestive because it's the three guys
8 leaving the hotel room that night. I believe Ms. Hilton
9 also advised Mr. Norris that they were told that one or more
10 of the suspects didn't have masks on, and, of course, the
11 State knew that Norris had said they had masks on. Just by
12 saying: Hey, Mr. Norris, we want to clear this up, one or
13 more of these guys didn't have masks, that certainly ties
14 the photo to the crime. So, I mean, it's disingenuous to
15 say, well, we just showed a photo of them walking out of the
16 hotel, we weren't suggesting that it was three guys that did
17 it. The next thing out of the investigator's mouth to Mr.
18 Norris was: Hey, they weren't wearing masks, we want you to
19 clear this up. So clearly -- it's just disingenuous to try
20 to say that they weren't talking about the incident, I just
21 want to point that out. You can't say that and then in the
22 next breath say: Hey, not everybody was wearing masks at
23 the robbery that you were at. Clearly it's --

24 THE COURT: I want to hear from him.

25 MR. PRINGLE: Thank you. Okay.

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1 MS. LANDSVERK: Your Honor, the State would call Malik
2 Norris.

3 The witness, MALIK NORRIS, was first duly sworn
4 and testified as follows:

5 THE CLERK: Please state your full name for the record.

6 THE WITNESS: Malik Keon Norris.

7 THE CLERK: Thank you.

8 DIRECT EXAMINATION

9 BY MS. LANDSVERK:

10 Q Hey, Mr. Norris. So can you tell me if you were with
11 Prince the night of May 11th, 2019?

12 A Yes.

13 Q Okay. And can you just explain to me what happened
14 that night?

15 A Like the whole thing, or the whole situation?

16 Q Starting when the three guys entered the apartment, can
17 you explain to me what happened as they came in?

18 A Well, they came in the house, I mean, they already had
19 guns, and they told us to put our hands up, and they had us
20 at gunpoint. He did have a gun, but --

21 Q When you say he, who are you talking about?

22 A Prince.

23 Q Okay.

24 A Prince did have a gun but it was took from him.

25 Q Okay. So who took the gun from him?

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- 1 A Tommy Long.
- 2 Q Okay. And what happened after that?
- 3 A It just -- the people, the robbers that came in, they
- 4 just kept asking for money, and --
- 5 Q Okay.
- 6 A He didn't know -- like he -- Prince kept saying that he
- 7 didn't know what they were talking about, what money. And
- 8 they just kept -- the robbers kept forcing him, like the
- 9 money, like they wanted to find the money and stuff. They
- 10 also -- the robbers, they were beating him like --
- 11 Q So what were they doing to beat him?
- 12 A Hitting him with guns and --
- 13 Q Were they hitting you as well?
- 14 A I was hit, too, yes.
- 15 Q Okay. Now, when they first came in, was anybody
- 16 wearing a mask?
- 17 A Yes.
- 18 Q Okay. Who was wearing a mask?
- 19 A I don't know exactly who was wearing a mask. I know
- 20 there were -- everybody didn't have on a mask. Two of them
- 21 had hoodies on.
- 22 Q Two of them had on masks?
- 23 A No. One of them had on a -- I mean, one had on a mask
- 24 and two had on hoodies.
- 25 Q Okay. And -- okay. So did the person that had the

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- 1 mask on end up taking the mask off?
- 2 A Yes.
- 3 Q Okay. And is the person who took the mask off in the
- 4 courtroom today?
- 5 A Yes.
- 6 Q Can you identify who took the mask off?
- 7 A Yes.
- 8 Q Okay. Is it the person sitting at counsel table next
- 9 to Mr. Pringle?
- 10 A Yes.
- 11 Q Is it Tommy Long?
- 12 A Yes.
- 13 Q Okay. And when you gave -- after everything happened
- 14 and law enforcement interviewed you, what did you initially
- 15 tell law enforcement as far as identification? Were you
- 16 able to identify Tommy Long when they first asked you who
- 17 did it, who was there?
- 18 A No.
- 19 Q No. And why not?
- 20 A Because I was scared for my life.
- 21 Q Okay. And why were you scared?
- 22 A Because at the time everybody was out of jail, there's
- 23 no telling what they could do to me or my family.
- 24 Q Was anybody that you know of charged at that point with
- 25 the murder of Prince?

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- 1 A Not at that time.
- 2 Q Okay. And did you end up later seeing their mugshots
3 on TV?
- 4 A Yes.
- 5 Q When did you see that?
- 6 A It was after they were arrested.
- 7 Q Okay.
- 8 A After everybody was arrested.
- 9 Q Okay. Was it soon after they were arrested, do you
10 remember in general?
- 11 A No. I don't -- it was kind of after they were
12 arrested, it wasn't far off.
- 13 Q Okay. So would you say -- can you give me a timeframe
14 as far as a week, a month, a year?
- 15 A About a week, maybe a week and a half.
- 16 Q After they were arrested?
- 17 A Yeah.
- 18 Q And at that time when you saw the mugshots, did you
19 recognize them as the robbers that came in that night?
- 20 A Yes.
- 21 Q Okay. Did you recognize Tommy Long?
- 22 A Yes.
- 23 Q Okay. And about a year later on May 1st of 2020, did
24 you meet with Ms. Hilton?
- 25 A Yes.

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- 1 Q Okay. And what did you meet with her about?
- 2 A She showed me some photographs.
- 3 Q Okay. And what were the photographs of?
- 4 A The people that -- the robbers.
- 5 Q Okay. Now, when she showed you the photographs, did
- 6 she suggest to you that any of those people -- did she
- 7 suggest at all who was involved in this crime?
- 8 A No, she didn't suggest anybody.
- 9 Q Okay. What -- let's see. Did she tell you you didn't
- 10 have to pick anyone out of the photos if you didn't
- 11 recognize them?
- 12 A I don't remember that.
- 13 Q Okay. And I'm going to show you a photo.
- 14 (Break in proceedings.)
- 15 MS. LANDSVERK: Your Honor, may I approach?
- 16 THE COURT: Yes.
- 17 Q Mr. Norris, I'm handing you State's Exhibit Number 1.
- 18 Can you tell me what that photograph is?
- 19 A This is a picture of, is it two people, or two people
- 20 that were walking -- I don't know where they're at.
- 21 Q Okay. Is this the same picture that Ms. Hilton showed
- 22 you --
- 23 A Yes.
- 24 Q -- on May 1st of 2020?
- 25 A Yes.

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- 1 Q And how do you know that?
- 2 A How do I know?
- 3 Q How do you know? Do you remember it?
- 4 A Yeah, I remember it.
- 5 Q Okay. Did you also sign it?
- 6 A Yeah.
- 7 Q Okay. Is your signature on that photo?
- 8 A Yes.
- 9 Q Is that an accurate description of -- does it look the
- 10 same that when she showed you?
- 11 A Yes.
- 12 Q Okay. Have there been any alterations made?
- 13 A No.
- 14 Q Okay.
- 15 MS. LANDSVERK: Your Honor, at this time the State
- 16 would like to enter this into evidence.
- 17 THE COURT: Okay.
- 18 (The photo was received as State's 1.)
- 19 Q When Ms. Hilton asked you a question, were you able to
- 20 talk about the person in the red hoodie?
- 21 A Yes.
- 22 Q And did you talk about with her your -- his involvement
- 23 in the robbery? Do you remember?
- 24 A Yeah, I think so. Well -- yeah. She just asked me --
- 25 I don't remember. I don't remember.

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1 Q You don't remember what your conversation was with
2 Ms. Hilton?

3 A Not the whole conversation.

4 Q Okay. When you met with Ms. Hilton, had you already
5 seen all of the defendants on TV?

6 A Yes.

7 Q Okay. And you initially -- you gave a statement -- so
8 initially gave one to law enforcement right after it
9 happened, and then you talked to Ms. Hilton, and then
10 ultimately you gave another statement to law enforcement on
11 November 30th, 2022; is that correct?

12 A Yeah.

13 Q Okay. And can you tell me basically what you said in
14 that statement? Were you able to identify the defendant?

15 A Yes.

16 Q Okay. And why did your story change?

17 A Because, I mean, my friend was murdered. I wanted
18 justice for my friend.

19 Q Okay. And when you gave -- you say you wanted justice
20 for your friend. Did you give that statement at the same
21 time this case was going to trial?

22 A Yes.

23 Q Okay. Did you feel like it was more important for you
24 to be honest?

25 A Yes.

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1 Q At that point?

2 A Yes.

3 Q And is it your testimony that you knew who the
4 defendant was, you could identify him before you gave the
5 statement?

6 A Yes.

7 Q Okay. Just one second.

8 (Break in proceedings.)

9 Q Okay. And just to make sure we put this on the record
10 and flesh it out a little bit more, I want to talk about the
11 night of the robbery and the night of the shooting. You
12 were telling me that the defendant was wearing a mask and he
13 ultimately took off that mask. When he took off the mask,
14 how close to you was he?

15 A He was -- basically it would be side by side, but there
16 was something between us.

17 Q What was between you?

18 A I was sitting on the couch and he was on the -- behind
19 the couch kind of -- the way the couch is set up, he was
20 kind of behind the couch, but he was basically beside me.

21 Q Okay. So how many feet would you say he was away from
22 you?

23 A Maybe a couple of feet, not too far.

24 Q Okay. And this is when he did not have the mask; is
25 that right?

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1 A Yes.

2 Q Okay. Could you clearly see him?

3 A Yes.

4 Q And how long was he that close to you, how long of
5 time?

6 A Maybe a couple of minutes.

7 Q Okay. What did he do after he spoke to you? What was
8 he telling you? There was two questions in one. What was
9 he telling you when he was talking with you?

10 A He asked me -- when he walked over there he asked me to
11 look at him, and I didn't want to look, but I ended up
12 looking. He asked me where the money was at, and he was
13 like, you know, I don't want to die behind this, and I was
14 just like: I don't know what you're talking about.

15 Q So what was that -- you said something and I couldn't
16 really hear you, do you mind speaking closer to the
17 microphone? What was the -- what did he say again?

18 A He asked me --

19 Q Well, that's good so we can hear, good.

20 A He was telling me to look at him and I didn't want to
21 look, and I ended up look at him. And he was just like --
22 he was telling me like I don't want to die behind all of
23 this, like just tell me where the money at. And I was like:
24 I don't know. And he got frustrated and he walked off, and
25 that was it. That was it that he said to me.

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1 Q Okay. Okay.

2 MS. LANDSVERK: Thank you, Mr. Norris. At this time
3 please answer any questions from Mr. Pringle.

4 CROSS EXAMINATION

5 BY MR. PRINGLE:

6 Q So, I mean, we're all in agreement, you agree that just
7 hours after the robbery when you gave your first statement
8 that you said you couldn't identify any of these guys; isn't
9 that true?

10 A Yes.

11 Q Okay. But you knew who -- you knew -- isn't it true
12 that you knew Jaylan Fair personally?

13 A No.

14 Q Prior to the incident?

15 A No.

16 Q Did you know Darius Rhodes?

17 A No, I didn't know them.

18 Q Did you know Tommy Long?

19 A No.

20 Q Okay. You said that you have come forward now because
21 you want justice for your friend.

22 A Yes.

23 Q Isn't that why you're willing to identify Tommy Long
24 now here today when you weren't able to do that at the time?

25 A Say it again, please.

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1 Q Let me rephrase that. A year later after the incident
2 is when you met with Ms. Hilton and she showed you that
3 fuzzy photograph at the hotel, right?

4 A She showed me the pictures, yes.

5 Q And you knew why you were looking at that photo, didn't
6 you?

7 A I mean to -- I mean, yeah.

8 Q And she didn't just pick you out at random and come up
9 and say: Let me show you this picture, right? I mean,
10 there was a reason that you were looking at that picture,
11 wasn't there?

12 A I would assume.

13 Q What do you think you were looking at it for? You
14 signed it, right?

15 A Yeah.

16 Q Okay. So why were you shown that picture? Why do you
17 think you were shown that picture?

18 A I was shown the picture, and she didn't ask me to
19 identify it, she asked me from body type.

20 Q Your mother was with you at the time?

21 A Yes.

22 Q Okay. And did Ms. Hilton explain to you that these are
23 the three males leaving the hotel room that night?

24 A Say it again.

25 Q She said: These are the three guys leaving the hotel

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1 room that night.

2 A No.

3 Q She didn't say that?

4 A I don't think so. I don't remember. I don't know.

5 Q Okay. Did you believe you were looking at that photo

6 because of you being a witness in this case?

7 A Yeah.

8 Q Okay. You've been interviewed once, right? The day of

9 basically hours after the robbery.

10 A Yeah.

11 Q Okay. And then a year later Jeannie Hilton from the

12 prosecutor's office approaches you with pictures. I'm just

13 asking you, did you know why she was showing you those

14 pictures? You knew what it was about, didn't you?

15 A Yeah.

16 Q Okay. So you knew it was about the robbery.

17 A Yeah.

18 Q Okay. And at some point did she say: Hey, we've

19 talked to these guys and we know that they didn't all have

20 masks on. You were told that, right?

21 A I don't know. No.

22 Q You were not told that. So if Ms. Hilton said that she

23 told you that she's mistaken.

24 MR. JOHNSON: Objection, Your Honor, pitting,

25 badgering.

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1 THE COURT: Sustained.

2 Q Did you tell Ms. Hilton that you knew it was not the
3 guy in the red hood because you knew that was Jaylan?

4 A Yes, I said that. But the reason why I knew his name
5 is because I've seen their mugshots, so their names was on
6 there. But yes.

7 Q Okay. So you saw mugshots of guys that did the crime;
8 isn't that true? You saw the mugshots of the three guys.

9 A Yeah. I saw the mugshots, yes.

10 Q Okay. So you knew in your head that those were the
11 three guys involved in the crime.

12 A No. I already knew because of them taking their masks
13 off, I just found out their name from the mugshots.

14 Q And you knew the names -- you knew the names off the
15 top of your head?

16 A I knew them from the mugshots.

17 Q All right. So when Ms. Milton showed you the photo,
18 did you say: That's Jaylan, you knew the guy's name? Or
19 did she say -- did she give you Jaylan's name?

20 A No, she didn't give me --

21 Q So you remembered, you remembered -- from the time you
22 saw it on the news you remembered all three guys' names?

23 A Yes.

24 Q And it's your testimony that you didn't know any of
25 these guys at the time of the robbery?

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1 A No, I didn't know them.

2 Q But you could recognize all three of them.

3 A Yes.

4 Q All right. And again, you didn't -- you didn't -- you
5 didn't tell the investigator that the day of the crime, did
6 you?

7 A No.

8 Q Okay. And you said it was because you were scared.

9 A Yes.

10 Q Okay. Then a year later when you look at the photo
11 with Jeannie Hilton you knew those guys were in jail, didn't
12 you?

13 A Yes.

14 Q Okay. And yet you still never said the word Tommy
15 Long. Never said the name Tommy Long, did you?

16 MR. JOHNSON: Objection, Your Honor, that's a
17 misstatement of the facts. That's when he identified
18 Mr. Long.

19 MR. PRINGLE: I asked did he ever say that's Tommy
20 Long.

21 THE COURT: Overruled.

22 Q You never said it was Tommy Long, did you?

23 THE WITNESS: Can I please get some water or something?

24 THE COURT: You need to go ahead and answer his
25 question.

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1 A Can you say it again, please?

2 Q Okay. One year after the robbery Jeannie Hilton came
3 up to you in the parking lot and showed you some photos here
4 at the courthouse, right?

5 A Yes.

6 Q And you were here because of a trial for Tommy Long,
7 weren't you?

8 A The day of the pictures it wasn't a trial day.

9 Q You were here for Tommy Long's case, weren't you?

10 A Yes.

11 Q So you knew Tommy Long was charged in this case at the
12 time that you looked at the photos.

13 A Yes.

14 Q Okay. And she shows you the photos, this is a year
15 later, and you did not ever say that's Tommy Long, did you?

16 A I don't know.

17 Q Okay. What's that?

18 A No.

19 Q No, you didn't. And this is after these guys were in
20 jail, and you've already testified you knew they were in
21 jail, didn't you?

22 A Yeah.

23 Q Okay. So what were you scared of? They're in jail.
24 Why didn't you tell the truth then when you had a chance a
25 year after the incident? Why didn't you tell the truth

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1 then?

2 A I don't know.

3 Q You don't know. Okay. Then Ms. Landsverk asked you a
4 little bit about your most recent statement, the most
5 current story that you've told.

6 A Yeah.

7 Q That was in November of last year, November 30th of
8 2022, do you remember that with Investigator Thomas?

9 A Was that the day of the trial?

10 Q I don't know the answer to that question, maybe it was.
11 Do you remember signing this statement that she wrote out
12 for you?

13 A Yes.

14 Q Okay. You didn't write it, did you?

15 A No.

16 Q But you told her what to write.

17 A Yes.

18 Q Did she write it on her own or did she write what you
19 told her?

20 A She wrote what I told her.

21 Q So there's nothing that she wrote down that she made
22 up, it's everything you told her.

23 A It's everything I told her, yeah.

24 Q All right. Once I saw the mugshots on the news of the
25 three guys that did this I recognized who they were. That's

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1 your words, right? And you've already testified you said
2 you saw the mugshots on TV, that's how you put this all
3 together. Is that true? That's yours, right?

4 A Yeah, I seen the mugshots.

5 Q All right. And then you went on to say: I know Jaylan
6 as Jevonda's boyfriend. So you knew who Jaylan Fair was,
7 didn't you?

8 A I don't know him. I don't know him as of knowing him
9 like --

10 Q But you knew Jevonda.

11 A Yeah.

12 Q Okay. In fact, didn't you have a relationship with
13 Jevonda at some point?

14 A Yeah, when we was little, in middle school.

15 Q So you knew Jaylan Fair. You might not have known it
16 was Jaylan Fair, but you knew this guy is Jevonda's
17 boyfriend, didn't you?

18 A Yes.

19 Q So you knew he was involved. And then you go on to
20 say: When him and Darius ran out after Karen. You said
21 Darius, you didn't say that other guy, or the guy in the
22 black hoodie, you said Darius, didn't you? That's your
23 words, right?

24 A Darius?

25 Q Darius. You said -- you already said these are your

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1 words, nobody made them up, right? When him and Darius ran
2 out after Karen. So you referred to Darius Rhodes by name
3 in this statement. You knew who he was, didn't you?

4 A I didn't know him-know him.

5 Q You didn't know -- I'm not asking if you're best
6 friends, you knew who he was, didn't you?

7 A I guess, yeah.

8 Q Okay. So you knew who Jaylan Fair and Darius Rhodes
9 were by your own testimony, and yet nowhere in that process
10 did you ever mention Tommy Long's name until this statement
11 in November of last year, three and a half years after the
12 shooting; isn't that true? This is the first time, isn't
13 it?

14 A Yeah.

15 Q Yeah.

16 MR. PRINGLE: Nothing further.

17 THE COURT: Anything else?

18 MS. LANDSVERK: Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. LANDSVERK:

21 Q So, Mr. Norris, you were right next to your friend when
22 he was tortured, right?

23 A Yes.

24 Q And you were right next to your friend when he was
25 executed, right?

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1 A Yes.

2 Q So you knew what the defendant was capable of.

3 A Yes.

4 MS. LANDSVERK: No further questions.

5 THE COURT: All right. Anything else? All right. You
6 may step down. All right. Anything else from the State?

7 MS. LANDSVERK: Nothing further from the State.

8 THE COURT: All right. Anything else on the matter,
9 anything from the --

10 MR. PRINGLE: No, Your Honor.

11 THE COURT: All right. I'm going to -- I'll just take
12 it under advisement and I will let you know when we start
13 back up. Anything else before we need to break? We did go
14 a little bit longer, it's 20 until 2:00, I told them to be
15 back at 2:00. I do want to give y'all a little bit of time
16 to eat some lunch and get ready for your openings. How
17 about if -- I hate to keep the jury waiting, but let's try
18 to shoot for close to 2:30, somewhere in between 2:15 and
19 2:30 if possible, and if not I understand that. I want to
20 give everybody an opportunity to get a quick bite to eat at
21 least. Is there anything else we need to take up before we
22 have this recess for lunch? Anything from the State?

23 MR. JOHNSON: Nothing from the State, Your Honor.

24 MR. PRINGLE: No, Your Honor.

25 THE COURT: All right. Let's try to get back here at

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1 2:15, if we can't I'll understand, we'll try to get going at
2 2:30.

3 (A lunch break was taken.)

4 THE COURT: First of all I want to issue my decision on
5 the motion to suppress the identification. As we discussed
6 thoroughly during the hearing, under Neil v. Biggers one
7 thing that -- the first thing the Court has got to do is
8 analyze whether or not it was suggestive. If it was
9 suggestive -- or back up. If it was not suggestive, then
10 the inquiry ends and a stop -- I stop. If it is suggestive
11 but necessary, the inquiry again stops at that point. If it
12 is suggestive and unnecessary, then the Court has got to
13 analyze it under the second prong, and that's to determine
14 whether or not the reliability -- the Court has got to
15 determine the reliability issue and whether or not it was
16 still reliable enough to pass the constitutional muster and
17 be admitted. So in this particular case, my first analysis
18 is to look and determine whether or not it was suggestive.
19 Again, this under Neil vs. Biggers and the various cases in
20 South Carolina: State v. Wyatt, State vs. Harden, State v.
21 Dickerson, a number of cases that have looked at these
22 issues. And so the first things from my determination, and
23 keeping in mind it's a totality of the circumstances as
24 well, is that I do find that there was no intentional act on
25 the part of the State, no deliberate act on the part of the

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1 State, no corrupting act on the part of the State, and there
2 are no suggestive act on the part of the State. And
3 important in this analysis is the testimony from Mr. Norris
4 that his identification of the defendant first occurred with
5 the TV photographs, which occurred shortly after the arrest,
6 and so there is really where the identification that Mr.
7 Norris makes as to the defendant in this case, and that
8 identification was made before the meeting with Ms. Hilton.
9 So the identification is made before any kind of alleged
10 actions on behalf of Ms. Hilton or the State and suggesting
11 the identification of the defendant. So even though looking
12 at the identification by Miss -- or the alleged suggestion
13 by Ms. Hilton, Mr. Norris testified that she did not tell
14 him that these were the three guides. I recognize that
15 counsel made that argument with the testimony from Mr.
16 Norris was that he or she did not tell him that. So I find
17 that it was -- the identification was not suggestive. Even
18 if it was suggestive, and I don't necessarily need to go to
19 the second prong, but however even if there is an argument
20 that it was suggestive and/or unnecessary, I then go to the
21 second part of the second analysis, and I look -- and look
22 at the testimony that was given in this case, and the
23 testimony was that -- well, let me back up a little bit.
24 The elements or the factors that the Court has got to look
25 at under the analysis in the second prong, these factors

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1 include the witness' opportunity to view the criminal at the
2 time of the crime. The witness' degree of attention. The
3 accuracy of the witness' description of the criminal. The
4 witness' level of certainty at the confrontation and the
5 length of time between the crime and the confrontation, all
6 of those do not have to be met. Based on the testimony,
7 Mr. Norris testified that he was right there by the
8 defendant at the time it occurred. Now, he had his mask on
9 -- had a mask on, but he took the mask off, he saw him right
10 there. Now, there was a sofa separating the two, but he
11 said he was just a couple of feet by Mr. Long, and he had
12 the opportunity to view him. He also testified that he just
13 saw his best friend get shot so he was attuned to the action
14 that was going on, and to the facts -- the fact that -- the
15 circumstances going on at that time. He did testify that he
16 did identify Mr. Long, or had the opportunity to identify,
17 and then saw him on TV, and confirmed that identification.
18 So if you look at the Neil v. (sic) factors under the second
19 prong of the analysis, even if the Court were to find that
20 it was not -- I mean, that it was suggestive and it was
21 unnecessary, the Court still believes that under the
22 totality of the circumstances under Neil v. Biggers, that it
23 still would be admissible. And I think it's very important,
24 too, and in that Perry versus New Hampshire, which is the
25 United States Supreme Court, and I wrote this down, I think

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1 it's an important point in these cases where identifications
2 are argued: Only when the evidence is so extremely unfair
3 that it's admission violates fundamental conceptions of
4 justice had we imposed a constraint on the admissibility
5 tied to the due process clause. Neil versus Biggers is a
6 due process case. It is all about the constitution, and to
7 determine whether or not the defendant, his constitutional
8 rights had been protected by an identification. And so
9 Perry versus New Hampshire sets it out, that it has to be so
10 extremely unfair in looking at the analysis. So based on
11 the testimony and the arguments of counsel, I do find that
12 it was not suggestive, and the identification will be
13 admissible. All right. Anything else from the State before
14 we bring the jury in?

15 MR. JOHNSON: Nothing further from the State, Your
16 Honor.

17 THE COURT: Anything from the defendant?

18 MR. PRINGLE: No, Your Honor. But I would like a
19 moment to confer with my client before you bring the jury
20 in.

21 THE COURT: All right.

22 (Break in proceedings.)

23 THE COURT: All right. Anything before we bring the
24 jury?

25 MR. JOHNSON: Not from the State, Your Honor.

1 MR. PRINGLE: No, Your Honor.

2 (The jury returned to the courtroom.)

3 THE COURT: All right, Donna, if you would swear the
4 jury.

5 (The jury was sworn.)

6 THE COURT: All right. Ladies and gentlemen, welcome
7 back and we're about to start the trial. I'm going give you
8 some opening instructions before we begin the opening
9 statements and the testimony. And it is again -- again, I
10 have read the indictments to all of you when you were all
11 here together, and I'll do that here in a little bit, but I
12 want to let you know that this is a charge on the law, but
13 it is not the law as to what it will be at this time. At
14 the end of this case I will struck you what the law is
15 regarding the legal issues in this case. I want to tell you
16 first of all before we get started, I don't know if any of
17 you have ever sat on a jury or been involved in a jury
18 trial, it is not like TV. This is not going to be over in
19 an hour, and things sometimes may go a little bit slower
20 than you would like for it to. Again, it's not TV, this is
21 the real world and things sometimes can move slower than you
22 want it to. But we will make every effort, and I
23 particularly will make every effort to make sure that this
24 case goes smoothly and goes efficiently, and that all
25 parties get the opportunity to put their arguments before

1 you in this case. Now, one thing, I do not allow note
2 taking. Some of you may be wondering if you can take some
3 notes, I just don't allow it, and there are a couple of
4 reasons I don't. .One of the reasons is is I think sometimes
5 when you are taking notes and trying to write something down
6 and somebody may be on the witness stand, you may be missing
7 what they are saying while you are trying to write down what
8 you thought was just said a couple of minutes ago, and so
9 you therefore miss what's being said at that time. Also
10 sometimes you don't write everything down correctly, and
11 then you get back in the jury room and say: Well, this is
12 what I wrote down, so sometimes it can be inaccurate there,
13 so I don't allow it. I think it's best when you listen
14 paying attention without having to worry about writing
15 anything down, and I think you absorb more and you're able
16 to get more information, too. As I have told you, the
17 defendant in this case has been indicted on several charges,
18 and as I also told you, these are only indictments, these
19 are only charges, these are not evidence. None of this is
20 evidence in the case. The evidence will come from the
21 witness stand and any exhibits. So as I did read to you
22 before, the defendant was indicted for murder, and
23 possession of a weapon during the commission of a violent
24 crime occurring on May 11th, 2019, involving the death of
25 Udeh Osuagwu. Also, possession of a weapon during the

1 commission of a violent crime on that same day, May the 11th
2 of 2019, involving the display, possession, or visibly
3 displaying a handgun during the commission, or attempted
4 commission of a violent crime; to wit, murder. Also an
5 indictment for attempted armed robbery. Tommy Long, in
6 Greenville, on or about the 11th of May of 2019, while armed
7 with a deadly weapon, or while alleging either by action or
8 words he was armed while using a representation of a deadly
9 weapon, or any object which a person present during the
10 commission of the robbery would reasonably believe to be a
11 deadly weapon. The attempt to take by means of force, or
12 intimidation, goods, or money, described as money, from the
13 person or presence of Udeh Osuagwu. Also, burglary first
14 degree, alleging on that same day on, May the 11th of 2019,
15 that the defendant did unlawfully and willfully enter the
16 dwelling of Karen Harrison and/or Dominique Cheatham here in
17 Greenville, South Carolina, without their consent, and with
18 the intent to commit a crime, and that the burglary was
19 accompanied by circumstances of aggravation, and that's
20 entering or remaining during the -- or in the building
21 during the nighttime hours, and/or the defendant was armed
22 with a deadly weapon, or did cause physical injury to a
23 person who is not a participant in the crime. Also,
24 kidnapping. It alleges on May the 11th of 2019, that the
25 defendant did unlawfully seize, abduct, confine, inveigle,

1 decoy, or carry away Udeh Osuagwu, without the authority of
2 law. And assault and battery first degree. It alleges on
3 May the 11th of 2019 that the defendant did offer or attempt
4 to injure Malik Norris with the present ability to commit
5 the act, and the act was accomplished by means likely to
6 produce death or great bodily injury, or the act occurred
7 during the commission of a robbery, burglary, kidnapping, or
8 theft. And then finally, conspiracy. That Tommy Lee Long
9 did in Greenville County on or about the 11th day of May,
10 2019, willfully and unlawfully combined with Jaylan Fair,
11 Jevonda Dillard, Darius Rhodes, and/or Natasha Booker, for
12 the purpose of accomplishing an unlawful object, or unlawful
13 object by unlawful means to commit the crime of burglary
14 and/or attempted armed robbery. Now, again, as I said,
15 these are just the indictments, these are the way that the
16 cases are brought to court and they are not evidence. Your
17 purpose as jurors is to find and determine the facts in this
18 case. You are the sole judges of the facts. If at anytime
19 that I may make any comment regarding the facts in this case
20 you must disregard it. You are to determine the facts from
21 the testimony that you hear from this witness stand, and any
22 other evidence which may be introduced in court. It is up
23 to you to determine the inferences which you feel may
24 properly be drawn from the evidence. It is especially
25 important that you perform your duty of determining the

1 facts diligently and conscientiously, because ordinarily
2 there is no way to correct an erroneous determination of the
3 facts by a jury. On the other hand and with equal emphasis,
4 the same law that makes you the judges of the facts makes me
5 the judge of the law. The law as given by me at the end of
6 this case is the only law that you may consider. You must
7 accept and follow it even though you may disagree with it.
8 I cannot tell you what the facts are and you cannot disagree
9 with me about what the law is, or what the law should be.
10 Your job is to take the law as I give it to you and apply it
11 to the facts as you find them from the testimony of the
12 witnesses and any other evidence which may be introduced in
13 this trial. After doing that you will render your verdict,
14 a true and just verdict under the solum oath that you just
15 took as jurors. Until I advise you to begin your
16 deliberations at the end of this trial you must not discuss
17 the case with anyone, and it's what I told you before we
18 broke for lunch, that means any discussion among yourselves
19 whether on a break or at lunch, no discussion whatsoever,
20 not even describing what people are wearing, the clothes
21 that they're wearing, or anything like that. You can talk
22 about anything that you want to, but nothing about this
23 case. Do not do any investigation on your own. Do not
24 Google anything. I know we live with the cellphone and we
25 want to Google everything we ever hear during the day, this

1 is one of those instances where I'm going to ask you for
2 this trial that you please do not do that, and I'm requiring
3 that you do that, and if I learn and find out that you are
4 then you could be subject to contempt, and I don't want that
5 to happen. As I mentioned to you earlier, people find out,
6 people will find out, so I don't think you will, I feel
7 confident that you won't, but I just want to remind you to
8 not do that. And I will remind you each time we break for
9 lunch or we break for the day. Now, after the case is
10 submitted to you then you can discuss it. And the attorneys
11 and the parties in this case, you may see them in the
12 courthouse, and they may ignore you, do not take any offense
13 to that. They are instructed not to have any kind of
14 discussion or really acknowledge you, so do not hold
15 anything against any of the lawyers or the parties in this
16 case, or any witnesses that may pass you in the hall, or you
17 may see out in the parking lot and they ignore you. That
18 is -- they are instructed by me not to speak with you as
19 well, so don't take -- don't hold that against anyone. It
20 is very important, ladies and gentlemen, that you keep an
21 open mind in this case and not decide any of the issues in
22 this case until all of the evidence has been presented, the
23 parties have made their closing arguments, and I have given
24 you the law in this case. It is your solemn responsibility
25 to determine the guilt or innocence of the defendant, and

1 your verdict must be based solely on the evidence as it is
2 presented to you in this trial, and on the law as I instruct
3 you at the close of this trial. In just a minute the
4 solicitor will give what's called an opening statement, in
5 which the solicitor will explain to you the issues in the
6 case, or at least that the solicitor thinks the issues are
7 in this case. Then the attorney for the defendant may also
8 make an opening statement, although he's not required to do
9 so. What the attorneys tell you in these opening statements
10 that you are about to hear is not evidence, it is only their
11 contention as to what the issues are, or what they think
12 will be in this case. The evidence in this case will be
13 presented to you by the testimony and any exhibits. Now,
14 from time to time during this trial you're going to hear
15 some objections by the lawyers. I want to tell you this,
16 too, do not hold anything against the lawyers or the parties
17 in this case if they are objecting, that is their duty.
18 They are zealously representing their clients, and so that
19 is their job and their obligation to represent those
20 clients, and by objecting do not hold anything against them.
21 There will be times when I may have to send you out, I may
22 have to take some issues up outside of your presence. I
23 will try not to do that as much as possible, but there may
24 be some times where I need to do that, please do not hold it
25 against any of the parties again, the one person that you

1 can hold all of that against is me. I'm the one that -- if
2 there's any issue that you've got you hold it against me
3 because I'm the one that's in charge here, and so if there
4 are any issues you have, do not hold it against the parties
5 or the lawyers. There may be some time, folks, when I bring
6 the lawyers up here to talk and I leave you there, and don't
7 be offended there as well. We're not trying to hold
8 anything away from you intentionally, or there's nothing
9 nefarious going on. It may be that I can deal with an issue
10 right up here and not have to send you out, so there may be
11 some times, and most likely there will be a number of times,
12 where I bring the lawyers up and we'll have some discussions
13 up here and I'll leave you there. But there may be some
14 times where that may not work and I may have to excuse you.
15 And so, again, please do not hold anything against any of
16 the parties or their lawyers in this case. Now, ladies and
17 gentlemens (sic), in determining -- ladies and gentlemen, in
18 determining what the facts are in this case, you must decide
19 whether or not the testimony of the witnesses in this case
20 is believable. It will be my responsibility to rule as a
21 matter of law as to whether certain testimony is admissible
22 at all or not, but once that testimony is admitted, whether
23 or not you believe it is up for you to determine. In
24 deciding whether to believe a witness you have the right to
25 consider the interest of any witness, the bias of any

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1 witness, the prejudice of any witness, the opportunity for
2 the witness to have seen the matters and things about which
3 that witness may testify, and the way the witness acts on
4 the witness stand. You have a right to consider anything
5 that is in the record that will help you evaluate the
6 testimony of witnesses. That means that it is your duty and
7 obligation to pay close attention to these witnesses, to
8 observe them, to listen to them, and to pay close attention
9 to the lawyers and to the Court. Try not to let your
10 thoughts wonder. I know sometimes it can be difficult, but
11 please do not let your thoughts wonder during the day while
12 you are in that jury box so that at the end of this case
13 after the testimony has been put before you, after the
14 lawyers have given you their closing argument, after I have
15 given you the law, that you have the ability to make a full
16 evaluation to determine what the facts are in the case, and
17 apply the law as I give it to you. Mr. Foreman -- I
18 understand you have been selected as the foreman; is that
19 correct?

20 THE JUROR: Yes, sir, that's correct, Your Honor.

21 THE COURT: You will sit in that seat each time, and
22 ladies who are my alternates, you will sit in those two
23 seats as well. You will be my spokesperson, and if there
24 are any -- ever any questions or issues, if you would make
25 sure that you let the bailiffs know and it will be brought

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1 to my attention. All right. Those are my opening
2 instructions. As I said, we will have the opening
3 statements, and the evidence, and the instructions, and then
4 you will -- the closing arguments, and then the
5 instructions, and I'll give the case to you. With that said
6 I will recognize the State.

7 MS. LANDSVERK: Thank you, Your Honor. May it please
8 the Court? Mr. Pringle? Good afternoon, ladies and
9 gentlemen. Today you will hear about 18 year old Prince
10 Osuagwu, a senior at Southside High School, who was tortured
11 and executed in front of his best friend on May 11th, 2019.
12 You will hear that Prince suffered a fatal gunshot wound to
13 his face next to his 17 year old friend, Malik Norris, who
14 was also beaten and narrowly escaped death. In the State's
15 presentation to you today you will hear that there were
16 three armed men, one of those men being the defendant, Tommy
17 Long, along with two friends; Darius Rhodes and Jaylan Fair,
18 conspired with two females; one Natasha Booker, and two,
19 Jevonda Dillard. They had a plan to rob Prince and his
20 friend, and ultimately shot and killed him. You will hear
21 that Prince was in a car wreck, and he received a cash
22 settlement of around \$16,000, and this group found out about
23 it. And as most 18 year olds do, Prince posted this
24 information on social media that he came into a large sum of
25 money, so these five co-defendants hatched a plan to rob

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1 him, so that's how it all began. They went to the Motel 6,
2 decided what they were going to do, and they decided that
3 the two girls were going to enter into Prince and Malik's
4 apartment just as friends. Once they got there they started
5 hanging out, they did confirm that there was cash there, and
6 at that point they were able to communicate this information
7 to the three male defendants that were waiting outside of
8 the apartment. Soon after the women left the three men
9 rushed the apartment. You will hear that Jaylan Fair
10 ransacked the apartment looking for the cash. You will hear
11 that Tommy Long and Darius Rhodes held the victims at
12 gunpoint, while Tommy ended up pistol whipping both of them,
13 and ultimately torturing Prince with a hot spoon burning his
14 foot, taking a lighter to a spoon and burning it. Now, as
15 all of this was going on, Karen Harrison is someone that
16 lives in the apartment, she enters into the apartment and is
17 shocked to see what's happening. Jaylan Fair, one of the
18 defendants, points a pistol at her, she flees and runs as
19 fast as she can out of that apartment. At that time Jaylan
20 Fair and Darius Rhodes run out of the apartment to look for
21 her, they can't find her. She calls 911 at that time, and
22 you will be able to hear this 911 call pretty shortly after
23 we finish opening statements. After that time Jaylan Fair
24 and Darius Rhodes run back into the apartment, and they knew
25 the gig was up, one of the witnesses was gone, so now it was

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1 time for crime scene clean up, and these witnesses had to be
2 gone. So Tommy fired two shots, one shot hit the wall, the
3 other shot hit Prince's head. Now, ladies and gentlemen of
4 the jury, Mr. Tommy Long has been charged with murder,
5 possession of a weapon during the commission of a violent
6 crime, attempted armed robbery, burglary in the first
7 degree, kidnapping, and conspiracy, and it is the State's
8 job to prove to you beyond a reasonable doubt that the
9 defendant did, in fact, commit these crimes, and as we do
10 that we're going to put up several witnesses, so you will
11 hear from everybody involved in this case. You will hear
12 from Karen, the woman that came in during the armed robbery.
13 You will hear from all of the co-defendants, and it's
14 important that you listen very closely to their testimony.
15 And you may find it interesting that two of the codefendants
16 have already pled guilty to voluntary manslaughter, and they
17 will explain to you why they did, in fact, decide to plead,
18 and what they're looking at. They have not been sentenced
19 yet. So it's important for you to hone in when they are
20 telling you their story so you can hear all of the facts.
21 We truly appreciate you being here. We would not be able to
22 resolve this conflict without you, and we will try to be as
23 efficient as we can in putting the witnesses on the stand,
24 and ultimately coming back to you. Our cocounsel, Seth
25 Johnson, will finish and go through all of the testimony

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1 that was presented and speak with you in closing. Thank
2 you, again, for your time, we look forward to speaking with
3 you soon.

4 THE COURT: Mr. Pringle?

5 MR. PRINGLE: Thank you. Please the Court? You know,
6 when I was younger I didn't need notes like this, I used to
7 be able to just kind wing it, so forgive me if I have to
8 consult with these. I'll be very brief. Obviously you've
9 been picked, you're hooked now, you're here for jury duty.
10 You know, some people refer to it as a duty as well as a
11 privilege, so hopefully when this is all done you'll feel
12 the same way. Certainly I know I speak for all of us, we
13 all helped pick you, so I think we're collectively confident
14 that you're going to fulfill your duty. What does that
15 really mean? Really what we're asking you to do is just
16 simply pay very close attention and be very diligent in
17 listening to the testimony, and reviewing and taking a good
18 hard look at everything that's presented. There's going to
19 be a lot of information presented. We feel like obviously
20 there's a lot of problems with the State's case, we wouldn't
21 be here unless we felt that way. But when we talk about the
22 duty, it's not -- it doesn't simply end with listening and
23 paying close attention to everything, ultimately you're
24 going to have to make some decisions. It's not for me to
25 make that decision, it's not for the State, or even the

OPENING STATEMENTS

1 Judge to make those decisions, that's -- this is the best
2 part of our system, the most fundamental part of the system
3 is that we rely on you folks to end up making the call.
4 Okay? So not only do you really need to process all of
5 this, you're going to hear from quite a few witnesses, a lot
6 of information is going to be presented, easy to miss
7 things, easy to maybe focus on some things more than others,
8 but in the end not only are you going to have to process all
9 of that information, but you're going to have to make some
10 decisions about what's been presented. Obviously, I'm here
11 for Tommy Long, you're going to make some decisions
12 regarding the case -- the State's case against Tommy Long.
13 You probably heard the term beyond a reasonable doubt. That
14 term is in our court TV society, and with television, and
15 social media culture, that's something a lot of people have
16 heard, but what does it really mean? That's a pretty high
17 standard, and it means that the State has got to prove each
18 and every element of the crimes they have charged Tommy with
19 beyond a reasonable doubt. The Judge is going to give you
20 some instructions ultimately on what that means, but really
21 what it means is you've got to be pretty darn sure that the
22 actual standard we will call firmly convinced. It's been
23 said that as of now our law says that Tommy has a cloak of
24 innocence about him, and it's going to remain there until
25 the State removes it. Okay? So we've got to presume going

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1 in, we have to have an open mind, that's a protection that's
2 there for all of us to protect us from the State. Now, we
3 believe that there are many problems with the State's theory
4 in this case, and we're frankly confident that if you pay
5 close attention and really weigh it out, view all of it, the
6 testimony as it were, you're going to find that a lot of
7 witnesses that are key in this case by the State's own
8 admission and by those witness' own admission, these are
9 proven liars and proven criminals, they'll tell you that
10 right from the witness stand under oath, so you need to
11 consider that. There's going to be a lot of police,
12 obviously, and otherwise respectable people that are going
13 to come up here and testify, but much of what the State is
14 banking on in this case against Tommy Long is going to
15 depend on testimony from known admitted stone cold criminals
16 and liars, and we're going to be able to show that they've
17 lied throughout on and off, you are going to have to
18 consider that. It's a big bet that they're making. Okay?
19 I'm not one to sit here and litigate and lay out what I
20 think the case is going to be, it's a little more fun for
21 y'all to have a little suspense. But in essence, we're
22 confident that you're going to see it the way we do.
23 There's a lot of last problems, there's a lot of questions,
24 you're probably going to come out of there wondering what
25 exactly really happened there that night. I'm not even sure

OPENING STATEMENTS

1 that I know. Okay? So I want to thank you in advance. And
2 I want to say, and I think the Court said, look, if there's
3 anything -- my personality is not for everybody I'm told,
4 especially my wife, if there's anything that I say or do, or
5 anything that I've done to irritate you, offend you, make
6 you angry, it's not Tommy. I'm here to do a job, please
7 take that into consideration. I want to thank you on behalf
8 of Tommy going into this thing, because again, we helped
9 pick you, confident that y'all will do your duty as it were,
10 and hopefully when this is all over with it will be an
11 experience that you feel that you were privileged to be a
12 part of, I know that that's the way we feel. Thank you.

13 THE COURT: All right. The State can call the first
14 witness.

15 MS. LANDSVERK: Thank you, Your Honor. The State would
16 call Dustin Sherbert to the stand.

17 The witness, DUSTIN SHERBERT, was first duly
18 sworn and testified as follows:

19 THE CLERK: Please state your full name for the record.

20 THE WITNESS: Joe Dustin Sherbert.

21 THE CLERK: Thank you.

22 DIRECT EXAMINATION

23 BY MS. LANDSVERK:

24 Q Hey, good afternoon, Mr. Sherbert. What is your
25 official title?

DUSTIN SHERBERT - DIRECT

1 A I am the Public Safety Communications Manager for the
2 Greenville City Police Department.

3 Q Okay. And as the communications manager, do you
4 have --

5 THE COURT: Pull that mic just a little bit closer.

6 Q -- do you have the duty of supervising the 911 calls?

7 A Yes.

8 Q Okay. And I am now showing you what is marked as
9 State's Exhibit Number 1. Do you recognize it?

10 A I do.

11 Q Okay. Can you tell me what it is?

12 A A thumb drive containing the recording of the 911 call.

13 Q Okay. And how do you know?

14 A I've listened to them, my initials are on them.

15 Q Okay. Do you know what time of day this 911 call took
16 place?

17 A I'm not exactly sure on that.

18 Q Okay. Was the entire conversation recorded on this 911
19 call?

20 A Yes.

21 Q Okay. And do you know who the person was on your
22 dispatch team that took the call?

23 A There were several calls, but I myself was one of the
24 call takers.

25 Q Okay. And are these calls part of the regular business

DUSTIN SHERBERT - DIRECT

1 transaction that take place?

2 A Yes.

3 Q And did this exhibit contain an accurate recording of
4 what happened that night --

5 A Yes.

6 Q -- and what call came in?

7 A Yes, ma'am.

8 Q Is the recording in the same original condition?

9 A Yes, ma'am.

10 Q Okay.

11 MS. LANDSVERK: Your Honor, at this time the State
12 would like to offer it into evidence.

13 THE COURT: All right. Any objection by the defense?

14 MR. PRINGLE: None. All right. State's Exhibit Number
15 1 is admitted into evidence without objection.

16 (The 911 recording was received as State's 1.)

17 MS. LANDSVERK: Your Honor, may we produce it to the
18 jury? Or publish it I should say?

19 (At this time the 911 call was played.)

20 MS. LANDSVERK: Thank you, Mr. Sherbert. Please answer
21 anything from the defense.

22 THE COURT: All right. Cross?

23 MR. PRINGLE: None, thank you.

24 THE COURT: All right. You may step down, thank you.

25 All right, next witness.

KAREN HARRISON - DIRECT

1 MR. JOHNSON: State calls Karen Harrison.

2 The witness, KAREN HARRISON, was first duly

3 sworn and testified as follows:

4 THE CLERK: State your full name for the record.

5 THE WITNESS: My name is Karen Harrison.

6 DIRECT EXAMINATION

7 BY MR. JOHNSON:

8 Q Ms. Harrison, on May 11th of 2019, did you call 911?

9 A I did.

10 Q Was that the 911 call that we just listened to?

11 A Yes.

12 Q On that date, where were you living?

13 A At Waterside Greene.

14 Q Is that here in Greenville County? Who did you live
15 with?

16 A I lived with my husband, and my children, and my niece,
17 and also my brother-in-law.

18 Q Brother-in-law? What's his name?

19 A Udeh Osuagwu.

20 Q What did he go by?

21 A Prince.

22 Q Is that the person who was murdered that night?

23 A Uh-huh.

24 Q Okay. Did Prince come into any money around that time?

25 A He did.

KAREN HARRISON - DIRECT

1 Q Can you explain to the jury how he came into that?

2 A There was a situation that had happened awhile ago and
3 he had got into a car accident and a settlement had come
4 out, and he had received money from the settlement.

5 Q How much money was it?

6 A It was a large amount, I'm not sure about the amount.

7 Q Did he have it in cash? In a bank account?

8 A He did have a bank account, but he did have it in cash.

9 Q How old was he at the time?

10 A Eighteen.

11 Q Eighteen. So he did have a bank account. I'm going to
12 show you what's been premarked as State's Exhibit 2. Do you
13 recognize that?

14 A Uh-huh.

15 Q What is that?

16 A That's Udeh Osuagwu, Joshua.

17 Q Did he post those pictures from Facebook?

18 A He did, yes.

19 Q Okay. And what is he holding there?

20 A He is just holding money, just money on his hands. He
21 was really into music so he wanted to do like kind of like a
22 music thing, like have a video, and he was just, you know,
23 what normal 18 year olds do, I guess.

24 Q He wanted to have the money for the rap video?

25 A Yes.

KAREN HARRISON - DIRECT

1 Q What day was this posted?

2 A That's posted May 10th of 2019.

3 Q Okay. So that was the day he got murdered, or it was
4 that night that --

5 A It's that night, yes.

6 Q -- or early the next morning. Okay. And that's a fair
7 accurate representation of the picture he posted?

8 A It is, yes.

9 Q That was your brother-in-law.

10 A That's my brother-in-law.

11 MR. JOHNSON: Your Honor, the State seeks to introduce
12 State's Exhibit Number 2.

13 THE COURT: All right. Any objection by the defendant?

14 MR. PRINGLE: None.

15 THE COURT: State's Exhibit Number 2 is admitted into
16 evidence without objection.

17 (The photo was received as State's 2.)

18 MR. JOHNSON: Your Honor, permission to publish on the
19 overhead.

20 THE COURT: Permission.

21 Q So this is that picture we were just talking about?

22 A Yes.

23 Q And what did you say that was right there in his hand?

24 A It's just a handful of money that he had received from
25 a settlement.

KAREN HARRISON - DIRECT

- 1 Q Do you recognize who that is in the back?
- 2 A That is Malik, yes.
- 3 Q Malik? Is that the other victim in this case?
- 4 A That is, yes.
- 5 Q The victim that survived?
- 6 A Yes.
- 7 Q Okay. All right. So at the time where did you say you
8 were living?
- 9 A I was at Waterside Greene, I technically don't remember
10 the exact address.
- 11 Q Okay. But it was at Greenville County?
- 12 A Yes.
- 13 Q Okay. I want to show you what's been premarked as
14 State's Exhibit Number 3. I'm going to bring that up. How
15 long have you lived in Greenville?
- 16 A I have lived in Greenville my entire life, so I'm 33
17 years old.
- 18 Q Okay. How long did you live at Waterside Greene?
- 19 A For about a year and a half.
- 20 Q All right. What am I showing you right now?
- 21 A You're showing me Waterside Greene Apartments right
22 there.
- 23 Q Is that --
- 24 A Yes. A satellite picture of where I was living at the
25 time.

KAREN HARRISON - DIRECT

- 1 Q Okay. And it's a photograph?
- 2 A Uh-huh.
- 3 Q It's drawn to scale?
- 4 A It is, yes.
- 5 Q And that's a fair and accurate depiction of how it
- 6 looked when you lived there?
- 7 A It's very accurate, yes.
- 8 MR. JOHNSON: Your Honor, the State seeks to introduce
- 9 State's Exhibit 3 into evidence.
- 10 THE COURT: Any objection?
- 11 MR. PRINGLE: None.
- 12 THE COURT: State's Exhibit Number 3 is admitted into
- 13 evidence without objection.
- 14 (The photo was received as State's 3.)
- 15 Q Which building did you live in?
- 16 A So I don't know how much -- okay.
- 17 THE COURT: Your Honor, could this be done so we could
- 18 see what --
- 19 MR. JOHNSON: I guess I could put it over here, Your
- 20 Honor.
- 21 MR. PRINGLE: I'm sorry. I don't know how we can --
- 22 (Break in proceedings.)
- 23 Q Okay. Which apartment were you in?
- 24 A So this is -- was my apartment complex.
- 25 Q If you could speak up a little bit.

KAREN HARRISON - DIRECT

1 A I'm sorry, I was just trying to make sure that I know
2 where we had --

3 Q And so this is -- what road is this right here?

4 A Woodruff Road.

5 Q Okay.

6 A Woodruff Road. We have the tennis court right there.
7 Okay. So coming into the apartments this is where I had
8 lived. I mean, this is the -- kind of where I was living is
9 right here, and my apartment complex was literally on this
10 second -- I don't know if you can see that, but it was
11 literally just this second complex like right here, like
12 literally this area, just -- that circle where the red dot
13 is, just two sections over, it's just literally right here.

14 Q Okay. You can have a seat and answer some questions.

15 A Okay.

16 Q What was the layout of that apartment?

17 A As far as like in --

18 Q How many bedrooms, bathrooms?

19 A We had three bedrooms and two baths.

20 Q All right. I'm going to show you what's been premarked
21 as State's Exhibit Number 4. Do you recognize this?

22 A I do.

23 Q All right. What is that?

24 A This is coming into my apartment complex and the two
25 bedrooms. So the door entry --

KAREN HARRISON - DIRECT

1 Q So this is the layout of the apartment?

2 A Uh-huh, yes.

3 Q Is the furniture the same?

4 A Yes, pretty much, other than the sunroom.

5 Q So this is just a rough --

6 A Yes.

7 Q Okay. That's a fair and accurate depiction of the
8 layout of your apartment?

9 A Right.

10 MR. JOHNSON: Your Honor, the State seeks to admit
11 State's Exhibit 4 into evidence.

12 THE COURT: All right. Any objection?

13 MR. PRINGLE: None.

14 THE COURT: States Exhibit 4 is admitted into evidence
15 without objection.

16 (The photo was received as State's 4.)

17 Q All right. So -- all right. Let's walk through. What
18 is this right here, this is -- kind of give the jury a
19 layout here. Is this the front door?

20 A Yes, that's the front door. So once you come in that's
21 our front door, and that was our living area.

22 Q Right here?

23 A All around that area. So the TV, we had -- like it was
24 kind of just set up just the same way. The sunroom, we did
25 not -- we just had our Christmas tree there and everything

KAREN HARRISON - DIRECT

1 like that, so it wasn't anything like just significant, but
2 we always had, you know, like just had birthdays and we
3 would just always use the sunroom. Okay. And, yes, sir,
4 that was that.

5 Q Okay. All right. Now, for the difficult part --

6 A Okay.

7 Q -- the night of May 10th, early morning hours of May
8 11th.

9 A Uh-huh.

10 Q Where were you at that night before you came home?

11 A I was at my cousin's house, and --

12 Q What were you doing over there?

13 A I was washing clothes at the time, because our dryer
14 was messed up at home.

15 Q Okay. What time do you think you were over there, do
16 you remember?

17 A It had to have been between the times of 12:00 and
18 1:00.

19 Q So you were there pretty late.

20 A I was, yeah, I was there --

21 Q Okay. When you come back home, what did you see?

22 A When I came home I was going to fuss at Prince because
23 I felt as though like the TV was up too loud, and, you know,
24 he's my brother, that's -- like I loved him so much. When I
25 came home, though, when I had come home --

KAREN HARRISON - DIRECT

- 1 Q Take your time.
- 2 A That night -- when I had came home that night I was
3 going to fuss at him because I thought the TV was up too
4 loud, and I was literally like right beside -- I was
5 literally right beside my apartment complex like going
6 inside, and I was going to fuss at him for having the TV up
7 too loud, because he -- like we just fuss, like that's my
8 brother, right? So like we just fuss all of the time, and
9 like I don't want to have any complaints about anything.
10 But I walk in, you know, like, you know, I just open up the
11 door, and I was just going to like hey like about to like
12 really just be upset with him and tell him off, and like:
13 You know you should not have this TV up this loud. And then
14 when I walked in the someone holds a gun to my face, and all
15 I hear is somebody saying: Come on, man. And then I
16 realize that it wasn't a joke anymore, like it's -- I
17 didn't -- I like literally realized like something is going
18 on, like it's not -- this is -- I'm sorry. This isn't fake.
19 This isn't fake. It's not fake.
- 20 Q What did you see when you walked in?
- 21 A When I walked in I seen three -- I seen -- it was a
22 blur. I did see three memes, just like just -- just
23 literally like their hand. And then like dude like held
24 his -- like just turned it to me when I walked in, and all I
25 heard was like: Come on, man. And I know whose voice that

KAREN HARRISON - DIRECT

1 was. Prince didn't say anything, I don't know what was
2 going on at that time. But I just remember like -- I don't
3 know, I just ran after that. I just ran. And my kids were
4 in the apartment complex, I just ran. I don't know. But
5 definitely like I just remember like them holding guns. And
6 I do remember three person -- three bodies for sure.

7 Q What did you do after you ran?

8 A I ran to -- I don't know what I did, it's still such a
9 blur, but I know for a fact that I did run to my friend's
10 house, because we were -- like we are such good friends, and
11 I ran to her house, and all I remember is me clutching my
12 keys because I was like they're going to hear my keys,
13 because I'm like -- I'm running, and I just didn't know what
14 to do. I heard shots, and then I like just tried to call
15 911. I think I was having a panic attack, it was just a
16 blur. But I did -- I definitely did like run to my friend's
17 house.

18 Q So tell us about the keys again. You said you grabbed
19 your keys?

20 A I clutched my keys, because I thought like if they
21 heard my keys then they were going to come and like shoot
22 me, or like hurt me, and then soon after that like I heard
23 shots, and then I called 911 right after.

24 Q You are trying to keep them from jingling?

25 A Yes, so they wouldn't like catch me.

KAREN HARRISON - DIRECT

- 1 Q Were you scared?
- 2 A I was so scared for my life.
- 3 Q And then what did you do?
- 4 A I ran to my friend's house and was just -- I just ran
5 to my friend's house and just act like -- I called 911, I
6 ran to my friend's house. First I called 911, and then I
7 was running to my friend's house.
- 8 Q When did you go back inside the apartment?
- 9 A As soon as I left my friend's house she was like, you
10 know, she had asked me, she was like: Karen, wait. Because
11 she knew it was something serious, and so she came back with
12 me to the house. And I was like -- you know, I just told
13 her on the 911 call, I just said: No, my kids are at the
14 house. I just didn't know what to do. I didn't know what
15 to do.
- 16 Q Were the officers there by the time you got back there?
- 17 A They were. They were.
- 18 Q All right. This may sound silly but I have to ask it,
19 the three men that were in your apartment, did they have
20 permission to be there?
- 21 A They had no permission to be there.
- 22 Q And that was your apartment?
- 23 A That was my apartment. They had no permission to be
24 there.
- 25 Q Okay.

KAREN HARRISON - CROSS

1 MR. JOHNSON: Your Honor, the State has no further
2 questions.

3 THE COURT: All right. Cross?

4 CROSS EXAMINATION

5 BY MR. PRINGLE:

6 Q Take your time. I know this is tough, I'm sorry you
7 have to go through this. I've got to ask you some questions
8 that might be difficult. Okay?

9 A Okay.

10 Q We heard a recording that was purported to be you
11 making the 911 call, and that was you. You heard that
12 recording?

13 A I have heard the recording, yes.

14 Q And you did make that call, right?

15 A I did make that call, yes.

16 Q Okay. And on the 911 call you mentioned somebody in a
17 red hoodie that was black. Okay? And that that person
18 pointed a gun at you?

19 A Uh-huh.

20 Q Are you certain that the person that pointed a gun at
21 you was wearing a red hoodie?

22 A I'm very certain.

23 Q Was the -- did the person have a mask on?

24 A They did have a mask on.

25 Q Okay. But you could tell that it was -- the person was

KAREN HARRISON - CROSS

- 1 black?
- 2 A Of course.
- 3 Q Did you get a look at his face?
- 4 A I did.
- 5 Q Did you know who it was?
- 6 A I never knew who that was.
- 7 Q Okay. Now, just a few minutes ago you mentioned that
- 8 there were three men that you saw in there.
- 9 A Of course, uh-huh, yes.
- 10 Q All right. You didn't mention that during the 911
- 11 call, you just mentioned the one guy in the red hoodie.
- 12 A Okay.
- 13 Q Okay. Why didn't you mention the other guys?
- 14 A When you're honestly under attack at that moment, I
- 15 mean, it's just -- your mind is just kind of going. I
- 16 didn't --
- 17 Q Right.
- 18 A I mean, what I could give out at that moment to get
- 19 them, that's what I gave out.
- 20 Q Okay. So -- but there's no doubt that you know for
- 21 sure a guy in a red hoodie pointed a gun at you and he was
- 22 black with no mask.
- 23 A For sure, yes.
- 24 Q Okay. Do you remember what kind of gun it was?
- 25 A I'm not familiar with guns.

KAREN HARRISON - CROSS

- 1 Q Color? Any way you can describe it?
- 2 A I'm not familiar with guns at all.
- 3 Q But you know it was a gun.
- 4 A Obviously, yes. Because someone had gotten killed in
- 5 my apartment, someone that I loved, so for sure it was a
- 6 gun.
- 7 Q Right. And you, of course, believed it to be a gun
- 8 when you were confronted.
- 9 A It was a gun obviously.
- 10 Q So you saw the gun.
- 11 A I seen a gun pointed at my head, yes, I did.
- 12 Q Okay. And you couldn't tell us like what color, what
- 13 kind of gun, shape, anything other than you just know it
- 14 was --
- 15 A You mean would it be pink?
- 16 Q I'm asking you actually.
- 17 A No. It was a gun.
- 18 Q Okay. Again, I know these are difficult questions.
- 19 You mentioned that your husband, and your niece, and your
- 20 brother-in-law, which is Prince, the victim in this case,
- 21 they all lived there with you in the apartment?
- 22 A Uh-huh, they did.
- 23 Q What was your husband's name?
- 24 A Dominique (inaudible) Cheatham.
- 25 Q Your niece's name?

KAREN HARRISON - CROSS

- 1 A It's -- I'm sorry. What is her middle name? Mishe.
2 Monet Mishe Spann (all phonetically.)
- 3 Q Okay. Those are the people that lived there like
4 full-time year around.
- 5 A Yes.
- 6 Q And you also had children living there.
- 7 A Uh-huh.
- 8 Q You said your two children were actually there at the
9 time?
- 10 A They were, yes.
- 11 Q Okay. Do you know how many people were there that
12 night?
- 13 A No, sir, I don't.
- 14 Q There were quite a few, right? Did you know that?
- 15 A No, there wasn't a few, it was just my children. I had
16 just gone to wash clothes and no one was at our apartment at
17 that moment.
- 18 Q You weren't aware that there were about, I believe,
19 four or five juveniles that were there spending the night?
- 20 MR. JOHNSON: Objection, Your Honor. Asking for things
21 that aren't in evidence.
- 22 THE COURT: Overruled, cross.
- 23 THE WITNESS: I'm sorry, answer?
- 24 THE COURT: You may answer.
- 25 A Okay. So other than my children there were no one else

KAREN HARRISON - CROSS

1 there, and my brother-in-law, nobody else was there.

2 Q At least you weren't aware of anybody else. If I told
3 you there were others there, would you say you just weren't
4 aware of that?

5 A Yeah, I wasn't aware.

6 Q Okay. Would you say that it was a pretty common place
7 to have a number of visitors, lots of people in and out of
8 the apartment?

9 A We did like to definitely, you know, like cookouts and
10 everything like that, so we did have friends around.

11 Q Okay. Was there a cookout that night?

12 A No.

13 Q Okay. And you actually said you were gone, right? You
14 were at your, I believe, cousin's when you came back to the
15 apartment during the robbery?

16 A Correct, yes.

17 Q Are you aware that there were -- that there was money
18 and drugs confiscated at the apartment?

19 MR. JOHNSON: Objection, Your Honor.

20 A Yeah, because that was never the case.

21 THE COURT: Hold on. Hold on.

22 (A bench conference was held with the Judge
23 And the attorneys.)

24 THE COURT: The objection is sustained.

25 MR. JOHNSON: Thank you, Your Honor.

KAREN HARRISON - CROSS

1 Q All right. You said that you resided there for about a
2 year and a half.

3 A Uh-huh.

4 Q You don't live there anymore then, right?

5 A No, not currently.

6 Q How come you -- why did you leave that place?

7 A Just being the incident that had happened with my
8 brother-in-law being killed.

9 Q So you moved out shortly after that?

10 A Yes, sir.

11 Q Did everybody move out?

12 A Yes, sir.

13 Q Are you still living together with your niece and your
14 husband?

15 A Currently, yes.

16 Q All right. You said when you ran out of the apartment
17 you ran to your friend's house.

18 A I did, yes, sir.

19 Q And that friend was in the same apartment complex?

20 A Uh-huh.

21 Q Okay. And you said you heard shots?

22 A I did.

23 Q Lots of shots?

24 A I heard a shot to the point where I would have called
25 the police, yes, sir.

KAREN HARRISON - CROSS

- 1 Q So do you remember how many shots?
- 2 A It was a very traumatic situation, so at that moment I
- 3 definitely just heard a shot, and then that's when I had
- 4 contacted the police.
- 5 Q And, of course, you have no idea where the shot or
- 6 shots came from.
- 7 A I would know obviously because of the situation that
- 8 was taking place once I had walked in, yeah.
- 9 Q And you don't know who shot, you didn't know at the
- 10 time that you heard the shots who was shooting a gun?
- 11 A No. At that moment, no.
- 12 Q Did Prince have a gun?
- 13 A No, sir, he did not.
- 14 Q Did his friend, Malik Norris, have a gun?
- 15 A No, sir, he did not.
- 16 Q How do you know that?
- 17 A I don't know that, but we don't keep guns in the home.
- 18 Q You said -- as of today you said you saw three men that
- 19 were out of place there, do you remember what they looked
- 20 like?
- 21 A I do remember a few, yes.
- 22 Q What did they look like?
- 23 A I can't give you an exact description, I can't.
- 24 Q Can you remember what they were wearing?
- 25 A No. I can't give you that, too, no.

KAREN HARRISON - REDIRECT

1 Q Okay.

2 MR. PRINGLE: Thank you.

3 THE COURT: All right. Any redirect?

4 MR. JOHNSON: Yes, Your Honor, briefly.

5 REDIRECT EXAMINATION

6 BY MR. JOHNSON:

7 Q All right. Other than hearing gunshots, what evidence
8 do you have that a gun was fired in your apartment?

9 A Just the situation of my brother-in-law being --

10 Q Your brother-in-law being murdered? Okay. When you
11 called 911, we made some issue about you not giving all of
12 the details, were you scared at that moment?

13 A I was having a whole panic attack at that moment, I
14 didn't know what to do.

15 Q Were you thinking clearly?

16 A No. I mean, for the most part like, I mean, I can say
17 what I had seen. But no, at that moment, no, sir, I was not
18 thinking.

19 Q Were you having difficulty breathing?

20 A Very difficult, yeah.

21 Q And that television you said when you came in, was it
22 that loud when you left?

23 A No.

24 Q Okay.

25 MR. JOHNSON: No further questions, thank you.

KAREN HARRISON - REDIRECT

1 THE COURT: Any recross?

2 MR. PRINGLE: No.

3 THE COURT: All right. You may step down, thank you.

4 All right, next witness.

5 MR. JOHNSON: Your Honor, may we approach?

6 THE COURT: Yeah.

7 (A bench conference was held with the Judge and
8 attorneys off the record.)

9 THE COURT: All right. Ladies and gentlemen, we'll
10 take our afternoon break, it will be a short break. Please
11 do not discuss the case, we'll bring you back out here in a
12 little bit.

13 (The jury left the courtroom.)

14 THE COURT: All right. We'll be in recess, let's take
15 a little break until about five after 4:00.

16 (A break was taken.)

17 THE COURT: All right. Bring them on in.

18 (The jury returned to the courtroom.)

19 THE COURT: All right, next witness.

20 MS. LANDSVERK: Thank you, Your Honor. May it please
21 the Court? The State would like to call Malik Norris to the
22 stand.

23 The witness, MALIK NORRIS, was first duly sworn
24 and testified as follows:

25 THE CLERK: Please state your full name for the record.

MALIK NORRIS - DIRECT

1 THE WITNESS: Malik Keon Norris.

2 DIRECT EXAMINATION

3 BY MS. LANDSVERK:

4 Q Hey, good afternoon, Mr. Norris. Malik, how old are
5 you?

6 A Twenty-one.

7 Q Twenty-one? And how old were you at the time of
8 Prince's murder?

9 A Seventeen.

10 Q How did you know Prince?

11 A He is the uncle of my little sisters, we grew up
12 together like when we were kids.

13 Q So how many years have you known him?

14 A Most of my whole life.

15 Q And what grade were you both in when had happened, when
16 he was murdered?

17 A I was a junior and he was a senior.

18 Q And did you make good grades in high school?

19 A Yes.

20 Q Where did you go to high school?

21 A At Greenville.

22 Q Greenville High School? And did you end up going to
23 college?

24 A Yes.

25 Q Where did you go to college?

MALIK NORRIS - DIRECT

1 A Winthrop and Greenville Tech.

2 Q Okay. And do you work now?

3 A Yes.

4 Q Where do you work?

5 A D and W.

6 Q Okay. And I'm not trying to be offensive by any means,

7 but do you have a criminal history at all?

8 A No.

9 Q Okay. Now, getting back to Prince, can you explain to

10 me how Prince came into a large sum of money?

11 A He was in a car accident.

12 Q Okay. And what happened after that car accident?

13 A I mean, I don't know. The money came from the car

14 accident.

15 Q Okay. And did Prince make it public information that

16 he had a large sum of money?

17 A Yes.

18 Q How did he do that?

19 A A picture.

20 Q Okay. Was there a video?

21 A A video, too, yeah. A music video.

22 Q Okay. A music video? Can you tell me a little bit

23 about the music video?

24 A Majority of the music video, it was a lot of money in

25 it. It was -- I guess that day was fun, it was a fun day.

MALIK NORRIS - DIRECT

- 1 Q Were you in the music video?
- 2 A Yeah.
- 3 Q Okay. Okay. Now comes kind of the tough part. I'm
- 4 going to ask you to walk me through what happened on the
- 5 night of Prince's murder. So to start, do you remember what
- 6 time you and Prince started hanging out on May 11th of 2019?
- 7 I guess it was technically May 10th going into May 11th,
- 8 2019.
- 9 A Are you talking about that night?
- 10 Q Uh-huh.
- 11 A I don't remember the exact time, but it was maybe
- 12 around 11:00.
- 13 Q Okay. And what were you doing?
- 14 A We were just at the house. At that time we were just
- 15 at the house.
- 16 Q Okay. And when you say house, were you at Waterside
- 17 Greene Apartments?
- 18 A Yes.
- 19 Q Okay. And what county is that located in?
- 20 A I don't know.
- 21 Q Okay. Do you --
- 22 A Greenville.
- 23 Q Okay. It's Greenville County.
- 24 A Yeah.
- 25 Q Okay. And at some point during the night, did anyone

MALIK NORRIS - DIRECT

- 1 come over to the apartment?
- 2 A Yes.
- 3 Q Who came over?
- 4 A Jevonda and Tasha.
- 5 Q Okay. And can you tell me their full names, first and
- 6 last?
- 7 A I don't know Tasha's last name, but Jevonda Dillard.
- 8 Q Okay. And how did you know -- let's start with
- 9 Jevonda, how did you know Jevonda Dillard?
- 10 A I knew her from middle school. I dated her in middle
- 11 school.
- 12 Q Okay. So did you -- did you know her pretty well?
- 13 A Yes.
- 14 Q Okay. What about Natasha Booker?
- 15 A No, I didn't know her.
- 16 Q Okay. And what time approximately did they come over,
- 17 do you remember?
- 18 A I don't remember.
- 19 Q Sometime that night, late at night?
- 20 A Yeah.
- 21 Q Okay. And can you tell me what y'all did when they
- 22 came to the apartment?
- 23 A When they got there at first, I mean, we were just
- 24 chilled and watching TV and stuff, talking.
- 25 Q What was the conversation about?

MALIK NORRIS - DIRECT

1 A Well, really it was just -- I just asked her like how
2 she'd been, had she been all right, and she said, yes, stuff
3 like that. And it was just more of us just, you know, like
4 small talk getting to know each other again, I guess.

5 Q Okay. And does anything come up about Prince's money?

6 A Yes.

7 Q Okay. What was said about that?

8 A I think Jevonda asked about his music videos, and she
9 was saying that she would be a stripper in his music video
10 and stuff like that. She was telling him like if he threwed
11 money and stuff, and she was saying it got to be real and he
12 was saying it's real.

13 Q And you were talking about the money has got to be
14 real?

15 A Yeah.

16 Q Okay. Just confirming. Okay.

17 A Yeah. And she asked could she see the money and stuff,
18 and he ended up -- he pulled out a gun but he showed her the
19 money, too, and --

20 Q How much money did he show her?

21 A I don't know, but it wasn't all of the money, though.

22 And --

23 Q When he pulled out the money, did you see the money as
24 well?

25 A Yeah. And she asked could she see if it was real, and

MALIK NORRIS - DIRECT

1 he gave her a \$100 bill, and she looked at it to see if it
2 was real. And she asked could she keep it, and he said no,
3 and he took the money back. And that was it about the
4 money.

5 Q Now, did Prince know Jevonda before this night?

6 A Yes.

7 Q Okay. How did he know her?

8 A He knew her in middle school, too, but I introduced
9 them to each other.

10 Q Okay. And what else happened after you had the
11 discussion about the money? Did you stay at the apartment?
12 Did you go anywhere?

13 A At first,.but then we ended up leaving the apartment a
14 little bit later in the night.

15 Q Okay. Where did you go?

16 A We didn't go far from the apartment, we were like right
17 up the street. We was about to go to a basketball court.

18 Q When you say we, who are you talking about?

19 A Me and Jevonda. She was asking me stuff like do I
20 still play basketball, and I was like, yeah, of course, like
21 who don't know that? And she was asking me about going to a
22 basketball court, and I was just thinking like this late at
23 night, why would we go there? It was just -- it's too dark.
24 But he -- Prince text my phone and was telling me to just
25 take her and stuff like that, just take her, and I was like

MALIK NORRIS - DIRECT

1 all right.

2 Q Well, why do you think Prince wanted you to leave the
3 apartment?

4 A I don't know.

5 Q Did he -- how did he know Natasha?

6 A How did he know her?

7 Q Uh-huh.

8 A They went to school together --

9 Q Okay.

10 A -- when they were younger, and I think high school,
11 too.

12 Q Okay. Did they ever date?

13 A Not that I know of.

14 Q Okay. So how long were you and Jevonda away from the
15 apartment?

16 A You said how long?

17 Q Uh-huh.

18 A Maybe about five minutes. Not even five minutes.

19 Q And did y'all decide to go back in the apartment?

20 A I told her like -- as we were walking I told her --
21 because I thought about the basketball court, it doesn't
22 have lights, it would be pitch black dark, so I told her
23 let's just go back to the house. And then -- but I thought
24 about him, and I was just like, well, maybe let's just go to
25 the car. But she was acting like she didn't know where it

MALIK NORRIS - DIRECT

1 was at, and me, I just wasn't paying attention, and she was
2 saying that she got to get the keys and she'll be back. But
3 I was telling her, no, don't go in there because you don't
4 know what they have going on right now. And -- but she
5 didn't listen to me, and she still went in there, and when
6 they came out Tasha and Jevonda was coming out of the house,
7 I was still outside the house, I was just standing there,
8 and I was waiting on her to come back with the keys, but
9 they both came out. And one of them was saying they was
10 going home, the other one was saying that they had to work,
11 and I was like all right. And then they were walking like
12 past the cars, and they got like in the middle of the road
13 kind of, but I was on the way like in the door, and I was
14 trying to see like where they parked at, but I just -- but
15 they were already looking at me, and later on asked -- they
16 was like they were going to the store, and I was like:
17 Tasha, I was about to go. They was like they were going to
18 the store, and they asked me what I wanted and I told them
19 what I wanted, and I went in the house.

20 Q Okay. Now, when you went back in the house, was Prince
21 there?

22 A Yes.

23 Q Okay. And did y'all have a discussion about the girls
24 leaving?

25 A Yes.

MALIK NORRIS - DIRECT

1 Q What was that about?

2 A When I went back in the house it was more of us like --
3 we were with laughing with each other at first, and he was
4 saying that he felt like they was trying to set him up, and
5 I was just like: Set us up like -- I don't think they would
6 because they were saying they were coming back and stuff.
7 And he was like: They're not coming back. And he told me
8 like I can look outside, you're not going to see them.
9 Where the apartment was, in order for you to leave like you
10 would have to see a car pass by, and there were no cars
11 passed by. And after that me and him just was talking
12 and --

13 Q Were you worried about anything at that point?

14 A No, not really.

15 Q Okay. So how much time passed before the three guys
16 entered?

17 A Maybe 20 minutes or 30 minutes. I don't remember
18 exactly.

19 Q Okay. And can you tell me whether or not you let
20 anybody in after the girls left?

21 A No.

22 Q So is it fair to say they came in uninvited?

23 A Yes.

24 Q And can you explain to me what happened when they came
25 in the apartment?

MALIK NORRIS - DIRECT

- 1 A When they came in the apartment they already had guns
2 up. I was just in a shock. I already had my hands up. And
3 they was telling him -- they told Prince -- he tried to grab
4 his gun but he just wasn't fast enough, and they told him to
5 put it down and told him to put his hands up. And --
- 6 Q Did they all have guns?
- 7 A Not all of them.
- 8 Q Okay. How many people had guns?
- 9 A Two.
- 10 Q Okay.
- 11 A And also they took his gun, so that made a third gun.
- 12 Q Okay. So did they eventually all three have guns --
- 13 A Uh-huh.
- 14 Q -- after they took Prince's gun?
- 15 A Yeah.
- 16 Q Okay. And what was the first thing they made you do?
- 17 A The first thing they made us do? There was a couple of
18 things they made us do, like -- well, they made us like take
19 our clothes off. Well, they was asking like for the money.
20 They was beating him, just --
- 21 Q They were beating him?
- 22 A Yeah. As in like hitting him with guns and stuff.
- 23 Q Do you remember who was hitting him?
- 24 A Yes.
- 25 Q Who was hitting him with a gun?

MALIK NORRIS - DIRECT

- 1 A Him.
- 2 Q Mr. Long sitting at defense table?
- 3 A Yeah.
- 4 Q Okay. And can you explain how he was hitting him with
5 the gun?
- 6 A I mean, I don't know exactly how he was hitting him,
7 but he was pistol whipping him.
- 8 Q Okay. And what else was he doing?
- 9 A He burned him with a spoon.
- 10 Q How did he do that?
- 11 A He went to the kitchen, and he said he had something to
12 make him talk, because he wasn't telling him where the money
13 was, and when he came back he had a spoon, and I was
14 confused on what he was going to do with that. He burned
15 the spoon, and he kept sitting it on like his feet and like
16 just holding it on his feet and stuff like that.
- 17 Q So did he burn the spoon with a lighter?
- 18 A Yeah.
- 19 Q Okay. And what was he saying to you? I know you
20 mentioned it a little bit, but --
- 21 A What he said to me? He just told me to look at him
22 and --
- 23 Q And you're talking about Tommy Long.
- 24 A Yes.
- 25 Q Okay.

MALIK NORRIS - DIRECT

- 1 A He told me to look at him and I didn't want to look,
2 and when I looked at him he was just like -- he was like: I
3 know you don't want to die behind this. He was like: Just
4 tell me where that money at. And I was like: I don't know
5 what you're talking about, I don't even know where the money
6 is.
- 7 Q Did you know where the money was?
- 8 A No.
- 9 Q Okay.
- 10 A And it's like he was just getting frustrated, and he
11 just walked off.
- 12 Q Okay. Now, when you were talking to Tommy, was he
13 wearing a mask?
- 14 A No.
- 15 Q Was he ever wearing a mask?
- 16 A At first.
- 17 Q Okay. Was he the only one wearing a mask when he
18 walked in?
- 19 A Everybody had something over their face.
- 20 Q Okay. Do you know what they had over their face?
- 21 A A mask and hoodies.
- 22 Q But by the end were all the faces revealed?
- 23 A Yes.
- 24 Q Okay. Now, what was Jaylan Fair doing when Tommy was
25 talking with you, pistol whipping Prince, and burning

MALIK NORRIS - DIRECT

1 Prince?

2 A He was holding -- he still had his gun up. He was just
3 holding at gunpoint basically. I think he hit him a couple
4 of times, but I really don't remember.

5 Q Okay. At that time, was anyone ransacking the house
6 looking for money?

7 A Yes.

8 Q Okay.

9 A That, too.

10 Q Okay. Who was doing that?

11 A They all were doing it.

12 Q They all were looking?

13 A Uh-huh.

14 Q Okay. You said that Mr. Long was pistol whipping
15 Prince. Did you get hurt?

16 A Yes.

17 Q What happened to you?

18 A I was hit a couple of times, too.

19 Q Okay. Do you know who hit you?

20 A Yes.

21 Q Who hit you?

22 A I think his name Jaylan.

23 Q Okay. And when he hit you, how did he hit you?

24 A He was pistol whipping me, but I was kind of blocking
25 it a little bit, but he still was doing it though.

MALIK NORRIS - DIRECT

- 1 Q Okay. And did you have an injury after this?
- 2 A A couple of cuts.
- 3 Q Okay. Now, while all of this was going on, did anybody
- 4 else enter the apartment? .
- 5 A Yes, later that night.
- 6 Q Okay. How much later, do you know time wise?
- 7 A No. Not that this happened, no.
- 8 Q Okay. Do you remember who entered the apartment?
- 9 A Yes.
- 10 Q What's her name?
- 11 A Karen.
- 12 Q Okay. And who is Karen?
- 13 A That's Prince's brother's girlfriend.
- 14 Q Okay. And what happened when they came in?
- 15 A Jaylan and Darius, when she came in they both chased
- 16 her, one went the opposite way, one went right behind her.
- 17 They just didn't catch her.
- 18 Q So who chased her?
- 19 A Jaylan and Darius.
- 20 Q Okay. And while Jaylan and Darius were chasing her,
- 21 what was Tommy doing?
- 22 A Holding us at gunpoint.
- 23 Q Now, how long were they gone, do you remember?
- 24 A They wasn't gone that long, probably not even a minute.
- 25 Q Okay. When they came back in what happened?

MALIK NORRIS - DIRECT

1 A Tommy, he was holding us at gunpoint, he told us, he
2 was like: I'm not even going to do y'all like that. And he
3 looked back at Jaylan, because he was coming from the
4 opposite way of the breezeway, and he was like: What you
5 think we need to do with them? And the dude, Jaylan, he
6 told him he said: Light their ass up. And after that,
7 that's what the shots went off, and when the shots went off,
8 I mean, I jumped to the side. And then they were running,
9 and I looked at Prince and he was slouching over, and that's
10 when I went to get everybody out of the room like to call
11 911 and stuff.

12 Q At that point where did Tommy, Jaylan, and Darius go?

13 A I don't know where they went.

14 Q But they didn't stay at the apartment?

15 A Not after the shots.

16 Q Okay. Was Prince still alive?

17 A Yeah.

18 Q Were you able to talk to him?

19 A He couldn't respond back.

20 Q Do you know where he got shot?

21 A I mean, I seen a hole in his jacket that he was
22 wearing, that was it, though. But it was in his
23 stomach/chest, near that area.

24 Q Malik, I'm going to show you a few pictures here. I'm
25 showing you State's Exhibits 5, 6, 7, 8, 9, 10, 11, 12, 13,

MALIK NORRIS - DIRECT

1 14, 15.

2 MS. LANDSVERK: Your Honor, may I approach the witness?

3 THE COURT: Sure.

4 MS. LANDSVERK: Okay.

5 THE COURT: Y'all don't need to ask me permission,
6 anytime y'all want to approach just go ahead.

7 Q Okay. Will you look through those pictures for me?

8 (Break in proceedings.)

9 Q Okay. So do you recognize any of those photos?

10 A Yes.

11 Q Okay. Can you tell me what they are?

12 A That's the apartment.

13 Q Yes. Did you see the outside of the apartment?

14 A Yes.

15 Q And the inside with the couch? Were those accurate
16 depictions of the apartment on May 11th, 2019?

17 A Yes.

18 Q Okay.

19 MS. LANDSVERK: Your Honor, at this time the State
20 would like to introduce State's Exhibits 5 through 15 into
21 evidence.

22 THE COURT: All right. Any objection?

23 MR. PRINGLE: None.

24 THE COURT: All right. State's Exhibits 5 through 15
25 admitted into evidence without objection.

MALIK NORRIS - DIRECT

1 (The photos were received as State's 5-15.)

2 MS. LANDSVERK: Thank you, Your Honor. May we publish
3 to the jury?

4 THE COURT: Yes.

5 Q All right. Malik, what am I looking at right here?

6 A The outside of the apartment, the breezeway.

7 Q Okay. If I'm walking straight through, where is
8 Prince's apartment?

9 A The first one on the left.

10 Q The first one on the left? Okay. And these I'm going
11 to go through pretty quickly, but I just want to -- so what
12 is this a picture of?

13 A The living room of the apartment.

14 Q Okay. And what direction are we looking at the living
15 room? I mean, is it as we're walking through the door? I
16 just want the jury to understand what the apartment looks
17 like was you're walking in.

18 A Yes.

19 Q Yeah? Okay. So a lit bit closer picture of the couch.
20 So where were you sitting on the couch?

21 A Right there.

22 Q They're all the rest of the apartment.

23 A Right there beside that soda bottle.

24 Q Right here?

25 A Yes.

MALIK NORRIS - DIRECT

1 Q Okay. Where was Prince sitting?

2 A Towards the left. Yes, the farthest -- the very end.

3 Q Right here?

4 A Yeah.

5 Q Okay. Okay. So if you're looking at the photo, would
6 it be accurate to say that Prince's is slumped over, his
7 body is slumped over this direction?

8 A Yes.

9 Q Okay. After he was shot. I don't know if you can see
10 this closely, but can you tell me what's on the right hand
11 side over here? Is that his ID?

12 A Yes.

13 Q All right. His high school ID. Okay. So what are we
14 looking at right here?

15 A It's like the other side of the living room. It's in
16 the living room, but it's another --

17 Q Okay. And why is the chair turned over?

18 A Because they were looking for the money.

19 Q Okay. I'm going to show you a few more photos here. I
20 was trying to make sure I didn't miss anything. Okay.
21 Malik, I'm handing you State's Exhibits 16, 17, 18. Can you
22 tell me what those are pictures of?

23 A A mask, and a spoon. This is the living room but from
24 a different angle.

25 Q Okay. And how do you know what that is?

MALIK NORRIS - DIRECT

1 A What, the living room?

2 Q Uh-huh.

3 A Because I was there.

4 Q Okay. And are those accurate depictions of the living
5 room for the night of May 11th of 2019?

6 A Yes.

7 Q Okay.

8 MS. LANDSVERK: Your Honor, at this time the State
9 would like to enter these into evidence.

10 THE COURT: All right. Any objection?

11 MR. PRINGLE: None.

12 THE COURT: All right. That's 16, 17, 18.

13 MS. LANDSVERK: Yes, Your Honor, it is.

14 THE COURT: All right. State's Exhibits 16, 17, and 18
15 admitted into evidence without objection.

16 (The photos were received as State's 16-18.)

17 Q All right. It's pretty much similar views, but you can
18 see a little bit closer on some of these photos. This is
19 the couch looking at the wall, correct?

20 A Yes.

21 Q Okay. Can you identify what's -- what we're looking at
22 here?

23 A A mask and a spoon.

24 Q Okay. Also, I know we threw this up earlier, but
25 what's over here at the bottom?

MALIK NORRIS - DIRECT

- 1 A Where?
- 2 Q Right here. Can you see my blue pen?
- 3 A The lighter.
- 4 Q Yes. Okay. Malik, a couple of more pictures to go.
- 5 Now I'm showing you State's Exhibit Number 19. Do you
- 6 recognize that photo?
- 7 A Yes.
- 8 Q What is it?
- 9 A A gun.
- 10 Q Okay. Do you know who had that gun?
- 11 A That was Prince's gun.
- 12 Q It was Prince's gun?
- 13 A He had a gun like that.
- 14 Q Is that the same gun that was taken from him after they
- 15 stormed the apartment?
- 16 A Yes.
- 17 Q Okay. And how do you know it was his gun?
- 18 A How do I know it was Prince's gun?
- 19 Q Uh-huh.
- 20 A He gave me his gun earlier. I seen his gun.
- 21 Q Okay. So you would recognize it if you saw it.
- 22 A Yeah.
- 23 Q Okay. Is that an accurate depiction of his gun?
- 24 A Yeah.
- 25 Q Okay.

MALIK NORRIS - DIRECT

1 MS. LANDSVERK: Your Honor, at this time the State
2 would like to enter this into evidence.

3 THE COURT: All right. Any objection?

4 MR. PRINGLE: None.

5 THE COURT: Exhibit Number 19, State's Exhibit Number
6 19 is admitted into evidence without objection.

7 (The photo was received as State's 19.)

8 Q Malik, I'm showing you State's Exhibit Number 20. Do
9 you mind looking at it? You can open up the box. Okay. Do
10 you recognize this?

11 A Yeah.

12 Q What is it?

13 A It's a gun.

14 Q Okay. Whose gun is it?

15 A The gun that Prince had.

16 Q Okay. It's the same gun that was stolen from him?

17 A Yeah.

18 Q Okay. Does it look -- has it been altered or changed
19 in any way since you saw it last?

20 A No.

21 Q Okay.

22 MS. LANDSVERK: Your Honor, at this time the State
23 would like to enter this into evidence.

24 THE COURT: All right. Any objection?

25 MR. PRINGLE: None.

MALIK NORRIS - DIRECT

1 THE COURT: State's Exhibit 20 is admitted -- I mean --
2 yeah, State's Exhibit 20 is admitted into evidence without
3 objection.

4 (The gun was received as State's 20.)

5 Q Okay. I apologize in advance, Malik, for this photo,
6 but I'm showing you State's Exhibit 21. Do you recognize
7 it?

8 A (Nods head yes.)

9 Q Okay. Can you tell me what you're looking at?

10 A That's Prince.

11 Q Okay. Is that how you remember him after he was shot?

12 A Yeah.

13 Q Okay. Does that picture accurately depict how he
14 looked at that time on May 11th of 2019?

15 A Yes.

16 MS. LANDSVERK: Your Honor, at this time the State
17 would like to put this into evidence.

18 THE COURT: All right. Any objection?

19 MR. PRINGLE: None.

20 THE COURT: State's Exhibit 21 is admitted into
21 evidence without objection.

22 (The photo was received as State's 21.)

23 Q Okay. Malik, I'm now going to take you through what
24 happened after the fact when law enforcement showed up. So
25 did you talk to anyone in law enforcement right after this

MALIK NORRIS - DIRECT

- 1 happened?
- 2 A Yes.
- 3 Q Okay. And did you give a statement at that time?
- 4 A Yes.
- 5 Q Okay. When you gave that statement, were you able to
- 6 identify any of the defendants in this case?
- 7 A No.
- 8 Q No? And why not?
- 9 A Because I told you, they had a mask on.
- 10 Q You told them what?
- 11 A That they had a mask on.
- 12 Q Okay. And why did you tell law enforcement that they
- 13 had masks on?
- 14 A Because I was scared for my safety and my family's.
- 15 Q Okay. So despite the fact that the defendants did not
- 16 have masks on the entire time, at first you told law
- 17 enforcement that they had masks on --
- 18 A Yes.
- 19 Q -- is that right?
- 20 A Yes.
- 21 Q Okay. Were -- did you have any knowledge of whether or
- 22 not the defendants were caught at that time?
- 23 A No, I didn't.
- 24 Q Okay. And you said that you were concerned about your
- 25 safety and your family's safety?

MALIK NORRIS - DIRECT

1 A Yes.

2 Q Okay. Now, did you, about a year later, speak with an
3 investigator at the solicitor office named Jeannie Hilton?

4 A Yes.

5 Q Okay. And what conversation did you have with her?

6 A She showed me pictures.

7 Q Okay. And what was the purpose of your meeting with
8 her?

9 A She was showing me like to judge off the body type
10 of -- just the body type basically.

11 Q To figure out the body type of the defendants that were
12 there?

13 A Yes.

14 Q Okay. Now I'm going to back up a little bit and ask
15 you about knowing the identity of the defendant and his
16 co-defendants, Jaylan Fair and Darius Rhodes. So how did
17 you know Tommy Long was there that night? How did you know
18 his name?

19 A When they were arrested -- when they were arrested on
20 the news, like when their mugshots came up their names was
21 on the bottom.

22 Q Okay. Now, when you saw their mugshots on the news,
23 did that match your recollection of who you saw that night?

24 A Yes.

25 Q Okay. So when you saw them it was just a matter of

MALIK NORRIS - DIRECT

- 1 learning their names, correct?
- 2 A Yes.
- 3 Q Okay. That was who you knew to be the identity of
- 4 Tommy Long the entire time.
- 5 A Yes.
- 6 Q Okay. So we talked about you meeting with the
- 7 investigator and she showing you some photos and you trying
- 8 to identify their shapes and sizes, and who was there. The
- 9 next step, you gave another statement on November 30, 2022.
- 10 What did that statement entail? What did you say at that
- 11 point?
- 12 A I told them that I seen their faces.
- 13 Q Okay. Why did you change your story?
- 14 A Because I just wanted justice for my friend, and I felt
- 15 like shouldn't nobody get off easy with anything,
- 16 like especially not with that.
- 17 Q Now, why did you choose to give that statement on
- 18 November 30, 2022?
- 19 A I don't know, I just needed justice for my friend.
- 20 Q Well, what was going on during that time?
- 21 A I mean, it was a lot of emotion going on.
- 22 Q Was the case going on for trial?
- 23 A Yes.
- 24 Q Okay. Were you planning on testifying?
- 25 A Yes.

MALIK NORRIS - DIRECT

1 Q Okay. So when you realized the case is no longer just
2 pending, that it was actually going on the trial docket is
3 when you decided to make that other statement stating you
4 knew who the defendant was.

5 A Yes.

6 Q Is that right?

7 A Yes.

8 Q Okay. Okay. So I just have a few more questions, I'm
9 sorry, I'm just trying to recap here. So when you gave the
10 statement that you saw him face to face, can you explain a
11 little bit about how close you -- he came to your face when
12 he was in the apartment, how close Tommy Long came to you?

13 A He was a couple of feet away from me. He was close,
14 though.

15 Q Did he have his mask off at that point?

16 A Yes.

17 Q And what was he saying to you when he was that close to
18 you?

19 A He told me that -- he told me to look at him, and I
20 didn't want to, and he said -- after I looked at him he
21 said: I know you don't want to die behind this. He said:
22 Just tell me where the money at. And I told him I didn't
23 know, and he got frustrated, I guess, and he like just
24 walked off.

25 Q Okay. Now, could you say that Prince is one of your

MALIK NORRIS - DIRECT

1 best friends?

2 A Yes.

3 Q And who killed Prince?

4 A Him, Tommy.

5 MS. LANDSVERK: Thank you. Well, actually I think you
6 may be answering questions from defense.

7 THE COURT: All right. Ladies and gentlemen -- Mr.
8 Norris, you may step down now. All right. Ladies and
9 gentlemen, this is a good time to break for the day, we'll
10 resume at 9:30 in the morning. And so, again, as I
11 mentioned, please don't discuss the case with anybody. When
12 somebody asked you to tell them about it tell them you can't
13 talk, you'll talk to them all they want when you get
14 through, so please don't discuss the case. Let's be here at
15 9:30 and I'll see y'all in the morning. Hope you have a
16 good night.

17 (The jury left the courtroom.)

18 THE COURT: All right. As a reminder, Mr. Norris is
19 still on the stand so no discussions can be had with the
20 State when he is on the stand. All right. Anything we need
21 to take up before we adjourn today?

22 MR. JOHNSON: Your Honor, could I speak with him just
23 about coming back in the morning?

24 THE COURT: Yeah.

25 MR. JOHNSON: And I'll do that with Mr. Pringle there.

1 THE COURT: Just no discussions with him about his
2 testimony.

3 MR. JOHNSON: Yes, sir. And two other housekeeping
4 things. One, we discussed in chambers about putting any
5 competency concerns on the record and going through that, I
6 didn't know if you wanted to do that today or wait for the
7 morning. And also during the motion, the Biggers hearing,
8 we had what was marked as State's Exhibit 1 for the purposes
9 of the motion, and State's Exhibit 1 for the purposes in
10 front of the jury, so I just wanted to clarify that this was
11 just for the motion only. This is the photograph that Mr.
12 Norris identified with Jeannie Hilton just for the record.

13 THE COURT: All right. So noted. All right. As far
14 as competency, we can just go ahead and hear you on the
15 record.

16 MR. JOHNSON: Yes, sir. The issue of competency has
17 been discussed with Mr. Pringle, as well as the last defense
18 attorney, neither one of them believed it was an issue. I
19 know there's been some discussions about disagreements
20 counsel has had with the defendant, so I just want to make
21 it clear that the defendant seems to have a substantial
22 grasp on the situation. Speaking with Mr. Pringle, he's
23 been having complex discussions with the defendant that I
24 think indicate that he's clearly competent, knows what's
25 going on, probably knows what's going on more than most

1 defendants we have here. Also, Your Honor, he's come before
2 the Court many times, this has been on the docket four
3 times, we've had three status conferences, we've had
4 numerous motions. Chief Admin Judge Kinlaw spoke with the
5 defendant directly during these status conferences, he
6 specifically asked if competency was a concern, each time it
7 was indicated that it was not, and the defendant spoke
8 clearly to the judge each time. I just wanted to put it on
9 the record that competency was something we discussed, or we
10 asked about, and it's a conscious decision that everyone
11 agrees he was competent.

12 THE COURT: All right. Mr. Pringle, anything in
13 response?

14 MR. PRINGLE: No, Your Honor.

15 THE COURT: All right. Anything else?

16 MR. JOHNSON: Nothing from the State, Your Honor.

17 THE COURT: Hearing from both sides, I don't think
18 there's a competency issue, and it has not been raised,
19 so --

20 MR. JOHNSON: Thank you, Your Honor.

21 THE COURT: All right. We'll see y'all at 9:30 in the
22 morning.

23 (Court recessed for the evening.)

24

25

STATE OF SOUTH CAROLINA)
) COURT OF GENERAL SESSIONS
 COUNTY OF GREENVILLE) 2020-GS-23-00125, 00128,
) 00149, 00159, 00160
)
)
)
 THE STATE.)
) PLAINTIFF)
) vs.) TRANSCRIPT OF RECORD
)
 TOMMY LEE LONG)
) DEFENDANT)

July 11-12, 2023
 Greenville, South Carolina

B E F O R E:

THE HONORABLE G.D. MORGAN, JR., Judge; and a
 jury.

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

COURTNEY LANDSVERK, ESQ.
 SETH JOHNSON, ESQ.
 Attorneys for The state

KRAIG PRINGLE, ESQ.
 Attorney for the Defendant

APRIL HERRON
 Official Court Reporter

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9	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
10	22	Map	36	36
11	23	Thumb drive	38	38
12	24	Photograph	38	38
13	25	Photograph	38	38
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13	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
14	1	Note from the Jury	401	
15	2	Note from the Jury	413	

16 All exhibits were retained by the
 17 Greenville County Clerk of Court.

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1 July 11, 2023

2 THE COURT: All right, good morning. Anything
3 before we bring the jury in?

4 MR. JOHNSON: Yes, Your Honor, The State would
5 make a motion to exclude anymore mention of any
6 marijuana or controlled substances that were found at
7 the apartment complex in one of the back bedrooms.
8 Mr. Pringle indicates that he wants to consent not to
9 bring that up again. And also, the victim in this
10 case was on a ankle monitor for a crime that occurred
11 while he was a juvenile. I don't think that's
12 relevant, I was going to make a motion to prevent
13 anybody from speaking about that. It's my
14 understanding that Mr. Pringle does not intend and
15 willing to consent to not bringing that up.

16 THE COURT: All right, you in agreement with
17 that, Mr. Pringle?

18 MR. PRINGLE: Yes, Your Honor.

19 THE COURT: So no discussion of any drugs and no
20 discussion--

21 MR. PRINGLE: Of course, as I told Mr. Johnson,
22 if one or more of the witnesses comes out with
23 testimony regarding drug use or whatnot, then, at
24 that point, maybe that could be explored.

25 THE COURT: Well, before you do, if you decide

1 something like that does come out and you have an
2 inclination to bring or ask a question, I want you to
3 approach me first before that question is asked.
4 Because even if there may be some discussion of
5 drugs, there's going to be a question of whether it's
6 relevant and prejudicial. So I'll need to hear the
7 evidence and it very well may be. But I don't want
8 you asking that question without bringing it up to me
9 first.

10 MR. PRINGLE: I can say that the context will be
11 more about the, maybe, impact of the potential
12 identifications or recollection if people are under
13 the influence.

14 THE COURT: Well, we'll cross that bridge when
15 we get there. If it is brought out and you do want
16 to do it or ask that question, we'll address it. And
17 again, I mean, I may very well let it in, I just have
18 to hear what it is.

19 MR. PRINGLE: I don't know that it's that big of
20 a deal but we would approach before going into it,
21 just to make sure it's not a problem.

22 THE COURT: That's all I ask.

23 MR. PRINGLE: Thank you, Your Honor.

24 THE COURT: All right, anything else?

25 MR. JOHNSON: Nothing further from The State,

1 Your Honor.

2 THE COURT: Anything from the Defendant?

3 MR. PRINGLE: No, Your Honor.

4 THE COURT: All right, bring them in.

5 (WHEREUPON, the jury entered open court at
6 approximately 9:45 a.m.)

7 THE COURT: All right, good morning, ladies and
8 gentlemen, hope you all had a good night. We are
9 ready to proceed with day two. I neglected to
10 introduce the gentleman who's up here sitting with me
11 yesterday and I apologize. This is Robert Barrow, he
12 is my law clerk, he's a young lawyer. And he has a
13 clerkship for a year and he's about to end it. He's
14 got about three or four weeks left with me. And so
15 he is my right hand man and that's -- he's up here
16 assisting me. And so I apologize for not introducing
17 him to yesterday.

18 All right, we're ready to proceed. State call
19 your next witness.

20 MR. JOHNSON: Thank you, Your Honor.

21 MRS. LANDSVERK: Your Honor, we had Malik Norris
22 on the stand when we left.

23 THE COURT: That's correct.

24 MRS. LANDSVERK: We would recall him.

25 THE COURT: Mr. Norris, if you would, please,

MALIK NORRIS-CROSS BY MR. PRINGLE

1 resume your seat on the witness stand and you are
2 still under oath.

3 MRS. LANDSVERK: Your Honor, The State just
4 ended direct when we left yesterday..

5 THE COURT: That's correct.

6 MRS. LANDSVERK: So, at this time --

7 Okay, Mr. Norris, at this time, if you could
8 please answer any questions from The Defense.

9 THE COURT: All right, cross-examination.

10 Mr. Norris, if you would, if you'd speak up as
11 much as you can in that microphone so the jury can
12 hear you, okay.

13 CROSS-EXAMINATION

14 BY MR. PRINGLE:

15 Q Good morning, Mr. Norris.

16 A Good morning.

17 Q I just want to pick up on your testimony from
18 yesterday. Some questions for you. First, obviously,
19 sorry about what you went through, this might be a little
20 bit difficult, okay. But we're trying to get to the
21 bottom of this, do you understand?

22 A (The witness nods.)

23 Q Yesterday you were talking about what happened
24 and you had said that Jevonda Dillard and Natasha Booker
25 had come over to chill, chill out with you. What did you

MALIK NORRIS-CROSS BY MR. PRINGLE

1 mean by that?

2 A Chill as in, I mean, in our mind, sex. But, I
3 mean, we was just chilling and watching TV, but, yeah.

4 Q Okay. And to be clear, it was you, Jevonda
5 Dillard, Natasha Booker and the victim, in this case,
6 Prince, the four of you were in that front room watching
7 television?

8 A Yes.

9 Q Okay. And at some point, you said Jevonda
10 Dillard had asked about seeing the money that Prince had
11 gotten from the car accident settlement?

12 A Yes.

13 Q Okay. And you're sure that was Jevonda that
14 asked about that?

15 A Yes.

16 Q Now, Jevonda was there, basically, to see you;
17 right?

18 A I mean, they both came -- they both came and we
19 both were there, I guess, yes.

20 Q You said that, I believe, you had a history or,
21 at least, a friendship or a prior relationship with
22 Jevonda?

23 A Yeah, in middle school.

24 Q But you didn't have any kind of relationship
25 with Natasha?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A No.

2 Q All right. So it is fair to say that you spent
3 most of your time with Jevonda as far as talking and the
4 chilling out that night?

5 A Yeah.

6 Q Okay. Now, you mentioned, also, that at the
7 time that when they came over, that Prince had a gun.
8 That was the gun that The State showed you and you
9 identified yesterday; right?

10 A Yes.

11 Q All right. At any point during the night, did
12 you have that gun?

13 A Yes.

14 Q Okay. And could you tell us when you had that
15 gun?

16 A This was when me and Jevonda took a walk
17 outside, he gave me the gun before we went outside. And
18 we were about to walk to the basketball court but when I
19 told her to turn around after that, when we went back
20 inside, I gave him his gun back.

21 Q Why did you -- why did he give you a gun just to
22 go outside?

23 A I have no clue.

24 Q I mean, is that normal for you?

25 A No.

MALIK NORRIS-CROSS BY MR. PRINGLE

1 Q It is normal for Prince?

2 A I don't know.

3 Q Well, you recognized the gun immediately; right?

4 A He gave -- that was his gun.

5 Q Yeah. Had you seen it before that night? Is
6 that the first night you ever saw it?

7 A I don't know. I don't remember. I think so.

8 Q Okay. So he, basically, always had a gun; to
9 your knowledge?

10 A I would assume so.

11 Q Why would he need a gun?

12 MR. JOHNSON: Objection, Your Honor, this is
13 irrelevant. I think it's getting into character
14 evidence.

15 THE COURT: What's the relevance?

16 MR. PRINGLE: Well--

17 MR. JOHNSON: Can we approach, Judge?

18 THE COURT: Yeah.

19 (WHEREUPON, an off-the-record bench conference
20 was held in the presence of the jury but out of
21 the hearing of the jury.)

22 THE COURT: All right, objection sustained.

23 MR. JOHNSON: Thank you, Your Honor.

24 BY MR. PRINGLE:

25 Q All right. You didn't have a gun?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A No.

2 Q Other than the gun that Prince had?

3 A Yes.

4 Q Okay. And, obviously, that appeared to be a
5 revolver? Do you know what kind of gun?

6 A Yes.

7 Q Okay. Now, you said there were three guys that
8 came in after the girls left?

9 A Yes.

10 Q Okay. And, at that time, you said they were all
11 masked; is that correct?

12 A Yes.

13 Q Okay. So there's no question that all three had
14 masks on when they came in?

15 A Two had a -- one had a mask on.

16 Q All right. At that time, you knew who some of
17 these guys were; didn't you?

18 A When they came in?

19 Q Yeah.

20 A No.

21 Q Okay. Now, in your testimony, you use the name,
22 Jaylan, was hitting you?

23 A Yes.

24 Q That would be Jaylan Fair?

25 A Yes.

MALIK NORRIS-CROSS BY MR. PRINGLE

1 Q How do you know that it was Jaylan Fair that was
2 trying to strike you?

3 A Because he didn't have a mask on at the time.

4 Q All right. So he had one when he came in and he
5 took it off?

6 A Or a hoodie or whatever he had on. He took
7 whatever he had on off.

8 Q When you saw his face that night, did you know
9 who he was?

10 A I mean, I've seen his face before.

11 Q All right. So you didn't know his name but you
12 recognized his face?

13 A Yes.

14 Q And you said he was -- he was one that chased
15 Karen Harrison [verbatim] when she came into the apartment
16 and saw what was happening?

17 A Yes, he was one of them.

18 Q And there was one other that went?

19 A Yes.

20 Q And how would you describe the other one that
21 went? Did you know who that was?

22 A That was Darius.

23 Q Darius. And did you see his face?

24 A Yes.

25 Q And did you know who he was, at that time?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A I seen him before, yes.

2 Q So you had seen Jaylan Fair and Darius Rhodes
3 before? Before that night?

4 A Yeah, I seen them before.

5 Q And was it a deal where you would say hello to
6 them, what's up, anything like that?

7 A No.

8 Q You did not know their names, did not know them
9 at all?

10 A No.

11 Q Not even to say hello?

12 A No.

13 Q How did you recognize their faces? Where had
14 you seen them before?

15 A I've seen Jaylan from Jevonda social media but
16 that was like a long time ago. Darius, it was social
17 media too. It was from Jevonda's social media, too.

18 Q All right. And was it your understanding that
19 Jevonda and Jaylan Fair had a relationship?

20 A Yes.

21 Q Okay. And you knew that that night?

22 A I asked her that night did she still have a
23 boyfriend. She told me no.

24 Q Okay. So you've come to know that he's been her
25 boyfriend but you didn't know it that night?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A I knew she had a boyfriend.

2 Q Okay. So, I guess, what -- when you say his
3 face, you didn't put that together with her; did you? Or
4 did you?

5 A When I seen his face that night?

6 Q Yeah. Did you know that's the guy that's
7 Jevonda's boyfriend?

8 A Yes.

9 Q Okay. All right. Now, just, basically,
10 immediately after this all happened, within a couple of
11 hours, that morning, you gave a statement to police;
12 didn't you?

13 A Uh-huh.

14 Q And that would have been on May 11th or
15 thereabouts. Like, right after this happened?

16 A Uh-huh.

17 Q So it was, obviously, fresh in your mind at that
18 time; wasn't it?

19 A Yes.

20 Q Maybe more fresh than now; right?

21 A Yes.

22 Q And that statement was recorded and that was
23 with detectives from Greenville police; right?

24 A Yes.

25 Q All right. And in that statement, you were

MALIK NORRIS-CROSS BY MR. PRINGLE

1 asked a number of detailed questions about what had just
2 happened; weren't you?

3 A Yes.

4 Q And you were asked if you can ID anybody that
5 was part of this; weren't you?

6 A Yes.

7 Q And, in fact, you did not identify anyone, at
8 that time; did you?

9 A No, I didn't.

10 Q Okay. You told them that these guys had masks
11 on the whole time; didn't you?

12 A Yes.

13 Q Okay. And is it true that they did have masks
14 on the whole time?

15 A No.

16 Q All right. So you lied about that?

17 A I mean, I was in fear for my life. They were
18 still out. There's no telling what could happen to me or
19 my family.

20 Q You were in fear for your life at that time?

21 A Yes.

22 Q Okay. All right. So, basically, there's three
23 possibilities. You knew one or more of them and lied
24 about it, you did not know them, lied about it. At least,
25 recognizing them. Or you didn't know them at all and now

MALIK NORRIS-CROSS BY MR. PRINGLE

1 today you're lying about it. How do we know which -- how
2 do we know when you're telling the truth?

3 A I didn't know any of them.

4 Q You had just said that you recognized Jaylan
5 Fair.

6 A Yeah, from social media. I didn't know him,
7 didn't know none of them.

8 Q Okay. But you didn't tell the police that hey,
9 I recognized two of these guys from social media; did you?

10 A Because I was in fear for my life.

11 Q Were you in fear for your life that night before
12 the robbery?

13 A No. Before the robbery?

14 Q Yes.

15 A No.

16 Q Okay. About a year after that first statement,
17 you were approached by investigator Ginny Hilton from the
18 solicitor's office; correct?

19 A Yes.

20 Q And where was that?

21 A Outside of here.

22 Q Okay. And you were shown some photographs?

23 A Yes.

24 Q Okay. And would you agree that you were shown
25 some blurry photographs of, looked like men at a distance,

MALIK NORRIS-CROSS BY MR. PRINGLE

1 at a hotel -- coming out of a hotel?

2 A I mean, I wouldn't say they were blurry, they
3 were off of a camera.

4 Q You weren't able to recognize anybody's face;
5 were you?

6 A She told me to look off their body type. I
7 looked at their bodies.

8 Q Okay. All right. So again, you couldn't
9 recognize anybody, their face, who they were, from those
10 pictures; could you?

11 A I would have to see the pictures again.

12 Q All right. At that time, you knew that Darius
13 Rhodes, Jaylan Fair and Tommy were in jail; right? You
14 knew they'd been arrested?

15 A Yes.

16 Q Okay. And yet, at that time, you still -- you
17 still didn't tell the truth, did you, about who these guys
18 were? You knew who they were and you didn't identify
19 them, even a year later when they were in jail; isn't that
20 right?

21 A Yeah.

22 Q And yet, you tell this jury that you were afraid
23 for your life that morning. Well, you certainly weren't
24 afraid for your life a year later when these guys were in
25 jail; were you?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A Still was.

2 Q Well, they're in jail now and you're telling the
3 truth now, what's the difference? Why aren't you afraid
4 now?

5 A I mean, I would want as much justice for Prince
6 as I can.

7 Q Well, didn't you want justice for Prince the day
8 of the murder?

9 A Yeah.

10 Q What about a year after the murder?

11 A It's the same, I still want justice for my
12 friend.

13 Q You didn't seem to be too concerned about
14 helping the cops on --

15 A Yes, I was helping.

16 Q But you weren't truthful about knowing who two
17 of these guys were; were you? I know it's difficult but
18 you didn't tell the truth; did you? Even a year later
19 when they were locked up in jail; isn't that true?

20 A Yeah.

21 MR. JOHNSON: Objection, Your Honor, that's a
22 misstatement, I believe.

23 THE COURT: Mr. Johnson, Mrs. Landsverk needs to
24 be the one objecting.

25 MR. JOHNSON: Sorry, Judge.

MALIK NORRIS-CROSS BY MR. PRINGLE

1 MRS. LANDSVERK: Your Honor, it's or contention
2 that that was misstating the truth, the facts of the
3 scenario.

4 THE COURT: Overruled. Cross, I'll allow it.

5 MR. PRINGLE: Thank you.

6 BY MR. PRINGLE:

7 Q How much money did you have on you the night of
8 the robbery?

9 A How much did I have?

10 Q Yeah.

11 A Around, I guess, nine, \$800.

12 Q Isn't it true that you had about \$900 in cash?

13 A Yes.

14 Q And how old were you at that time?

15 A Seventeen.

16 Q Okay. So again, the -- May of 2020, looking at
17 the photos with Investigator Hilton, you looked at those
18 photos but you never identified any of these guys,
19 certainly not Tommy Long; correct?

20 A Correct.

21 Q Okay. So, at some point after this killing,
22 this robbery, you said that you saw -- I believe you said
23 it was on the news. You saw mugshots on the news. There
24 were three mugshots you saw; correct?

25 A I mean, everybody -- it was five mugshots but, I

MALIK NORRIS-CROSS BY MR. PRINGLE

1 mean, three that were--

2 Q Excuse me, there were five mugshots but you saw
3 amongst those mugshots Darius Rhodes and Jaylan Fair;
4 didn't you?

5 A Yeah.

6 Q And Jevonda Dillard and Natasha Booker; right?

7 A Yeah.

8 Q Those were four of the five mugshots?

9 A Uh-huh.

10 Q Okay. And, of course, you knew Jevonda Dillard
11 and Natasha Booker by name; didn't you?

12 A Yes.

13 Q Of course. And now you've indicated that from
14 jump you knew who Darius Rhodes and Jaylan Fair were, at
15 least by recognition?

16 A Yes.

17 Q Okay. So you see five mugshots on television,
18 you see two guys that you knew were part of the robbery
19 that you recognized and you see the two girls that had
20 been there prior that you knew by name. And isn't it true
21 that you also saw a mugshot on there that turned out to be
22 Tommy's?

23 A Yes.

24 Q Okay. And so after you saw the picture of Tommy
25 with the four people that you knew were part of this, did

MALIK NORRIS-CROSS BY MR. PRINGLE

1 you come forward at that time?

2 A No.

3 Q No, you didn't, why not?

4 A I don't know.

5 Q Okay. So you weren't looking for justice for
6 your friend; were you?

7 A Yes, I was.

8 Q Would a best friend looking for justice do
9 anything he could to help the police find out who did
10 this?

11 A I haven't been through anything like this in my
12 life so this is to -- actually, new to me.

13 Q Okay. So we've got the incident, we've got the
14 statement that you gave the morning of and then the --
15 well, the review of the photos, I guess, about a year
16 later. Both great opportunities to tell the truth, yet
17 you didn't. And then now -- and I know you're aware,
18 certainly aware, of the third story of your third
19 statement, if you will, that was dated November 30th of
20 just last year. So about three and a half years after the
21 crime. You know about that statement; right?

22 A Yes.

23 Q Okay. And this is your statement; isn't it?

24 A Yes.

25 Q Now, you didn't write it out though; did you?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A No.

2 Q And that would have been Investigator Thomas of
3 the Greenville police; right?

4 A A woman wrote that.

5 Q Okay. A police officer that was working with
6 you; right?

7 A Uh-huh.

8 Q All right. And you would agree that these are
9 your words; right? These are not words that the police
10 made up? You signing off on it; right? These are your
11 words that she wrote?

12 A Yes.

13 Q Okay.

14 Once I saw the mugshots on the news of the
15 three guys that did this, I recognized who they were.

16 Is that your statement?

17 A Yes.

18 Q I knew Jaylan as Jevonda's boyfriend.

19 A Yes.

20 Q When him and Darius ran out after Karen.

21 So you identified Jaylan and Darius by name
22 in this statement; didn't you?

23 A Yes.

24 Q Those weren't names that were given to you by
25 the police; right?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A No.

2 Q Those were names that you knew?

3 A Yeah.

4 Q Okay. And then this was the first time that you
5 ever mentioned Tommy's Long name; isn't it?

6 A Yes.

7 Q Isn't that because you were given his name by
8 the police?

9 A No.

10 Q By the investigators?

11 A No.

12 Q Okay. But you didn't know Tommy Long prior to
13 the robbery; did you?

14 A No.

15 Q So in sum, the morning of no mention of Tommy
16 Long but you knew who the other two guys were and you
17 certainly knew who the two girls were?

18 A I mentioned the girls. I didn't mention the
19 boys.

20 Q Okay. A year later, you're meeting with the
21 investigator looking at pictures you got an opportunity
22 there, no mention of Tommy. But again, mentions of Jaylan
23 Fair and Darius Rhodes; correct?

24 A Yes, from the pictures.

25 Q You recognized them from the photos; didn't you?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 Didn't you say, That's Jaylan?

2 A Yes.

3 Q Okay. And then here we are three and a half
4 years later. And again, this wasn't you coming forward
5 and giving this statement; was it?

6 A Yes, that was me.

7 Q So they contacted you for this statement; right?

8 A No.

9 Q All right. So three and a half years later you
10 walked in there and said, I want to give a statement?

11 A Yes.

12 Q What made you do that three and a half years
13 later?

14 A Just like I said, for my friend, I wanted
15 justice for my friend.

16 Q And you been hearing all about Tommy's name?

17 A And also, I wanted to do what was right for my
18 friend and his family. That was--

19 Q I mean, you're good a guy; right? Why didn't
20 you want to do what was right the first couple of times,
21 like right after the crime or even a year later? You see
22 a problem with that?

23 A Yeah, I mean, I do, but.

24 Q That you were untruthful throughout and three
25 and a half years later you come to court--

MALIK NORRIS-CROSS BY MR. PRINGLE

1 MRS. LANDSVERK: Objection, Your Honor, he's
2 already asked this question several times.

3 THE COURT: Overruled.

4 BY MR. PRINGLE:

5 Q Three and a half years later you come forward
6 with this because you want justice; right?

7 A Yes.

8 Q What was the first thing you asked the police
9 when they took you outside of the crime scene?

10 A Say that again.

11 Q You remember when they -- when y'all were
12 outside, away from the crime scene, after the cops showed
13 up that night; right?

14 A Yeah.

15 Q All right. Do you remember the first thing you
16 asked the police?

17 A When they came in and they put us in handcuffs
18 and took us outside, I don't remember.

19 Q Okay. You were concerned about some of your
20 property; weren't you?

21 A I'm not -- kind of but not really.

22 Q You're friend had just been shot and killed;
23 right?

24 A Yeah.

25 Q You wanted justice for him you said?

MALIK NORRIS-CROSS BY MR. PRINGLE

1 A Yeah.

2 Q Despite the fact that you did nothing to try to
3 help with the investigation?

4 A I did try to help.

5 Q Isn't it true that you asked them if you could
6 go in and get your money?

7 A I said could get I my stuff. I don't remember
8 asking to get my money.

9 Q You didn't ask the police officer, Can I go in
10 and get my money? Can I get my money?

11 MRS. LANDSVERK: Objection, Your Honor.

12 THE COURT: What's the basis?

13 MRS. LANDSVERK: This is irrelevant.

14 MR. PRINGLE: It's completely relevant.

15 THE COURT: What's the relevance, Mr. Pringle?

16 MR. PRINGLE: First of all, goes to his state of
17 mind that he's up here trying to portray a completely
18 different mindset than what he even had at the time,
19 let along a year later and here we are three and a
20 half years--

21 THE COURT: State of mind is different. State
22 of mind is 803 issue, this is not a 803 issue.

23 MR. PRINGLE: Withdrawn.

24 THE COURT: All right, sustained.

25 MRS. LANDSVERK: Thank you, Your Honor.

MALIK NORRIS-CROSS BY MR. PRINGLE

1 BY MR. PRINGLE:

2 Q This last bit I just want to cover. You said
3 you were scared for your life; right?

4 A Yes.

5 Q All right. And yet a year later these guys are
6 in jail, you're still not truthful. Now, these guys are
7 still in jail, three and a half years later, going on four
8 now with this trial. And now you're interested in
9 justice?

10 A I've been interested in justice.

11 Q Okay. Do actions speak louder than words,
12 Mr. Norris?

13 A Yeah.

14 Q It's really convenient now to be pointing at
15 Tommy, isn't it, when you never did that throughout. You
16 were all over the other four defendants in this case.
17 Isn't it true that you were approached by investigators
18 and you knew about the problems in this case?

19 A Say that again.

20 Q Isn't it true that you know that they needed you
21 to make an ID; isn't that true?

22 A Yes.

23 Q You did know that. No case unless you make an
24 ID; right?

25 A No.

MALIK NORRIS-CROSS BY MR. PRINGLE

1 Q You knew that.

2 A I mean, I don't know, yeah.

3 Q Okay. All right. And so after you started to
4 believe that Tommy was part of this, you said that you
5 didn't want anybody to get away with this; isn't that
6 true?

7 A Say that again.

8 Q You said you don't want anybody to get away with
9 this, that's why you've come forward, magically, after
10 three and a half years; isn't that true?

11 A What was the first part you say, though?

12 Q Did you -- did you say that the reason you're
13 giving testimony is that you don't want anybody to get
14 away with this?

15 A Yes.

16 Q Okay. And so you'd do anything to help The
17 State in this case; wouldn't you? For your friend to get
18 justice?

19 A Yeah.

20 Q Okay. You'd even continue to lie like you've
21 lied throughout; wouldn't you?

22 A No, I was -- I'm not lying.

23 Q If somebody made you believe that Tommy was
24 involved, you'd said he was; wouldn't you?

25 A I saw him.

MALIK NORRIS-REDIRECT BY MRS. LANDSVERK

1 Q Why didn't -- but you never mentioned that, you
2 lied consistently. And now you conveniently say you saw
3 him. There were masks, then there weren't masks.

4 A They took their masks off, I saw him, I saw his
5 face. He was in my face, he talked to me. I don't have
6 nothing to lie about.

7 Q Okay. But you did. There's no getting around
8 that; right? And here we are and now we're supposed to
9 believe this later, after you've been pumped with all
10 kinds of information from other places, after you've
11 talked with The State multiple times, after you knew they
12 had trouble with their case, you knew you had to make an
13 ID and so that's why did; isn't that true?

14 A No, I made a ID because I seen his face.

15 Q You'd do anything for your friend, though;
16 right, to get justice?

17 A Yes.

18 MR. PRINGLE: Thank you.

19 THE COURT: All right, any redirect?

20 MRS. LANDSVERK: Yes, Your Honor.

21 REDIRECT EXAMINATION

22 BY MRS. LANDSVERK:

23 Q So isn't it true you had that gun because you
24 and Prince had a feeling something bad would happen?

25 A Undoubtedly, yes. That's why he give me his

MALIK NORRIS-REDIRECT BY MRS. LANDSVERK

1 gun.

2 Q Okay. Now, you saw Mr. Tommy Long without a
3 mask; right?

4 A Yes.

5 Q He was only feet away from you; right?

6 A Yes.

7 Q When you finally came forward to identify him,
8 it was the day that you thought we were going to trial; is
9 that right?

10 A Yes.

11 Q And you felt compelled to come forward with that
12 information?

13 A Yes.

14 Q Now, when he rushed the apartment, you did not
15 know his name; did you?

16 A No.

17 Q But later on, when did you learn his name?

18 A When I seen his mugshot on the news.

19 Q Do you have any reason to lie today?

20 A No.

21 Q Do you have any incentive to tell some random
22 person did this crime?

23 A No.

24 Q Who killed Prince?

25 A Him.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 MRS. LANDSVERK: Thank you.

2 THE COURT: Any recross?

3 All right, you may step down, thank you, sir.

4 All right, State call its next witness.

5 MR. JOHNSON: State calls Natasha Booker.

6 THE CLERK: Please come to the Bible, put your
7 left hand on the Bible, raise your right hand.

8 NATASHA BOOKER, after being duly

9 sworn{,}testified as follows:{F}

10 THE CLERK: Thank you, you may be seated. And
11 please state your full name for the record.

12 THE WITNESS: Natasha Booker.

13 DIRECT EXAMINATION

14 BY MR. JOHNSON:

15 Q Good morning, Ms. Booker. Ms. Booker, where are
16 you living right now?

17 A [Indiscernible].

18 THE COURT REPORTER: I'm sorry, I didn't get
19 that.

20 THE COURT: Lean into that mic a little bit,
21 Ms. Booker, you got to speak into it.

22 THE WITNESS: Currently at the Greenville County
23 Detention Center.

24 BY MR. JOHNSON:

25 Q You're at the detention center now?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 A (The witness nods.)

2 Q Okay. Did you plead guilty for your involvement
3 in this case?

4 A Yes, sir.

5 Q What did you plead guilty to?

6 A Accessory before the fact of attempted armed,
7 robbery and conspiracy to burglary first.

8 Q Accessory before the fact of a felony and
9 conspiracy?

10 A (The witness nods.)

11 Q And you're waiting to be sentenced?

12 A Yes.

13 Q And that charge carries zero to 20 years?

14 A Yes, sir.

15 Q Okay. All right, the night of May 10th, the
16 early morning hours of May 11, 2019; do you remember that
17 date?

18 A Yes, sir.

19 Q Were you with Tommy Long, Darius Rhodes and
20 Jaylan Fair that night?

21 A Yes.

22 Q Were you with them when they planned this
23 robbery?

24 A Yes.

25 Q All right. Let's walk through that night.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Where did you guys first hash this plan?

2 A At the Motel 6.

3 Q Okay. Are you from here in Greenville?

4 A .Yes.

5 Q How long have you lived in Greenville?

6 A My whole life.

7 Q Are you pretty familiar with the area?

8 A Yes.

9 Q I'm going to show you what's been premarked as
10 State's Exhibit 22, you recognize this?

11 A (There was no response.)

12 Q What is that?

13 A A map.

14 Q Map. What is it a map of?

15 A Waterside Apartments, Highland Square and the
16 Motel 6.

17 Q Okay. Is that a satellite image?

18 A Yes.

19 Q Is that fair and accurate?

20 A (The witness nods.)

21 Q Is that drawn to scale?

22 A You say what?

23 Q Is that drawn to scale? It's a satellite image;
24 correct?

25 A Yes.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 MR. JOHNSON: The State would like to introduce
2 State's Exhibit No. 22.

3 THE COURT: Any objection?

4 MR. PRINGLE: No.

5 THE COURT: State's Exhibit 22 is admitted into
6 evidence without.

7 (WHEREUPON, State's Exhibit No. 22 was marked
8 for identification and received into evidence.)

9 BY MR. JOHNSON:

10 Q You said y'all were at the Motel 6 right here?
11 Tell me if I'm wrong, that's where Pleasantburg and
12 Augusta cross over -85, right there up the highway?

13 A Yes.

14 Q Okay. All right. Tell us about how you guys
15 came to get that motel room.

16 A Me and Darius wanted a hotel room. And he went
17 in to get the room but he was under age so he called Jay.

18 Q Were you under age as well?

19 A Yes, sir.

20 Q How old were you?

21 A Seventeen.

22 Q You were 17 years old, okay. All right. So did
23 you, ultimately, get the motel room?

24 A (There was no verbal response.)

25 Q How did that work out? How did you come in

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 contact with Jaylan and Tommy to get that motel room like
2 you said?

3 A Darius contacted Jaylan.

4 Q Jaylan, okay. And walk us through that, what
5 happened next?

6 A I assumed that he didn't have any license, so
7 Tommy brought him and Jaylan got the room.

8 Q All right. Where did you meet them?

9 A At Motel 6.

10 Q In the lobby, in the parking lot?

11 A Parking lot.

12 Q All right. I'm going to show you what's been
13 premarked as State's Exhibit 23, 24 and 25. Well, first
14 State's Exhibit 23, what is that right there?

15 A Motel 6 surveillance.

16 Q How do you know that?

17 A Because I watched the video.

18 Q All right. And how do you know that that's the
19 one you watched?

20 A Because I initialed it.

21 Q And who did you watch that with?

22 A You and my lawyers.

23 Q Okay. I'm going to show you what's been
24 premarked as State's Exhibit 24, 25, 26, what is that?

25 A That's the parking lot at Motel 6.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q Are there screen shots to this video?

2 A Yes.

3 Q Are they a fair and accurate depictions of you
4 meeting with him at Motel 6?

5 A Yes, sir.

6 Q All right.

7 Your Honor, The State seeks to introduce
8 State's Exhibit No. 23, 24, 25 and 26.

9 THE COURT: All right, any objection?

10 MR. PRINGLE: None.

11 THE COURT: State's Exhibit 23, 24, 25 and 26
12 admitted into evidence without objection.

13 (WHEREUPON, State's Exhibits Nos. 23-26 were
14 marked for identification and received into
15 evidence.)

16 MR. JOHNSON: Your Honor, permission to publish
17 the surveillance footage?

18 THE COURT: You may.

19 (WHEREUPON, a video was published.)

20 BY MR. JOHNSON:

21 Q All right. What are we looking at right here?

22 A Us arriving at the Motel 6.

23 Q And that's the parking lot outside the Motel 6,
24 is that what you're saying?

25 A Yes, sir.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q So what were you discussing at the time?

2 Getting a room?

3 A Getting the room.

4 Q Who is that getting out of that vehicle going
5 inside Motel 6?

6 MR. PRINGLE: Objection.

7 THE WITNESS: Jaylan --

8 THE COURT: What's the basis?

9 MR. PRINGLE: There's no way anybody could ID
10 who that was that, Judge.

11 THE COURT: Lay a little bit foundation.

12 Sustained.

13 MR. JOHNSON: Your Honor, can I have the
14 overhead camera?

15 BY MR. JOHNSON:

16 Q All right. Who are in these two vehicles?

17 MR. PRINGLE: Objection. Same objection,
18 there's no way to tell.

19 THE COURT: Overrule that.

20 BY MR. JOHNSON:

21 Q All right. You were in one of these vehicles,
22 you said?

23 A Yes.

24 Q Who else was with you?

25 A Darius.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q Darius. And who was in the other car? Did you
2 speak with the people in the other car?

3 A I don't remember speaking with them but.

4 Q Okay. So you just told us that you couldn't get
5 the hotel room because you were under age?

6 A Yes.

7 Q Who got that hotel room for you?

8 A Jaylan.

9 Q Where did that conversation take place? Right
10 here in this parking lot?

11 A Darius spoke to him on the phone before he
12 arrived.

13 Q So were you guys speaking together with each
14 other right here?

15 A Yes, I guess.

16 Q All right. And you said earlier Jaylan wasn't
17 driving so who was driving?

18 A Tommy.

19 Q Tommy, okay. Who is in this car right here?

20 A Me and Darius.

21 Q Is that your Honda?

22 A Yes.

23 Q Who's in this car right here?

24 A Jaylan and Tommy.

25 Q And you said Tommy was driving?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 A (The witness nods.)

2 Q You said that was you?

3 A Yes.

4 Q That's? .

5 A Darius.

6 Q All right. So I'm going to ask you again, who's
7 that? That's the person you were just talking to; right?
8 In the vehicle?

9 A Jaylan.

10 Q Jaylan. Like you said, he was going in to get a
11 hotel room for you? It's not a trick question.

12 A Yes.

13 Q All right. So you go in the motel room, once
14 that's all settled out. Who's all in there?

15 A Me, Darius, Jaylan and Tommy.

16 Q Okay. Is that where they hatched the plan for
17 the robbery?

18 A Yes.

19 Q When did you all figure out about the money?
20 About the victim's money, explain that to us.

21 A When Darius told me to show the video.

22 Q The video of what?

23 A Prince.

24 Q Social media post of the money, is that what
25 you're saying?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

- 1 A (The witness nods.)
- 2 Q Did he post pictures of the cash? Explain what
- 3 you saw.
- 4 A I believe it was on Snapchat.
- 5 Q And what was it of?
- 6 A Him with money.
- 7 Q Okay. How much money? One or two bills, a
- 8 stack of cash?
- 9 A I don't know how much money it was.
- 10 Q But you knew he had cash and a lot of it?
- 11 A Yes.
- 12 Q So walk us through what the hotel room looked
- 13 like. Was it big, was it small, one bed?
- 14 A I believe it was one bed and in the corner is a
- 15 bathroom.
- 16 Q Okay. So it's a Motel 6 so I assume it's pretty
- 17 small? It's not a grand suite--
- 18 A It was medium size.
- 19 Q How many bedrooms was it?
- 20 A One.
- 21 Q One bedroom, okay. So who in -- in that motel
- 22 room is you, right?
- 23 A (The witness nods.)
- 24 Q And who are the three men again?
- 25 A Jaylan, Tommy and Darius.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q All right. Do you see Tommy in the courtroom
2 today?

3 A Yes.

4 Q Point him out for me. .

5 A (The witness indicates.)

6 Q Sitting right here at the defense table?

7 A Yes.

8 Q Pointing at The Defendant. All right. Walk us
9 through what the plan was for the robbery.

10 A The plan was for me to scope out the house and
11 figure out if there was any weapons and the money.

12 Q Okay. So you say scope out the house, what do
13 you mean by that?

14 A Just look around.

15 Q Put eyes on everything?

16 A (The witness nods.)

17 Q And why would you do that? So they would know
18 what they're walking in on, I'm guessing?

19 A Yeah, I was communicating with Darius.

20 Q On your phone?

21 A Yes.

22 Q Okay. What were you letting him know?

23 A That the money was there and that it was a
24 weapon.

25 Q Did you see the money?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

- 1 A Yes.
- 2 Q How did the money come out?
- 3 A He pulled it out. To show me that it was real.
- 4 Q Manipulate it all?
- 5 A Yes, I picked a bill out.
- 6 Q Why did you do that?
- 7 A Because he wanted to show me that it was real.
- 8 Q And was it real?
- 9 A Yes, sir.
- 10 Q You said you also were in there to figure out if
- 11 he had any guns, did you verify that?
- 12 A Yes, sir.
- 13 Q Who had that gun?
- 14 A Prince. And then he gave it to Malik when him
- 15 and Jevonda went outside.
- 16 Q Where did they go?
- 17 A I think it was -- I'm not sure.
- 18 Q But you stayed in the apartment?
- 19 A Yes, sir.
- 20 Q How long do you think they were outside for?
- 21 A Roughly, 10 minutes, 15 minutes.
- 22 Q Not too long? You stayed in with?
- 23 A Prince.
- 24 Q Prince, okay. So let me get this right. You
- 25 and Prince inside, Malik and Jevonda outside for 10

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 minutes?

2 A Yes, sir.

3 Q Okay. How long did y'all stay over there that
4 night?

5 A Maybe for a hour, maybe two hours.

6 Q Okay. All right. Let's backtrack a little bit,
7 I'm sorry. So you left Motel 6, it's you, Jaylan, Tommy
8 and Darius. When does Jevonda get in the picture?

9 A Me and Darius drove over there to Highlands.

10 Q Okay. And y'all went and picked up -- why did
11 you pick up Jevonda? Why did you bring her in the mix?

12 A Because I told Darius that I didn't want to go
13 by myself. And Jaylan insisted that I bring Jevonda with
14 me.

15 Q Okay. Back up. You didn't want to go by
16 yourself, is that what you said?

17 A Yes, yes, sir. I didn't want to go at all.

18 Q All right. So your plan -- or job was to go in,
19 put eyes on the scene, find the money and guns; right?

20 A (The witness nods.)

21 Q What was the other job of the other defendants?

22 A To stay there -- oh.

23 Q What about Tommy Long, Darius and Jaylan?

24 A Well, Darius said that they were going to rob
25 him?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q Okay. Did you know what their jobs were when
2 they broke in?

3 A No.

4 Q Okay. You just knew they were going to break
5 into the apartment?

6 A Yes.

7 Q Okay. Were you supposed to be there at the
8 time, were you supposed to leave or what was the plan?

9 A I was supposed to stay. But I left.

10 Q Stay until when?

11 A Until they come in.

12 Q Until the robbery?

13 A Yes.

14 Q Did you do that?

15 A No, I left.

16 Q Why?

17 A Because I was scared, I didn't want to stay.

18 Q Why were you scared?

19 A Because Darius forced me to set the robbery up.

20 Q Did you think it was going to go sideways, the
21 robbery?

22 A I knew that it was going to be a robbery, I
23 never knew that it was going to be a murder.

24 Q But you knew that they had guns?

25 A Yes.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q I'm assuming that's why you didn't want to be
2 there; right?

3 A I didn't want to be there at all.

4 Q Okay. I'm going to show you what's been
5 premarked as State's Exhibit 27, 28. This is backtracking
6 again but what is that?

7 A That's the hotel room.

8 Q So this is at Motel 6--

9 MR. PRINGLE: Objection, may we approach?

10 THE COURT: Yeah.

11 (WHEREUPON, an off-the-record bench conference
12 was held in the presence of the jury but out of
13 the hearing of the jury.)

14 BY MR. JOHNSON:

15 Q All right, backtracking again. So you guys
16 leaving the Motel 6, before you pick up Jevonda; right?

17 A Yes, sir.

18 Q And what time was that?

19 A The paper says 1:21.

20 Q What time do you remember it being? Was it
21 early in the morning?

22 A After midnight.

23 Q It was after midnight?

24 A Uh-huh.

25 Q Okay. And what are these photographs of you

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 said? Can you identify the people, rather?

2 A Me, Jaylan, Tommy and Darius.

3 Q Leaving the hotel room?

4 A (There was no verbal response.)

5 MR. JOHNSON: Your Honor, The State seeks to
6 admit 27 and 28 -- State's Exhibit 27 and 28 into
7 evidence.

8 THE COURT: All right, any objection?

9 MR. PRINGLE: Just the same one, Judge.

10 THE COURT: I think it's authenticated under
11 901. I'll note your objection but overrule.

12 MR. PRINGLE: Want to make sure that's on the
13 record, please.

14 MR. JOHNSON: Your Honor--

15 THE COURT: At the bench conference you objected
16 on foundation, you didn't say it on the record. But
17 your objection was foundation for her being able to
18 testify as to the time; is that correct?

19 MR. PRINGLE: Yes, Your Honor.

20 THE COURT: All right. I overrule your
21 objection.

22 MR. PRINGLE: Thank you.

23 MR. JOHNSON: Your Honor, just to be clear,
24 these are screen shots, as you said, of the Hotel
25 [verbatim] 6 surveillance footage, which is State's

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Exhibit 23; which is already admitted into evidence
2 without objection.

3 THE COURT: What numbers were those?

4 MR. JOHNSON: The footage is 23 is already in.
5 And these two photographs are 27 and 28.

6 THE COURT: All right, so State's Exhibit 27, 28
7 are admitted over objection.

8 MR. JOHNSON: Thank you, Your Honor.

9 (WHEREUPON, State's Exhibits Nos. 27 & 28 were
10 marked for identification and received into
11 evidence.)

12 MR. JOHNSON: Thank you, Your Honor.

13 BY MR. JOHNSON:

14 Q Is this the photograph that you were just shown
15 one of them?

16 A Yes, sir.

17 Q All right. Who is this?

18 A Tommy.

19 Q This is Tommy Long right here sitting at the
20 Defense table?

21 A Yes.

22 Q Who is this back here?

23 A Jaylan.

24 Q All right. Photograph right after it. Who's
25 that?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

- 1 A Jaylan.
- 2 Q Who is this with the blue wig?
- 3 A Me.
- 4 Q You had blue hair at the time?
- 5 A Yes.
- 6 Q Who is this in the back?
- 7 A Darius.
- 8 Q That's Darius back there? What are you holding
- 9 in your hand right there, can you see it?
- 10 A My jacket and my phone.
- 11 Q All right. I'm going to show you State's
- 12 Exhibit 25. Is that the same red jacket you were holding?
- 13 A Yes.
- 14 Q And is that Darius in the smiley face shirt?
- 15 A Yes.
- 16 Q Is that the same shirt we're looking at there;
- 17 right?
- 18 A Yes, sir.
- 19 Q All right. So you're leaving the motel to get
- 20 Jevonda; right?
- 21 A Yes, sir.
- 22 Q Then you leave Jevonda's house and go to the
- 23 victim's?
- 24 A Yes, sir.
- 25 Q And where was that at?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 A Waterside.

2 Q Waterside Greene. Where is Waterside Greene at;
3 do you remember?

4 A It's off of Woodruff Road.

5 Q All right. So you start here and then went and
6 picked up Jevonda; right? That's what your testimony is.
7 And you came up to Waterside Green up off Woodruff. Okay,
8 I'm going to show you what's been premarked as State's
9 Exhibit 33 and 34. First, I'm going to show you State's
10 Exhibit 34, what is that?

11 A QT surveillance.

12 Q How do you know that's the surveillance video
13 from the QT?

14 A Because I watched it and initialed it.

15 Q Oh sorry, that's the wrong exhibit.

16 Sorry, Your Honor, that was State's Exhibit
17 32 and 33.

18 What is this right here? State's Exhibit
19 32.

20 A Waterside Greene gate video.

21 Q What was Waterside Greene?

22 A The apartments where Prince was residing at.

23 Q The victim's apartment?

24 A Yes, sir.

25 Q The apartment he was murdered in?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 A Yes, sir.

2 Q And that's where you drove to after you left
3 Jevonda's?

4 A Yes, sir.

5 Q Okay. Also going to show you State's Exhibit
6 33, you recognize that?

7 A Yes, sir, that's my tag.

8 Q Is that your car?

9 A Yes, sir.

10 Q Where is that at?

11 A Waterside Greene Apartments.

12 Q Is that a screen shot from this video?

13 A Yes, sir.

14 Q And these are both fair and accurate depictions
15 of that night?

16 A Yes, sir.

17 MR. JOHNSON: All right. Your Honor, The State
18 seeks to introduce State's Exhibit 32 and 33 into
19 evidence.

20 THE COURT: All right, any objection?

21 MR. PRINGLE: Can I check it one more time?

22 MR. JOHNSON: Yes.

23 THE COURT: All right, you're moving just 32 and
24 33?

25 MR. JOHNSON: Yes, Your Honor.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 THE COURT: Okay, all right.

2 MR. JOHNSON: Sorry I skipped passed these,
3 Judge. I got ahead of myself. Thank you, sir.

4 THE COURT: Any objection?

5 MR. PRINGLE: None.

6 THE COURT: All right, State's Exhibits 32 and
7 33 are admitted into evidence without objection.

8 (WHEREUPON, State's Exhibits Nos. 32 & 33 were
9 marked for identification and received into
10 evidence.)

11 MR. JOHNSON: Thank you, Your Honor, permission
12 to publish?

13 THE COURT: Yeah.

14 (WHEREUPON, State's Exhibit No. 32 was
15 published.)

16 BY MR. JOHNSON:

17 Q All right. Confirm, as you said, State's
18 Exhibit 32, that video is you and Jevonda going to the
19 victim's apartment?

20 A Yes, sir.

21 Q Walk us through, is it like a gated community
22 apartment complex?

23 A Yes, sir.

24 Q So is that what we were looking at?

25 A Yes, sir.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q You said you recognized that as your vehicle and
2 your tag?

3 A Yes, sir.

4 Q All right. Back to where we left off. So you
5 went to the victim's apartment, hung out there for about
6 an hour or so and then you left. Where did you go when
7 you left?

8 A To the QTs [verbatim].

9 Q What QT did you go to?

10 A I'm not sure what road it's on. I think it's on
11 Laurens Road.

12 Q Is it the one right by the apartments?

13 A Yes, sir.

14 Q Looking at State's Exhibit 22, would it be the
15 one on Verdae goes to Laurens and Woodruff Road, at the
16 corner? I'm sorry, that's Roper Mountain Road and
17 Woodruff. That's the QT y'all were at?

18 A Yes, sir.

19 Q Why did y'all go to QT?

20 A I didn't want to be there while the robbery took
21 place.

22 Q Okay. I'm going to show you what's been
23 premarked as State's Exhibit 34, what is that?

24 A The QT surveillance.

25 Q Have you watched that?

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 A Yes.

2 Q What does it depict? Is it a video of you at
3 the QT?

4 A Yes, sir.

5 Q Okay. And that's a fair and accurate
6 representation of what happened that night?

7 A Yes, sir.

8 Q All right. I'm going to show you State's
9 Exhibit 35, 36 and 37. What are those?

10 A Me and Jevonda at the QTs.

11 Q Are these your photographs in that video?

12 A Yes, sir.

13 Q So those are also fair and accurate?

14 A Yes, sir.

15 MR. JOHNSON: Your Honor, The State seeks to
16 admit State's Exhibit 34, 35, 36 and 37 into
17 evidence.

18 THE COURT: All right, any objection?

19 MR. PRINGLE: No objection.

20 THE COURT: All right, State's Exhibits 34, 35,
21 36 and 37 are admitted into evidence without
22 objection.

23 (WHEREUPON, State's Exhibits Nos. 34-37 were
24 marked for identification and received into
25 evidence.)

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 MR. JOHNSON: Your Honor, permission of The
2 Court, I'd like to publish State's 34.

3 THE COURT: All right.

4 (WHEREUPON, State's Exhibit No. 34 was
5 published.)

6 BY MR. JOHNSON:

7 Q All right. Who's that walking in? Those two
8 girls?

9 A Me and Jevonda.

10 Q That's you in the blue hair?

11 A Yes.

12 Q That's Jevonda with the black shirt?

13 A Yes, sir.

14 Q Okay. While you were in there, did you have any
15 intention to go back to the Waterside Greene apartments
16 where the victim was?

17 A No, I did not.

18 Q What was your plan after this?

19 A To go back to the hotel room. I really didn't
20 know my plans.

21 Q Okay. You just knew you weren't going back to
22 the. . .

23 A I knew I wasn't going back. I told Prince and
24 Malik that we were coming back but after we left, I told
25 Jevonda we was not returning.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q Skipping to -- just speed things up a little
2 bit. Three a.m. 37 seconds, timestamp on the video.

3 Again, that's you two checking out?

4 A Yes, sir.

5 Q Okay. Buying drinks?

6 A Yes, sir.

7 Q Okay. Just to show these photographs for the
8 jury. This is you guys walking in; right?

9 A I believe so.

10 Q Checking out?

11 A Yes, sir.

12 Q And leaving?

13 A Leaving.

14 Q Tell us what you did next? Once you left QT.

15 A I got several calls from Darius.

16 Q All right. You're not allowed to say what he
17 said, what anybody said except for Mr. Long, but what did
18 you do after that? He called you and then what happened?

19 A I went to go pick him up.

20 Q Okay. Where did you pick him up at?

21 A Hotel room.

22 Q Which hotel room?

23 A I don't know the name of it.

24 Q Not Motel 6?

25 A Not Motel 6.

NATASHA BOOKER-DIRECT BY MR. JOHNSON

1 Q Just some, I guess, hotel close by the victim's
2 apartment?

3 A Yes, sir.

4 Q Do you know why he wasn't with the other
5 defendants?

6 A No.

7 Q Okay. All right. Just to recap, you were with
8 Tommy Long, Jaylan and Darius when they hatched the plan
9 for the robbery at Motel 6?

10 A At Motel 6, yes.

11 Q And you went over there to scope it out?

12 A Yes, sir.

13 Q To find out if there was gun and money?

14 A Yes, sir.

15 Q And you relayed that back to--

16 A To Darius.

17 Q With a telephone?

18 A Yes.

19 Q Okay. And you pled guilty to your involvement,
20 accessory before the fact and conspiracy?

21 A Yes, sir.

22 Q You're facing up to 20 years?

23 A Yes, sir.

24 Q Do you want to be here today?

25 A No, sir.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 Q Do you want to testify today?

2 A No, sir.

3 Q You feel like I let you off easy?

4 A No, sir.

5 Q Twenty years is a long time, do you agree to
6 that?

7 A Yes, sir.

8 MR. JOHNSON: I have no further questions,
9 please answer any questions Mr. Pringle has.

10 THE COURT: Cross.

11 CROSS-EXAMINATION

12 BY MR. PRINGLE:

13 Q Okay. Ms. Booker, isn't it true that you gave
14 three different statements to police prior to your--

15 A Yes.

16 Q -- story, your testimony today? Three different
17 times; right? The morning of the incident, you went to
18 the police department, you were in your Burger King
19 outfit; is that correct?

20 A No.

21 Q How were you dressed?

22 A That was Jevonda.

23 Q Oh, you were in Wal-Mart; was it?

24 A Yes.

25 Q Okay. Excuse me. And so you gave a statement

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 right after, basically, the morning of--

2 A Yes.

3 Q -- when this all happened. And then about a
4 month later, I think, was your mother maybe with you at
5 that one?

6 A When they picked me up?

7 Q Yeah. You had been arrested at that -- for that
8 and they brought you in, very short period. And then
9 finally, you were with attorney Davidia Mathis in December
10 of 2019; is that correct?

11 A Yes, sir.

12 Q So those are the three different statements that
13 you gave prior to today's proceedings?

14 A Yes, sir.

15 Q Obviously, you were in court and pled guilty and
16 told the story that day. But as far as out of court, you
17 gave three total statements?

18 A Yes, sir.

19 Q All right. Let's go over those a little bit.
20 The morning of, May 11 th, 2019. A little more than four
21 years ago. Obviously, you remember, you just testified
22 about what happened that night. So you were in there that
23 morning to give a statement to police?

24 A Yes, sir.

25 Q I mean, you knew what is was about; right? You

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 were being recorded. There were a couple of female
2 detectives talking to you at that time?

3 A Yes, sir.

4 Q Okay. At that time, did you tell them about
5 your relationship with Darius Rhodes?

6 A I don't think I did.

7 Q What was your relationship with Darius Rhodes?
8 At that time.

9 A We was in a relationship off and on.

10 Q You have a child in common?

11 A Yes, sir.

12 Q How old is the child?

13 A Five now.

14 Q Okay. Do you still have a relationship with
15 Darius Rhodes?

16 A No, I do not.

17 Q Okay. But, certainly, at the time of this whole
18 thing y'all were still together. You said -- your
19 testimony was that night you got a room together?

20 A Yes, sir.

21 Q Okay. For a romantic or chill-out session, as
22 it were. Now, that morning, you acted like you didn't
23 know what had happened; didn't you?

24 A Yes, sir.

25 Q And didn't you tell the police that Darius

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 Rhodes had been at home all night with your baby?

2 A Yes.

3 Q And you didn't have your cell phone with you at
4 the interview; did you?

5 A No.

6 Q And what did you tell the investigators about
7 why you didn't have your cell phone?

8 A He took it.

9 Q Okay. All right. And isn't it true that later
10 on you told a different story about why you didn't have
11 your cell phone?

12 A Hmm.

13 Q Did you tell the police at your first interview
14 that Darius took it from you because he was jealous and
15 suspicious of you?

16 A Yes.

17 Q He didn't trust you?

18 A Yes.

19 Q Okay. And later on, you were honest about why
20 you didn't, actually, have your cell phone; weren't you?

21 A Yes.

22 Q And why did Darius take your cell phone?

23 A Because he didn't want me to have it as
24 evidence.

25 Q As evidence?

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 A Yeah.

2 Q All right. And you knew you were involved as
3 well as a Darius; right? Obviously.

4 A Yes.

5 Q So you gave him your phone? You didn't have
6 your phone at that first interview?

7 A Yeah.

8 Q Okay. You told the investigators that you had
9 gone over there to chill out with Prince, the victim in
10 this case?

11 A Yes.

12 Q And that you had left because it wasn't right to
13 cheat on Darius?

14 A Yes.

15 Q Of course, now looking back, that was a lie;
16 wasn't it?

17 A Yes, the first story was a lie.

18 Q Yeah. And the fact that you acted like you
19 didn't know what had happened, that clear -- you were
20 lying, at that time?

21 A Yes.

22 Q And the fact that Darius Rhodes was home with
23 your baby, you lied?

24 A I lied.

25 Q Okay. And you said, at least, once, I'm telling

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 the truth about everything; didn't you?

2 A Yes.

3 Q You were adamant; weren't you? And you said
4 that this really hurt you because Prince was your friend.
5 Didn't you say that at the first interview?

6 A That's true.

7 Q Okay. Knowing that you had gone into the house
8 and set him up?

9 A Yes.

10 Q All right. So you completely pulled off a Oscar
11 performance in that first interview; didn't you? You lied
12 about everything except being there; didn't you?

13 A Forcefully.

14 Q And then the next month, June 4th, '19, you were
15 arrested and brought into the police department; do you
16 remember that?

17 A Yes.

18 Q And you knew you were facing potential murder
19 charges; didn't you? As well as others?

20 A I knew what it was about.

21 Q Right. And you know what the penalty for murder
22 is; don't you?

23 A Yes.

24 Q What?

25 A Life.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 Q Yeah, 30 to life; right? Okay. And you told
2 Mr. Johnson that you pled guilty to accessory and that you
3 are facing up to 20 years?

4 A Yes.

5 Q Okay. Were there any promises made to you by
6 anybody from The State about what your sentence will be?

7 A No.

8 Q Okay. So it could be, as far as you know, you
9 could get no time; isn't that true?

10 A No time or 20 years.

11 Q All the way up to 20; right? But not 30 to
12 life; right?

13 A No, sir.

14 Q Okay. So you knew all of that and you didn't
15 come clean at that statement; did you? You didn't tell
16 them anything truthful at that statement; did you?

17 A Which statement?

18 Q On June 4th of 2019, what I call your second.

19 A I asked for my lawyer.

20 Q Okay. And then about six months later you're
21 there with Davida Mathis, attorney?

22 A Yes.

23 Q Okay. And at that time you were intending to
24 give a statement?

25 A Yes.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 Q All right. And in that statement, you told
2 investigators that Darius Rhodes knew that you were
3 messing with Prince behind his back; didn't you?

4 A Yes.

5 Q How did Darius feel about that?

6 A He didn't like it.

7 Q How do you know that?

8 MR. JOHNSON: Objection, Your Honor, I don't see
9 the relevance here.

10 THE COURT: Basis?

11 MR. JOHNSON: Relevancy.

12 MR. PRINGLE: We can approach on that.

13 (WHEREUPON, an off-the-record bench conference
14 was held in the presence of the jury but out of
15 the hearing of the jury.)

16 MR. JOHNSON: I withdraw it, Judge.

17 THE COURT: All right, objection's withdrawn.

18 MR. PRINGLE: Thank you.

19 BY MR. PRINGLE:

20 Q So how did Darius act when he was upset about
21 something? How would you know?

22 A He was abusive.

23 Q I mean, yelling?

24 A Yes.

25 Q Aggressive? How do you describe his behavior?

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 A Prince called me one time while he was sleeping
2 and he woke me up, yelling.

3 Q Okay. And, of course, he didn't like it because
4 you were his baby's mother, his girlfriend?

5 A Yes.

6 Q All right. And you knew that; right? You knew
7 that he had a ax to grind with Prince?

8 A He had what?

9 Q He had a grudge against Prince?

10 A Yes.

11 Q Because of that?

12 A Yes.

13 Q Okay. So he definitely was no fan of Prince?

14 A No.

15 Q And, of course, Prince is the one who's ended up
16 shot and killed in this incident?

17 A Yes.

18 Q That Darius was there with a gun?

19 A Yes, sir.

20 Q Okay. And you knew that when you set Prince up,
21 you knew, didn't you, that Darius did not like him, knew
22 about that elicited relationship; you knew that, didn't you?

23 A That's why he made me set him up.

24 Q Okay. And so when you were in the motel room
25 and talking to Darius about the set up, you knew Darius

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 was already fired up at Prince; right? He already didn't
2 like this guy?

3 A Yes.

4 Q Okay. That was part of why he was agitated with
5 you when you say you hesitated to continue to discuss the
6 set up; right? He said, Oh, you're trying to protect him;
7 right? You're trying to protect Prince?

8 A Well, he held me at gun point.

9 Q And he said you're going to set this N word up;
10 right?

11 A Yes.

12 Q Okay. And, in fact, when you were in the
13 bathroom at the hotel with him, talking to Darius about
14 the set up, he showed you a gun; didn't he?

15 A Yes.

16 Q Okay. What kind of gun was it?

17 A I believe it was a 9 millimeter.

18 Q Was that his gun?

19 A Yes.

20 Q Okay. So he says, You're going to set that--

21 MR. JOHNSON: Objection, Your Honor, this is all
22 hearsay.

23 MR. PRINGLE: There's a number of exceptions, if
24 we need to approach.

25 THE COURT: Do.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 (WHEREUPON, an off-the-record bench conference
2 was held in the presence of the jury but out of
3 the hearing of the jury.)

4 THE COURT: All right, objection is sustained.

5 MR. JOHNSON: Thank you, Your Honor.

6 MR. PRINGLE: Thanks.

7 BY MR. PRINGLE:

8 Q All right. Okay. So, eventually, y'all took
9 off from the hotel to head ever to the -- to the site of
10 the robbery? To Prince's?

11 A Yes. We went to Highlands.

12 Q And you left the hotel about what time, again?

13 A 1:21, I think is what the screen shot said.

14 Q Yeah, roughly, 1:21. And do you remember what
15 time that you and Jevonda arrived at the gate?

16 A No, I don't remember what time.

17 Q Maybe about 30 minutes later?

18 A Somewhere around there. I don't really know
19 what time.

20 Q When you left the hotel, you went in two cars;
21 right? You and Jevonda and then the guys in the other
22 car?

23 A Yes.

24 Q Okay. And from that point, until you said you
25 picked up Darius after the robbery, did you see any of

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 those guys?

2 A No.

3 Q All right. So the last time you saw any of them
4 was around 12:30 when you left the hotel? Saw them, any
5 of them?

6 A 1:21.

7 Q Excuse me, 1:21?

8 A Yes.

9 Q That was the last time you saw any of them that
10 night? Until Darius Rhodes, your boyfriend, called you
11 later?

12 A Yes.

13 Q After the robbery, okay. All right. So you
14 personally have no idea who actually went into the
15 apartment other than Darius?

16 A I wasn't there when the robbery took place.

17 Q So you didn't see of any of it, you don't know
18 exactly what happened?

19 A I didn't see anything, all I know is what he
20 told me the next day.

21 Q Okay. What Darius Rhodes told you?

22 A Yes.

23 Q And Jaylan Fair or certainly Tommy, never told
24 you anything about this afterwards?

25 A No.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 Q Okay. So the only person that you saw was your
2 boyfriend, Darius?

3 A Yes.

4 Q And that's because he called you to come get
5 him?

6 A Yes.

7 Q And he was by himself you said, at a different
8 hotel?

9 A Yes.

10 Q And this was right after the robbery; right?

11 A Yes.

12 Q Okay. Because, in fact, I think, didn't y'all
13 say you were at QT kind of waiting for a call?

14 A I wasn't waiting on a call, I left. I didn't
15 want to be a part of the situation.

16 Q Okay. But you got a call at that time from
17 Darius?

18 A Yes.

19 Q And you were still with Jevonda at QT?

20 A Yes.

21 Q Okay. And that was right after the robbery,
22 obviously?

23 A Yes.

24 Q Okay. And when you got that call, what did you
25 do? You went and picked him up; right?

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 A Yes.

2 Q Okay. When you picked up the phone, did you
3 know that it was him calling you?

4 A Yes.

5 Q All right. And you knew that they had just
6 been -- well, you believed they had -- him and others had
7 gone to the apartment?

8 A Yes.

9 Q All right. So when you picked up the phone,
10 what did he say?

11 MR. JOHNSON: Objection, Your Honor. Same
12 objection.

13 MR. PRINGLE: Okay, let me. . .

14 BY MR. PRINGLE:

15 Q You recall -- you recall the way he acted on the
16 phone?

17 A Yes.

18 Q And how would you describe that? Was he
19 agitate, excited, pumped up?

20 A He was yelling at me, cussing me.

21 Q He was screaming; right?

22 A Yes.

23 Q Screamed like he was pumped up, agitated?

24 A Yes.

25 Q Maybe his blood was boiling a little bit, little

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 bit excited?

2 A Not excited.

3 Q Not in a positive way but would you say -- would
4 you have wanted to be right there in front of him at that
5 moment?

6 A No.

7 Q Why not?

8 A Because he sounded angry.

9 Q Okay. What did he tell you had happened?

10 MR. JOHNSON: Objection.

11 MR. PRINGLE: Approach.

12 (WHEREUPON, an off-the-record bench conference
13 was held in the presence of the jury but out of
14 the hearing of the jury.)

15 THE COURT: Objection overruled.

16 BY MR. PRINGLE:

17 Q Okay. So what did he say had happened?

18 A He said that -- he asked me why did I leave?

19 And he kept hanging up, calling back, cussing me. And
20 then, I think, he dropped the location for me to go pick
21 him up.

22 Q Dropped the location, what do you mean by that?

23 A Iphones you can drop a pin or drop your
24 location.

25 Q Like a GPS?

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 A Right.

2 Q Okay. So you could hone in on it, like, if you
3 didn't know where he was, you put it in your phone and
4 gives you the directions to go get him?

5 A Yeah, it shows exactly whether he at, where he
6 dropped his location.

7 Q Okay. Did you take Jevonda with you to go get
8 him?

9 A Yes.

10 Q All right. So you went straight over to go get
11 him; right?

12 A Yes. Sound like I didn't have a choice.

13 Q All right. And, you know, in that process when
14 you're on the phone and he's telling you -- isn't it true
15 he called you, you know, a lot of names. Stupid bitch --

16 A Yes.

17 Q -- what the F you doing, you know, this kind of
18 thing. He told you they got no money?

19 A Yes, I don't remember.

20 MR. JOHNSON: Objection, Your Honor, none of
21 this is in, he needs to lay a foundation.

22 MR. PRINGLE: We just went through this, this is
23 all part of the. . .

24 THE COURT: Yeah, I think it's 803, I'll still
25 allow it. I'll give you a little leeway on this.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 MR. PRINGLE: Thank you.

2 THE COURT: So overruled.

3 BY MR. PRINGLE:

4 Q Basically, while he was ticked off, pumped off,
5 agitate, excited, he told you what happened? You don't
6 know what happened but he told you some stuff; right?

7 A He was angry.

8 Q Okay. And did he say, We shot that N word. We
9 shot that N word.

10 Isn't that what you told the detectives in
11 this case?

12 A That's what I said in my statement.

13 Q Yeah.

14 A Yeah.

15 Q All right. And did he also tell you who did the
16 shooting?

17 A Yes.

18 Q Who?

19 A Jaylan.

20 Q Okay. Jaylan's nickname is?

21 A Ratio.

22 Q Ratio. So did he refer to him as Jaylan or
23 Ratio?

24 A Ratio.

25 Q And who is Ratio to Darius Rhodes?

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 A His brother.

2 Q All right. So he told you his brother shot
3 Prince?

4 A Yes.

5 Q Okay. After he said, We shot that N word, he
6 told you Jaylan was the shooter, his brother?

7 A Yes.

8 Q Okay. Okay. All right. And so in sum, just to
9 wrap this up. From the beginning in this case you were
10 untruthful?

11 A Yes.

12 Q Okay. You lied about everything except that you
13 were there that night?

14 A Yes.

15 Q And then come December of that year, with
16 attorney Davida Mathis, that's when you came clean?

17 A Yes. I was with my lawyer. The first time I
18 came, he dropped me off at the law enforcement center.
19 And told me not to say anything.

20 Q Who is he?

21 A Darius.

22 Q He dropped you off at the statement that
23 morning?

24 A Yes.

25 Q Okay. When you had told them he was at home

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 with the child and wasn't -- you hadn't seen him and
2 didn't know what was going on?

3 A Yes. They called him while I was in the
4 investigation room.

5 Q Right.

6 A And he said that he was at funeral or going to a
7 funeral.

8 Q All right. So, eventually, you came clean and
9 when you came clean, you told police that he had told you,
10 obviously, the robbery had gone wrong, very upset, we shot
11 that N word and that his brother, Jaylan, was the shooter?
12 Didn't he also tell you that they had taken a gun from the
13 apartment?

14 MR. JOHNSON: Objection, Your Honor. This is
15 talking about what the officer said, this is far
16 outside--

17 THE COURT: Sustained.

18 BY MR. PRINGLE:

19 Q Okay. All right. Now, let's get back to why
20 you're really here. You've pled guilty to accessory, as
21 we discussed. You knew you were facing murder, 30 to
22 life. You're looking at zero to 20; correct?

23 A Yes.

24 Q Okay. And you don't know what your sentence is?

25 A No, sir.

NATASHA BOOKER-CROSS BY MR. PRINGLE

1 Q Nobody has promised you anything?

2 A No, sir.

3 Q What do you expect?

4 A I really didn't know what to expect.

5 MR. JOHNSON: Objection.

6 THE COURT: Sustained.

7 BY MR. PRINGLE:

8 Q Why haven't you been sentenced?

9 A It's deferred.

10 Q Why was it deferred? I mean, normally, people
11 plead guilty and they get sentenced. How come you haven't
12 been sentenced?

13 A I guess waiting for the trial.

14 Q Waiting for -- okay, because you got to perform
15 here today, don't you? You're going to be sentenced after
16 this; right? And you know that?

17 A Yes.

18 Q Okay. So your sentence is going to depend on
19 your performance here today; right?

20 A Yes.

21 Q And you know that. So it all depends on what
22 story you sit up here and tell; doesn't it? And you've
23 been untruthful throughout?

24 A I'm telling the truth now.

25 Q Okay. You were telling the truth about what

NATASHA BOOKER-REDIRECT BY MR. JOHNSON

1 your boyfriend told you after the robbery then; right?

2 A Yes.

3 MR. JOHNSON: Objection, Your Honor, commenting
4 on other witnesses testimony.

5 THE COURT: Sustained.

6 BY MR. PRINGLE:

7 Q So you would never have gotten this deal unless
8 you're here right now; would you?

9 A A deal?

10 Q Zero to 20 instead of 30 to life. You would
11 have never got that unless you're sitting right here
12 telling your story; would you?

13 A Yes, sir.

14 Q Okay. So you don't want to be here, you got to
15 be here; right? If you're going to get the deal.

16 A I wasn't forced but yes.

17 MR. PRINGLE: All right, thank you. Nothing
18 further.

19 THE COURT: All right, redirect.

20 MR. JOHNSON: Yes, sir.

21 REDIRECT EXAMINATION

22 BY MR. JOHNSON:

23 Q When did you plead guilty to accessory? Was it
24 last week?

25 A July of 2021.

NATASHA BOOKER-REDIRECT BY MR. JOHNSON

1 Q 2021, two years ago?

2 A Yes.

3 Q Okay. So way before this trial?

4 A Yes.

5 Q All right. And you didn't plead guilty to
6 murder; right?

7 A No, sir.

8 Q Did you murder the victim?

9 A No, sir. I wasn't even there when the robbery
10 and the murder took place.

11 Q You were at the QT; right?

12 A Yes, sir.

13 Q Is that why you didn't plead to murder?

14 A Yes.

15 Q What did you say you pled to?

16 A Accessory before the fact.

17 Q Which means you helped set it up?

18 A Before.

19 Q Okay. So you pled for what you did?

20 A Forcefully, yes.

21 Q And you're facing 20 years?

22 A Yes.

23 Q Okay. And you initially lied to the police;
24 right?

25 A Yes.

NATASHA BOOKER-REDIRECT BY MR. JOHNSON

1 Q Why did you do that?

2 A Because Darius told me to.

3 Q Okay. You didn't want to get caught; did you?

4 A No, sir.

5 Q Did you want to be arrested?

6 A No, sir.

7 Q Did you want to be sitting in orange today?

8 A No, sir.

9 Q Do you want to be facing 20 years in jail?

10 A No, sir.

11 Q Okay. So you didn't want to get caught by the
12 police?

13 A No, sir.

14 Q That's why you lied, I assume?

15 A I lied because I didn't want to get caught and I
16 lied because I didn't want to get abused. Or better yet
17 killed.

18 Q All right. You feel like you got yourself in
19 this mess or the three males got you into this mess?

20 A I feel like--

21 Q Or both?

22 A I was forced into the situation by Darius.

23 Q Do you resent Darius, Jaylan and Tommy for
24 getting you in this situation?

25 A Yes.

NATASHA BOOKER-REDIRECT BY MR. JOHNSON

1 Q Would you lie for them?

2 A No.

3 Q Are you telling the truth today?

4 A Yes.

5 MR. JOHNSON: Okay, no further questions.

6 THE COURT: Any recross?

7 MR. PRINGLE: None.

8 THE COURT: All right, you may step down.

9 All right, ladies and gentlemen, we're going to
10 take our morning break here. Please don't discuss
11 the case, we'll take about a 15 minute break or so.

12 MR. JOHNSON: Judge, approach make sure and
13 verify what's in evidence, make sure I didn't miss
14 anything.

15 (WHEREUPON, the jury left open court at
16 approximately 11:09 a.m.)

17 (WHEREUPON, a short break was taken.)

18 THE COURT: All right. Anything we need to take
19 up before we bring them back in?

20 MR. JOHNSON: Just want to clarify our hearsay
21 objection. Through testimony it came out,
22 specifically speaking about Jaylan claiming that he's
23 the shooter to Darius. I believe the evidence
24 indicates that that conversation happened in the car,
25 not on the telephone. I think that moves it outside

1 the presence sense impression exemption. I just
2 wanted to clarify that.

3 THE COURT: I think it's 803(2) more than a
4 presence sense impression. Presence sense impression
5 is that you are -- it's got to be a statement that
6 you are observing something -- is statements made
7 to -- the declarant makes to somebody that he's
8 observing a situation and he or she is describing
9 that situation.

10 MR. JOHNSON: Yes, sir.

11 THE COURT: That he observed. 803(2) is a
12 different, as y'all already know, is excited
13 utterance. And that requires just that it be the
14 excitement under the gun. And, I think, Mr. Pringle
15 laid a foundation that he was excited, he was yelling
16 and doing all that when he made the statement to her.
17 And, I think, that falls under 803(2), excited
18 utterance.

19 MR. JOHNSON: My understanding was the
20 excitement was on the telephone call. And then the
21 discussion of the shooter happened later, after, in
22 the car driving. So my argument would be that
23 excited utterance -- that's the argument for the
24 phone call right after, when he's running from the
25 apartment. But then when he cools off and they get

1 in the car and they leave and then he talks about the
2 shooting and who shot. That cooling off period gets
3 out of --

4 THE COURT: Mr. Pringle.

5 MR. PRINGLE: I think that her testimony, and I
6 think, just my understanding of the facts, is that
7 the entire conversation she had with him was this
8 agitated, pumped up, you know, where she was afraid
9 of him.

10 THE COURT: And, Mr. Johnson, things, what I
11 recall, again--

12 MR. JOHNSON: Okay, I understand.

13 THE COURT: I still, under 803(2), if you look
14 at the case law in 803(2), it gives you some latitude
15 on the excitement time. You're right, there is a
16 cooling off period, then 803(2) doesn't necessarily
17 apply. I think, an example, like I say, this
18 situation like here that maybe they had to go to the
19 hospital or something. And by time they got to the
20 hospital, they're sitting around and then he tells
21 her, we got him, we shot him and all. Then I think
22 you're right. I think there's been a cooling off
23 period at that point. I don't think 803(2) applies
24 in that situation. However, in this situation, what
25 I recall her testimony was, based on his questions,

1 that he was excited, that he was raising Cain at her
2 and as he's raising Cain at her, he makes the
3 statement that something along the fact that we got
4 him or we shot him and Jaylan is the one that shot
5 him. And so I think -- I believe, based on the
6 testimony that I heard, that he was still in that
7 excited mode and I think that does qualify under
8 803(2).

9 MR. JOHNSON: Yes, sir, Your Honor.

10 THE COURT: I don't think there was a cooling
11 off period based on the testimony.

12 MR. JOHNSON: Understand, yes, sir.

13 MR. PRINGLE: On that point, we're going to have
14 a similar issue, I believe, with the next witness.
15 Same statement, she was present.

16 THE COURT: Well, I'll hear it. The fall in,
17 you got, you know, under 803(2), you got to lay a
18 foundation for that.

19 MR. JOHNSON: Your Honor, if we may, at this
20 time, proffer. Judge, if there's a chance it keeps
21 out, stays out, I just want the jury to hear more
22 testimony something that may be inadmissible. If
23 Your Honor wants to just do it live with the -- in
24 front of the jury.

25 THE COURT: Yeah, we can do it live. And I'll

1 let you lay the foundation. And then, at that point,
2 maybe just let me know, you know turn to me and look
3 at me and we're at -- and you laid a foundation for
4 it, then turn to me or look at me and I'll be on the
5 lookout for it. And if that's the point where you're
6 going to ask a question and if I need to take it up,
7 then I'll take it up with y'all at the bench or
8 excuse the jury.

9 MR. JOHNSON: Yes, Your Honor.

10 THE COURT: So I'll listen to it and see if it
11 qualifies under 803(2). And then I'll let you know.

12 MR. PRINGLE: Or some other. . .

13 THE COURT: Or other, whatever, yeah.

14 MR. JOHNSON: Yes, sir.

15 THE COURT: It's not a 803(3), presence sense
16 impression. This last testimony is not. It's not a
17 803--

18 MR. PRINGLE: I was going to ask The Court about
19 that afterwards. About whether or not that would
20 have applied. Because, I guess, if it doesn't, maybe
21 The Court could set out why that would--

22 THE COURT: I mean, now it can be. It's got to
23 be -- 803(3), presence sense impression is, A
24 statement made by a declarant while he or she is
25 observing something. And the statement has to be

1 about that statement. It cannot be about something
2 in the past. So as an example, a declarant is making
3 a statement to a witness who testifies that I'm here
4 doing something, this is what's going on, this is
5 what's happening and I'm observing what's going on.
6 Now, it can, at times, the facts that are laid out
7 here, can possibly fall under 803(3) as the presence
8 sense impression. But you clearly, in my opinion,
9 based on the testimony that I heard, is that you had
10 the 803(2), the excited utterance.

11 MR. PRINGLE: No doubt.

12 THE COURT: I mean, excited utterance doesn't
13 have to be proceeding the event that's going on. The
14 excited utterance testimony is broader. And the only
15 qualification and foundation for 803(2) is that it's
16 excited, you lay the foundation it's exciting. And
17 whatever that witness says based on that, it doesn't
18 have to be proceeding an event. Whereas, presence
19 sense impression, you have to be proceeding an event
20 for it to fall into that exception.

21 MR. PRINGLE: When it says or immediately after
22 the declarant proceeded. We're looking at it much
23 closer nexus in time, is that what you're saying?

24 THE COURT: Yeah, both 803(2) and 803(3), both
25 involve time issues. Both involve time issues. And

1 so excited utterance is a little bit of a narrow
2 timeframe but both of them still do involve time
3 issue. Where you can't make a statement an hour
4 later on either one of them.

5 MR. PRINGLE: Right.

6 THE COURT: Unless -- now there is a case out
7 there that was made about an hour later, but the
8 declarant had been taken to the hospital. He had
9 been shot or injured or something. So he was being
10 treated medically, at the time, and then made a
11 statement once he came out after his medical
12 condition or whatever they were doing. But that's a
13 rarity. It's really -- it's got to be fairly close
14 in time both under presence sense impression and
15 excited assurance. Again, I do believe based on the
16 testimony there, that it did fall under 803(2) as an
17 excited utterance. He was excited, she testified to
18 that. And he made that statement.

19 MR. JOHNSON: Appreciate it, Judge.

20 And to clarify, when we had the bench
21 conference, Exhibits 1 through 21 were placed in
22 yesterday with Mr. Watkins, The Court Reporter. And
23 April Herron here with us today and the rest of the
24 week. But looks like Mr. Watkins did not
25 introduce -- or did not sign over the exhibits to the

1 clerk or court for her to sign for them. I don't
2 think that's going to be an issue, Judge. I don't
3 think there's any issue with The Defense or any
4 objection. I just want to clarify for the record
5 that's something we recognized and that provides no
6 issue.

7 THE COURT: All right.

8 MR. PRINGLE: I agree.

9 THE COURT: Okay. All right, let me correct to,
10 I've been saying 803(3), 803(2) is excited utterance.
11 803(1) is presence sense impression. 803(3) is state
12 of mind. 803(1) is what I mean. When I've been
13 referring to 803(3), I mean, 803(1).

14 MR. PRINGLE: And now that you mention it,
15 803(3), A statement of the declarant that exist a
16 state of mind, such as motive, intent or plan or
17 emotional, sensory or physical condition such as
18 mental feeling pain or bodily health.

19 I made the argument that I thought that might
20 also apply.

21 THE COURT: Well, I don't think 803(3) applies.
22 That's in a situation where you got describing a
23 condition of the declarant makes a -- you know, I'm
24 hurt or I'm feeling dizzy or I'm lightheaded or my
25 leg hurts or something like that. That's where

1 803(3) -- the state of mind on some other issues. I
2 don't think the testimony in this case, though, is a
3 803(3). It's 803 --

4 MR. PRINGLE: I mean, with regard to what we
5 just went over?

6 THE COURT: That's correct.

7 MR. PRINGLE: Okay.

8 THE COURT: It's an 803(2), I don't think it's
9 803(1), which is presence sense impression, I don't
10 think it 803(3), which is--

11 MR. PRINGLE: Right. Under that circumstance,
12 it clearly doesn't meet the foundation for excited.

13 THE COURT: That's right.

14 MR. PRINGLE: Thank you.

15 MR. JOHNSON: Thank you, Judge.

16 THE COURT: All right, bring them on in.

17 (WHEREUPON, the jury entered open court at
18 approximately 11:51 a.m.)

19 THE COURT: All right, ladies and gentlemen, I
20 like to keep y'all in the loop. Sorry we're a few
21 minutes late, we were handling some issues that I had
22 to take up. And a lot of times what I'll do is
23 handle them at a time like this and that way we can
24 get it done and don't interrupt y'all and have to
25 send y'all out again. So we try to be as efficient

1 as possible. But sometimes you may be sitting back
2 there a little bit longer than I told you you would
3 be. But we were working the whole time and got some
4 things taken care of. So this way, we can kind of
5 move through and I don't have to send you back out
6 again. So my apologies.

7 The State call its next witness.

8 MRS. LANDSVERK: Thank you, Your Honor. So The
9 State would like to call Jevonda Dillard to the
10 stand.

11 THE CLERK: Please pause at the Bible, place
12 your left hand on the Bible, raise your right hand.

13 JEVONDA DILLARD, after being duly
14 sworn{,}testified as follows:{F}

15 THE CLERK: Thank you, you may be seated.
16 Please state your full name for the record.

17 THE WITNESS: Jevonda Dillard.

18 DIRECT EXAMINATION

19 BY MRS. LANDSVERK:

20 Q Hi, good morning.

21 A Good morning.

22 Q How old are you?

23 A Twenty-one.

24 Q And how old were you when this happened?

25 A Seventeen.

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 Q Okay. Do you know Prince, the victim, in this
2 case?

3 A I do.

4 Q How do you know him?

5 A I went to school with him.

6 Q Okay. And how long do you think you've known
7 him?

8 A Probably like two years, a year or two.

9 Q Before this happened?

10 A (The witness nods.)

11 Q Okay. Did you know Natasha Booker, in this
12 case?

13 A I did.

14 Q What was your relationship to her?

15 A We were friends.

16 Q How long were y'all friends before this
17 happened?

18 A Like two years. Like two or three years.

19 Q Okay. And what about Malik Norris?

20 A I know him.

21 Q How do you know Malik?

22 A We use to date, yes.

23 THE COURT REPORTER: Ma'am, can you speak up a
24 little bit, please.

25 THE WITNESS: We use to date.

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 BY MRS. LANDSVERK:

2 Q Okay. Yeah, if you don't mind speaking into the
3 microphone so everybody can hear.

4 A Okay.

5 Q If you can't hear me, let me know. Okay. Now,
6 you were charged, in this case, were you not?

7 A I was.

8 Q What were you charge with?

9 A Accessory after the fact.

10 Q Okay. And have you pled guilty to that charge?

11 A I haven't.

12 Q Have you been promised anything in exchange for
13 your testimony today?

14 A I haven't.

15 Q Okay. So in May of 2019, where were you living?

16 A Highlands Apartment.

17 Q Okay. And who were you living with?

18 A Akima, a girl named Akima.

19 Q Okay. Now, tell us how you got involved with
20 this case on May 11, 2019.

21 A I was supposed to be chilling with my homegirl.

22 Q Who's your homegirl?

23 A Tasha. Natasha Booker.

24 Q Okay. She goes by Tasha?

25 A Yeah.

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 Q How did that come about?

2 A She had called me and told me that she wanted to
3 chill with some people. And told me it was Prince and his
4 brother.

5 And I was like, Who's his brother?

6 And she was like, You know his brother,
7 Malik.

8 Q Okay. Now, are Prince and Malik actual
9 brothers? Or just really good friends or you're not sure?

10 A I don't know how that work. I thought they was
11 brothers for real, for real, but I don't know how that
12 work. They might be like play brothers or something.

13 Q Okay. And did you know that night when Natasha
14 called you, what was going to happen?

15 A I did not.

16 Q What was the reason you were going to go hang
17 out with them?

18 A So just go chill. Like, normally we chill with
19 people, like, just be, like, homegirl. She had -- she had
20 another dude with her. She had another dude with her so I
21 came with her.

22 Q Okay. What time did Natasha pick you up that
23 night?

24 A Probably one o'clock, 1:30.

25 Q Okay. And where did she take you?

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 A To Prince's apartment.

2 Q And where did he live? Do you remember?

3 A I don't know the name of but --

4 Q Is it Waterside Greene Apartments?

5 A Yes, that it.

6 Q Okay. And was that in Greenville County?

7 A Yes, in Greenville.

8 Q Okay. Okay. So what happened when you got
9 there?

10 A Well, she kept calling him to ask him what was
11 the code to the gate. And once he gives the code, we went
12 the wrong way like two times. And then once we finally
13 got to the place, we walked in and there was three people
14 standing outside. Then we went inside and was chilling
15 from then.

16 Q So who all was inside his apartment?

17 A The three dudes, Malik and Prince. That I seen.

18 Q And what did y'all talk about when you got in
19 there?

20 A We was talking about this ant movie at first.
21 He was talking about some weird ant movie and I kept
22 asking him what it was. And then I kept trying to give
23 people my drink. I had to get everybody to take a shot.
24 But nobody wanted to take one. And then Tasha had asked
25 him about something and then he was like, with his money,

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 he was like, it's -- she was like, it's fake. And he was
2 like, no it's not fake, pick one out and see. So I pick
3 one up and seen and was, like, oh, it's not fake. He was
4 like, no, it's not. Then he took it back.

5 Q So where did he pull the money out of?

6 A From beside him.

7 Q Okay. Was it -- where was it beside him?

8 A Like he was like in a little recliner chair, so
9 like the side.

10 Q Inside the chair?

11 A Like right beside, him on the seat.

12 Q Okay. Could you tell that he had a lot of
13 money?

14 A When he picked it up, yeah.

15 Q Did you touch it?

16 A Yeah. He made me pull out one of the ones out
17 of the whole stack. Like, I just randomly pulled one out.

18 Q Did you know, at that point, that you and
19 Natasha were in there trying to found out if it was real
20 money?

21 A Not me. Once I picked it up, I seen that it was
22 real but I didn't know if that was, like, the purpose.

23 Q Right. So you didn't realize that Natasha was
24 going to go over there for that purpose?

25 A No.

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 Q She didn't tell you anything beforehand?

2 A No, ma'am.

3 Q Okay. Okay. So what else happened that night
4 after you talked about the money?

5 A I asked Malik if he wanted to go play
6 basketball.

7 He was like, yeah, we can go play
8 basketball.

9 And then me and him went outside to go play
10 basketball but when he went back inside, while I was
11 standing outside, to go get a gun. And then he came back
12 outside and then we was walking around, me passing the
13 basketball. So I was dribbling the ball and we was
14 walking around trying to find the basketball court. But
15 we couldn't find it.

16 And then he was like, you want something
17 from the store?

18 I was like, Okay, I'll see if Tasha let me
19 drive her car to go to the store.

20 And he was like, okay.

21 So we walked back to like -- well we walked
22 back to his house -- like outside for two minutes. Then
23 we came back inside and I asked her if she would let me
24 use her car to go to the store.

25 And she was like, no.

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 So I was like, okay.

2 And she was like, we'll go ourselves.

3 So I told them -- we told them that we
4 would be back. So we left and then went to the QT down
5 the street and got some stuff from the store.

6 Q I'm going to back you up when you and Malik went
7 out to go play basketball. You mentioned a gun, can you
8 tell me about that?

9 A When he went back inside to get the gun?

10 Q Yeah.

11 A What you mean?

12 Q Well, why did he go back to get a gun?

13 A I don't know, I never seen him with a gun before
14 that. Threw me off too.

15 Q Did you ask him about it?

16 A Yeah, the whole time because he walking around
17 big ole basketball shorts on looking like, kind of horny,
18 wit [verbatim] it like that. We play like that growing up
19 so it was nothing like intimidating.

20 Q But it wasn't normal for him--

21 A No, no.

22 Q Now, how long were you gone when you and Malik
23 were walking around trying to find a basketball court?

24 A Like two minutes. We didn't even know where it
25 was at. The way that Prince had described where it was at

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 and we didn't know where the apartment complex was, I
2 don't think we would have found it any way.

3 Q Okay. It was the middle of the night, too?

4 A Yeah, it was dark outside.

5 Q Okay.

6 A I mean, they got lights around the basketball
7 court. I hope, but.

8 Q Okay. Well, were you aware that Tommy, Jaylan
9 and Darius were outside in the parking lot for you and
10 Natasha?

11 A I was not.

12 Q Okay. Okay. So you said that you walk back in
13 and had a conversation with Natasha about going to the QT,
14 did you end up going to the QT?

15 A We did.

16 Q Okay. Did you buy anything there?

17 A Yeah, we -- I didn't think we did but we went
18 inside, I guess, I got stuff. I was supposed to get Malik
19 a Grandma cookie and something to drink and supposed to
20 get ourselves something too, but.

21 Q Okay. So after Tommy, Jaylan and Darius left
22 Prince's after the murder, did you see them at all?

23 A Tasha end up picking up Darius. He was the only
24 person I seen. As far as like when we left QT. Because
25 he had called her. He was like -- can I cuss? He was

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 like, Bitch come get me. He kept calling her, Bitch hurry
2 up, come get me, like right now.

3 Q So you were in the car with her when she picked
4 up Darius then?

5 A (The witness nods.)

6 Q Okay. And where did you go from there?

7 A She dropped me off at Highlands.

8 Q Highlands, where you use to live?

9 A Uh-huh.

10 Q Okay. And did you see Jaylan after that point
11 at all?

12 A After she had dropped me off, I went inside the
13 apartment and he called me and he's like, come outside. I
14 came outside and he made me sit on the curb and he started
15 talking to me.

16 Q Okay. We can't talk about what he said to you.
17 But we can talk about what your relationship was with him.

18 A I use to date him.

19 Q Okay. Were you dating at the time?

20 A It was kind of. Because we had got into a
21 argument the same day. So it was more so, like, we were
22 but we wasn't, you know. We was on the outskirts.

23 Q Okay. Kind of a off-and-on relationship with
24 him?

25 A Uh-huh.

JEVONDA DILLARD-DIRECT BY MRS. LANDSVERK

1 Q How long were y'all in a relationship?

2 A Like three months.

3 Q Okay. Did you know anything about what was
4 going to transpire that night?

5 A I did not.

6 Q Through them or anybody else?

7 A I did not.

8 Q Okay. Did you ever speak to the police?

9 A I did.

10 Q Okay. And when you spoke to them, did you tell
11 them the truth the first time?

12 A I didn't.

13 Q And why not?

14 A Because Ratio said he was going to kill me.

15 Q Did you end up telling the police the truth
16 later of what happened?

17 A I did.

18 Q Okay. Did everything you just told the jury
19 today was that the truth?

20 A Yes, ma'am.

21 Q Of what happened. Okay. And when you saw
22 Jaylan back at The Highlands afterwards, was Tommy with
23 him?

24 A He was.

25 MRS. LANDSVERK: Okay. Thank you, please answer

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 any questions Mr. Pringle may have.

2 THE COURT: All right, cross.

3 CROSS-EXAMINATION

4 BY MR. PRINGLE:

5 Q Okay. On the night that y'all went over to
6 Prince's, you spent most of your time with Malik Norris?

7 A I did.

8 Q And again, you had some type of -- had had a
9 relationship with him prior?

10 A I did.

11 Q And you said he had a gun?

12 A He did.

13 Q Okay. Was that his gun?

14 A I think it was the one that Prince had.

15 Q Okay. You saw the gun? You saw what kind of
16 gun it was?

17 A It was silver. I just know it was silver. I
18 don't know guns like that but.

19 Q Okay. Was that it?

20 A Uh-huh.

21 Q Okay.

22 All right, let the record reflect that she
23 ID that gun, I guess, please.

24 Now, the prosecutor asked you about that
25 statement that you gave, you gave two statements prior to

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 today; right, to police?

2 A I did.

3 Q One would have been just after the robbery?

4 A The morning of.

5 Q The morning of. And that's when you were with
6 Greenville Police. I think you were still in your Burger
7 King outfit; right?

8 A They picked me up from work.

9 Q Right. And so it was that morning and it was
10 right after all of this; right?

11 A Uh-huh.

12 Q And as you said, initially, you denied any kind
13 of knowledge about anything that had happen; right?

14 A Uh-huh.

15 Q In fact, you said -- well, you admitted that you
16 had been on the phone a lot with Ratio. That -- during
17 the robbery; correct?

18 A No.

19 Q Had you been talking to him? Did you talk to
20 him at all or text?

21 A I did not. I didn't even have my phone, he had
22 my phone because I broke his.

23 Q So when you were at Prince's you didn't have
24 your phone?

25 A I did not.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

- 1 Q All right. But Natasha had a phone?
- 2 A She did.
- 3 Q All right. And she was the one making the calls
4 and text, primarily?
- 5 A Yes.
- 6 Q To Darius?
- 7 A Well, she was talking to Prince. I don't know
8 if she was texting Darius or not but before we got there
9 she was talking to Prince.
- 10 Q Okay. You had not seen or met with any of these
11 folks until Natasha came and picked you up at your place
12 that night? Before you went to Prince's?
- 13 A I seen Tasha, yeah. Tasha came and picked me up
14 from Highlands Apartments.
- 15 Q And you didn't see any of the guys involved,
16 Jaylan Fair, your boyfriend, Ratio; Darius Rhodes,
17 certainly not Tommy?
- 18 A Not that I recall.
- 19 Q You didn't see anybody prior to the robbery?
- 20 A I did not.
- 21 Q You and Natasha?
- 22 A Just me and Tasha.
- 23 Q She says we're going over there?
- 24 A (The witness nods.)
- 25 Q Of course, you knew going over there what they

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 were planning on doing; right?

2 A I did not.

3 Q When did you first discover what they were
4 .planning on?

5 A I didn't discover it until after the fact, after
6 it had happened when she picked up Darius from the
7 [indiscernible] he was like [indiscernible] she picked up
8 Darius.

9 Q Okay. And what was that last part, I didn't
10 hear your answer.

11 A When Darius had got inside the car, he was
12 staying stuff--

13 MRS. LANDSVERK: Objection, Your Honor, hearsay.

14 THE COURT: Sustained.

15 BY MR. PRINGLE:

16 Q Okay, let's back up. So you saw Darius Rhodes
17 after the robbery?

18 A I did.

19 Q Okay. And that was immediately after?

20 A Probably like after we left QT.

21 Q Right. Y'all got a phone call from Darius, as
22 you said?

23 A Darius called Tasha and was like, Bitch come get
24 me.

25 Q Did you hear that?

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 A Yeah. Because she had it on speaker phone. And
2 he was like, Bitch come get me. Because he was mad.

3 Q Okay. He was mad. And we heard testimony that
4 he was pretty ticked off, pissed off, for lack of a better
5 word. Calling her names, saying it all went wrong, angry?

6 A He was mad.

7 Q Yeah. And when you picked him up, did he
8 continue to call her names and was he still--

9 MRS. LANDSVERK: Objection, Your Honor. That's
10 a conversation between Darius and Tasha, she wouldn't
11 be privy to.

12 THE COURT: Lay the foundation. I didn't hear
13 that he was there but lay the foundation that she was
14 present.

15 BY MR. PRINGLE:

16 Q All right. You've already stated that you and
17 Natasha got the call -- or she got the call at QT and
18 y'all went to get Darius Rhodes?

19 A And she picked Darius up, yeah.

20 Q Right. And he was on speaker phone, you heard
21 his conversation?

22 A He was like, Bitch, come get me like right now.
23 All I heard was like, Bitch, come get me right now. Bitch
24 come get me right now.

25 Q And then --

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 A And she went and picked him up.

2 Q Did she hang up the phone with him then?

3 A She was like, Where you at, this and that.

4 Asking him where he was at, stuff like that.

5 Q Okay. And you guys went and got him and he said
6 his GPS location; right?

7 A I don't know if said the location.

8 Q I forget the term she used but, basically, she
9 was able to pinpoint where he was and y'all drove there
10 and picked him up.

11 A I don't know if he said the location or what.

12 Q Okay. Do you remember when he got in the car?

13 A Uh-huh.

14 Q Were you afraid?

15 A I mean, a little bit because he sat behind me.
16 He was just like this the whole time, sitting like this
17 behind me like that, like looking real mad. So I was
18 like, I'm not going to talk to him but.

19 Q And he was angry?

20 A He was.

21 Q Okay. And you had heard him say, you know, come
22 get me bitch but you didn't hear him on phone say anything
23 else?

24 A No. When he called her he was like, Bitch come
25 get me now.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 And she was like, Where you at?

2 And then he said he sent the location, so,
3 I guess, that's what happened.

4 Q Okay. And when he got in the car, did you ask
5 him anything?

6 A I don't talk to Darius.

7 Q You don't?

8 A (The witness shook her head.)

9 Q Okay. Were you present when -- well, we'll get
10 back to that. Evidently, you picked up Darius around 3:11
11 in the morning; is that correct?

12 A I didn't pick him up. I guess Tasha did. I
13 don't know what time we left.

14 Q You were in the car, though, you road along;
15 right?

16 A Yes.

17 Q So you picked Darius up around 3:11 in the
18 morning and then they took you and dropped you off at your
19 house?

20 A In Highlands, yes.

21 Q Okay. And your boyfriend, Ratio, Jaylan Fair,
22 wasn't in the car?

23 A He was not.

24 Q He wasn't with Darius?

25 A He was not.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 Q Okay. And did you end up seeing him later that
2 night?

3 A Ratio?

4 Q Yeah.

5 A Yeah.

6 Q When was that?

7 A After I had got to the apartment I had been
8 inside and everything and then he called me and he was
9 like, come outside.

10 Q Okay. He said come outside?

11 A (The witness nods.)

12 Q Now, you knew at this point he had been--

13 A At that point Darius had kind of. . .

14 Q You knew he had been part of the robbery?

15 A Darius was like, everybody, he was like, we
16 fucked up, you know what I'm saying? Things like that.

17 Q All right. And so you knew that Jaylan Fair,
18 Ratio, had been a part of that?

19 A I know they be together so I put two and two
20 together.

21 Q Right. Well, and then, Ratio called you
22 outside; right?

23 A Uh-huh.

24 Q And were you afraid of him?

25 A Uh-huh.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 Q Why were you afraid of him?

2 A Because we had just got in a fight the same day
3 so he was like -- we was fighting, we was like fist
4 fighting. He was fighting with me, all kind of stuff so I
5 really wun't [verbatim] trying to be around him for real.
6 And then when I went outside, he had me sit on the curb.
7 And he had Tom Tom stand right here and he sat on the curb
8 beside me. So Tom Tom's standing in front of me, I'm
9 sitting right here and Ratio's sitting right here. And
10 he's just looking at me.

11 Q Ratio was look at you?

12 A No, Tom Tom.

13 Q Okay. And was Ratio, how was Ratio acting? I
14 mean, was he -- did he act like he was calm?

15 A It was more of like irritable kind of thing.

16 Q He was agitated?

17 A Yeah.

18 Q Ticked off?

19 A A little bit.

20 Q Kind of like Darius?

21 A He wasn't that mad but he was like -- he was
22 kind of like, I don't want to have to do you like this but
23 do like this type thing.

24 Q Do you like this?

25 A Uh-huh.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 Q What does that mean?

2 A I don't want to have to kill you but I'll kill
3 you if I had to.

4 Q What made you think he'd want to kill you?

5 A He said he would. He said if I said anything he
6 would kill me.

7 Q Okay. So this is right after the robbery?

8 A He said -- he said--

9 MRS. LANDSVERK: Objection, Your Honor, hearsay.

10 THE COURT: Sustained.

11 MR. PRINGLE: Can she finish what she was saying
12 before I asked that?

13 THE COURT: You asked the question of what
14 somebody told her and it's not an exception,
15 sustained.

16 BY MR. PRINGLE:

17 Q Okay. I think I asked you, why were you scared?

18 A Because he said he was going to kill me.

19 Q And why did you think he would kill you?

20 A Because he said he would. And we got in a fight
21 the same day and he was literally strangling me. Like, I
22 had choke marks all on my neck the same day, all my nails
23 were broken from fighting him.

24 Q All right. And so when you came -- when you
25 came out to see him on the curb after the robbery, you

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 were scared of him at that time?

2 A Uh-huh.

3 Q Because of what had happened earlier?

4 A The fight and stuff, yeah.

5 Q And then you said he was also acting pretty
6 agitated and pissed off at that time?

7 A Pacing.

8 Q Yeah, kind of pumped up?

9 A Uh-huh.

10 Q Not how he would normally act; right?

11 A I mean, he would get rowdy sometimes but it was
12 just different at times. Because I never fought him like
13 that before that day so.

14 Q Uh-huh. And he would, you know, he was not
15 happy about how things had gone; was he?

16 A I'm guessing not.

17 Q Well, you know him probably better than anybody;
18 right--

19 MRS. LANDSVERK: Objection, Your Honor,
20 speculation.

21 THE COURT: Sustained.

22 BY MR. PRINGLE:

23 Q You had a relationship with him, a very close
24 one, intimate; right?

25 A Uh-huh.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 Q So you know him pretty well, you know how he
2 acts; right?

3 A Occasionally.

4 Q Are you, at that time, are you saying that --
5 you said he was pissed off, excited--

6 MRS. LANDSVERK: Objection, Your Honor, asked
7 and answered.

8 THE COURT: I'll give you a little leeway, you
9 have gone over that.

10 BY MR. PRINGLE:

11 Q But he acted like -- he's been that way before
12 with you, so you know?

13 A We never just like got it into before that day.

14 Q Okay. All right. But he threatened to kill
15 you?

16 A He did.

17 Q All right. And when he threatened to kill you,
18 what did you -- why did you believe that he was
19 threatening you?

20 A I don't know, honestly. I don't know
21 threatening to kill me but later on that night when we
22 laid down, he slept with like the gun beside him and slept
23 with his arm around me real tight, like real close.

24 Q Right. Did you tell him that your life was in
25 his hands?

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 MRS. LANDSVERK: Objection, Your Honor.

2 MR. PRINGLE: I'm asking her what she said.

3 THE COURT: You're asking what she said?

4 MR. PRINGLE: Yeah.

5 THE COURT: What she told him, I overrule.

6 MR. PRINGLE: Thank you.

7 BY MR. PRINGLE:

8 Q Did you -- did you tell him that your life was
9 in his hands?

10 A I didn't.

11 Q You didn't?

12 A Why would my life be in his hands?

13 Q So that first statement when you lied to police
14 the morning of, that was after Jaylan threatened to kill
15 you?

16 A We was still staying together at Highlands, I
17 hadn't left yet.

18 Q Okay. So that's why you lied because you were
19 afraid?

20 A Uh-huh.

21 Q So you were afraid he would kill you because you
22 may tell what you knew?

23 A Uh-huh.

24 Q All right. What did you know?

25 A After they had told me everything that had

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 happened.

2 Q And what could you have told the police that you
3 didn't?

4 A Well, the first time I could have told them what
5 happened for real but I was scared because I still stayed
6 with him. So it's like, if I tell them what happened and
7 he not at the apartment or he around the apartment
8 somewhere and he know I told, then I come back to the
9 apartment, he waiting on me, then I'm going to be dead.
10 So just like.

11 Q All right. So as you sit here today, you
12 clearly didn't tell what you knew because you were afraid
13 your boyfriend would kill you?

14 A Yes.

15 Q Because he told you that?

16 A Yes.

17 Q And you've already said you had no idea this
18 robbery was going to happen.

19 A I did not.

20 Q Until after?

21 A I didn't know until after.

22 Q Okay. Did you know that Prince had been killed?

23 A Yes.

24 Q How did you know?

25 A When they was standing outside the car, he was

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 like, I shot him. And Tasha was like, who. And--

2 MRS. LANDSVERK: Objection, Your Honor.

3 THE COURT: Sustained.

4 BY MR. PRINGLE:

5 Q So you get -- all right, let's go back. So you
6 actually, heard Darius say that?

7 A He said he shot.

8 Q Okay --

9 A -- shot him.

10 Q --at the time he said that, was he agitated, was
11 he upset, excited?

12 A He was mad.

13 Q Okay. And screaming, yelling?

14 A He wasn't screaming. He was just like, like
15 this whole time, looking mad. And like in his zone.

16 Q Okay. Did you ask your boyfriend if he had shot
17 Prince?

18 A Huh-uh.

19 Q No? Why not?

20 A Wasn't on my mind to ask him that. He told me
21 he did but.

22 Q You believe a guy got killed, you believe your
23 boyfriend was the shooter and you didn't ask him?

24 A I mean, if he come back with a gun in my face,
25 then I don't think he doing anything.

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 Q Okay. All right. So you know, as you sit here
2 today, you were in that apartment before the robbery, and
3 you knew all about what had happen afterwards?

4 A Uh-huh.

5 Q And so you got charged with--

6 A Not all about it but I knew a couple things.

7 Q But afterwards, I mean, you knew Prince was
8 dead, that the robbery had gone wrong. And you knew that
9 Jaylan Fair, your boyfriend, Ratio and Darius Rhodes had
10 been there; correct?

11 A Uh-huh.

12 Q And, of course, you knew that you and Natasha
13 had been there prior, and you're saying that Tasha was the
14 one that, basically, help set this up?

15 A Uh-huh.

16 Q All right. But you learned all that afterwards?

17 A Uh-huh.

18 Q Then you weren't truthful, again. That's how
19 you ended up being charged?

20 A The first time?

21 Q Right.

22 A Uh-huh. I didn't even know he had money.

23 Q What's that?

24 A I didn't even know he had any money.

25 Q But you found out when you were at the

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 apartment; right?

2 A Yeah, yeah.

3 Q You agree that you showed up at Prince's
4 apartment around 1:21 a.m?

5 A No, it had to be 1:30, 1:40, something like
6 that, going on 2:00.

7 Q Okay. And you picked up Darius Rhodes at about
8 3:11--

9 A I really don't know what time we left. I didn't
10 have my phone.

11 Q If I told you it was 3:11, does that sound like
12 maybe right?

13 A Sound like.

14 Q So maybe a solid hour and half from the time
15 y'all went to the apartment to the time you picked up
16 Darius Rhodes after the robbery?

17 A Yeah, I think we stayed there a good hour.

18 Q Okay. And when y'all went -- when you got in
19 the car with Natasha to go to Prince's before the robbery,
20 from that point until you picked up Darius Rhodes, did you
21 see any of these guys?

22 A Not that I recall.

23 Q So from the time that you showed up at Prince's,
24 the first guy you saw was Darius Rhodes when he called
25 your friend and said, you bitch, whatever, come get me?

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 A You said when we left the QT?

2 Q Yeah. That's the first time you saw anybody
3 that was supposed to be involved?

4 A Darius was the first person I saw.

5 Q Darius said all this stuff and whatnot. And
6 then they go drop you off?

7 A And then --

8 Q And then Ratio called you out?

9 A --yeah. And --

10 Q Then that's when you have the incident with
11 Ratio?

12 A Uh-huh.

13 Q And even though you believed him to be the
14 shoo -- you never asked him?

15 A He -- well, he told me.

16 MRS. LANDSVERK: Objection, Your Honor.

17 THE COURT: What's your basis?

18 MRS. LANDSVERK: Hearsay.

19 THE COURT: Sustained.

20 MRS. LANDSVERK: Your Honor, may we approach?

21 THE COURT: Yeah.

22 (WHEREUPON, an off-the-record bench conference
23 was held in the presence of the jury but out of
24 the hearing of the jury.)
25

JEVONDA DILLARD-CROSS BY MR. PRINGLE

1 BY MR. PRINGLE:

2 Q Okay, just about done, thank you. And again,
3 you mentioned earlier, you told this jury that you have
4 been charged with accessory after the fact?

5 A I have.

6 Q But you've not pled guilty to that?

7 A I have not.

8 Q Why not?

9 A I don't know, I honestly was scared. So I
10 really couldn't tell nobody unless I went -- so I feel
11 like I want to -- I feel like if I wasn't staying with
12 him, it would have been a different story but we were
13 still staying together. So it was like going back to the
14 same person.

15 Q Why are you testifying today?

16 A Victim, somebody -- I don't know, to get him
17 jail, I don't know.

18 Q I mean, have you talked with people from The
19 State about what you could get in return for testifying
20 today?

21 A I have not.

22 Q But you've said that you were charged and
23 haven't pled guilty?

24 A Uh-huh.

25 Q And nobody's told you anything about what might

JEVONDA DILLARD-REDIRECT BY MRS. LANDSVERK

1 happen to that charge with your cooperation?

2 A They have not.

3 Q Okay.

4 MR. PRINGLE: I don't have anything further,
5 thank you.

6 THE COURT: All right, redirect?

7 MRS. LANDSVERK: Yes, briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MRS. LANDSVERK:

10 Q So you stated that Darius and Jaylan were both
11 there, you knew they were both there. Was Tom Tom
12 there -- also there at the time of the robbery?

13 MR. PRINGLE: Objection. She's already
14 established she couldn't tell --

15 THE COURT: I'm sorry?

16 MR. PRINGLE: She couldn't tell after the time
17 that her and Natasha headed over to Prince's, she had
18 no contact with anybody, no knowledge until Darius--

19 THE COURT: Don't testify. What's -- what's
20 your objection? What is the objection?

21 MR. PRINGLE: She's asking the witness if Tommy
22 was there. And she's already testified there's no
23 way she could answer that question or know the answer
24 to that because she had no knowledge of anything to
25 do with this.

JEVONDA DILLARD-RECROSS BY MR. PRINGLE

1 THE COURT: Okay, don't testify.

2 All right, it's sustained. Lay a foundation.

3 MRS. LANDSVERK: Your Honor, I don't believe she
4 has testified to that. He's putting words in her
5 mouth.

6 THE COURT: All right. I'm going to sustain the
7 objection. Just rephrase your question.

8 MRS. LANDSVERK: Okay.

9 BY MRS. LANDSVERK:

10 Q So you told Mr. Pringle that you knew who was
11 there and who came back to your apartment after everything
12 happened. So who came back to the apartment after
13 everything happened?

14 A Ratio and Tom Tom.

15 MRS. LANDSVERK: Okay, thank you.

16 THE COURT: All right, any recross?

17 RECROSS-EXAMINATION

18 BY MR. PRINGLE:

19 Q That was around 3:11 a.m. or after that?

20 A After I got dropped off.

21 Q Okay. So if you picked up Darius around 3:11,
22 it was clearly after that; right?

23 A Uh-huh.

24 Q Okay. And so the first time you saw Jaylan
25 Fair, Ratio, or as you said Tommy?

JEVONDA DILLARD-RECROSS BY MR. PRINGLE

1 A It wasn't too much longer after I got dropped
2 off.

3 Q So maybe about 3:30?

4 A I guess.

5 Q All right. And this whole thing started about
6 two hours or more before then; right? When y'all went to
7 Prince's?

8 A About like 1:30.

9 Q Okay. So, although, you say Tommy was there to
10 drop off Ratio outside your place, you don't know where he
11 was before that; do you? That's the first time you saw
12 him at all that night? Tommy? Was when he came to drop
13 Ratio off; isn't that true?

14 A Yeah.

15 Q So you don't know where he was? You don't know
16 when he picked him up, how he got with him? You know he
17 drop him off at your house; isn't that true? That's the
18 only thing you can possibly know?

19 A Uh-huh.

20 MR. PRINGLE: Thank you.

21 THE COURT: Any redirect?

22 MRS. LANDSVERK: No, Your Honor.

23 THE COURT: All right, you may step down, thank
24 you.

25 All right, ladies and gentlemen, I think it's a

1 good time to take our lunch break. So let's be back
2 to start at two o'clock. So please don't discuss the
3 case, I hope you all have a good lunch. We'll see
4 you back at two o'clock.

5 (WHEREUPON, the jury left open court at
6 approximately 12:28 p.m.)

7 THE COURT: All right, anything to take up
8 before we adjourn?

9 MR. JOHNSON: Nothing from The State, Your
10 Honor.

11 THE COURT: Anything from The Defense?

12 MR. PRINGLE: No, Your Honor.

13 THE COURT: All right, we'll be in recess until
14 two o'clock for lunch.

15 (WHEREUPON, a lunch break was taken.)

16 THE COURT: All right, anything to take up
17 before we bring the jury in?

18 MR. JOHNSON: Nothing from The State.

19 THE COURT: Anything from The Defense?

20 MR. PRINGLE: No, Your Honor.

21 THE COURT: All right, bring them in.

22 (WHEREUPON, the jury entered open court at
23 approximately 2:07 p.m.)

24 THE COURT: All right, hope everybody had a good
25 lunch. We are ready to continue on.

1 State call the next witness.

2 MRS. LANDSVERK: Thank you, Your Honor, the
3 state calls Darius Rhodes.

4 THE CLERK: Please pause at the bench. Put your
5 left hand on Bible, raise your right hand.

6 DARIUS RHODES, after being duly
7 sworn{,}testified as follows:{F}

8 THE CLERK: Please be seated. State your full
9 name for the record.

10 THE WITNESS: Darius Latonya Rhodes.

11 DIRECT EXAMINATION

12 BY MRS. LANDSVERK:

13 Q Hey, Mr. Rhodes, how old are you?

14 A Twenty-two.

15 Q Where are you currently housed?

16 A Green pod Greenville County.

17 Q I'm sorry?

18 A You said, where am I housed?

19 Q Uh-huh.

20 A Greenville County green pod.

21 Q Okay. And, Mr. Rhodes, you were charged with
22 several charges related to the murder of Prince; right?

23 A Yes, ma'am.

24 Q And how did you plead to those charges?

25 A Guilty.

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 Q That means that you stood in front of the Judge
2 and participated in a guilty plea; correct?

3 A Yes, ma'am.

4 Q Okay. Now, what did you plead guilty to, what
5 charges? Do you remember?

6 A Voluntary manslaughter, armed robbery, assault
7 and battery first, kidnapping and burglary first.

8 Q And did you tell The Court your side of the
9 story or what happened on that day?

10 A Did I?

11 Q Yes.

12 A Yes.

13 Q Okay. And were you sentenced?

14 A Deferred, no, I wasn't.

15 Q Okay. And what does deferred mean?

16 A I guess until after everybody plead guilty.

17 Q Okay. Now, you have elected to cooperate with
18 The State in this case; correct?

19 A Correct.

20 Q And you're here testifying, hoping to get some
21 consideration when you're sentenced; right?

22 A Correct.

23 Q Now, you understand that voluntary manslaughter
24 carries up to 30 years?

25 A Correct.

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 Q And do you know what burglary in the first
2 degree carries?

3 A Not necessarily, no.

4 Q Okay. Would it sound familiar, 15 to life?

5 A Correct.

6 Q Okay. And assault and battery in the first
7 degree carries up to 10 years; right?

8 A Correct.

9 Q And attempted armed robbery carries up to 20
10 years; right?

11 A Correct.

12 Q And kidnapping carries up to 30 years; correct?

13 A Correct.

14 Q Okay. And even in light of all that, you have
15 still agreed to cooperate and testify for The State?

16 A Correct.

17 Q Okay. Okay. Mr. Rhodes, let's talk about what
18 happened the night of Prince's murder. Did you know
19 Prince before that night?

20 A Not necessarily. I seen him before.

21 Q Okay. Where had you seen him?

22 A A football game.

23 Q Okay. How long before the murder did you see
24 him at the football game?

25 A Probably like a year.

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 Q Okay. Did y'all go to the same high school?

2 A No.

3 Q What high school did you go to?

4 A Eastside.

5 Q And who was with you the night of the robbery?

6 A Jaylan Fair, Tommy Long, Tasha Booker and

7 Jevonda Dillard.

8 Q Okay. And who is Jaylan Fair to you?

9 A My brother.

10 Q And who was he dating, at the time?

11 A Jevonda.

12 Q Who were you dating, at the time?

13 A Natasha.

14 Q And where were you living at the time this
15 happened?

16 A Arcadia Hills.

17 Q You were living with Natasha Booker?

18 A Sometimes, on and off.

19 Q Okay. And what about Tommy Long, did you know
20 Tommy before this incident?

21 A Yes.

22 Q Okay. How long before this incident had you
23 known him?

24 A Nine years.

25 Q Okay. So tell me a little bit about that, what

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 was your relationship with him?

2 A Kosher.

3 Q Okay.

4 A As we just use to hangout, shoot basketball or
5 whatever.

6 Q Okay. Is it hard for you to be here to testify
7 against him today?

8 A Correct.

9 Q Do you see Tommy Long in the courtroom?

10 A Yes, ma'am.

11 Q Can you please tell me where you see him?

12 A On my right, at the table.

13 Q Okay. Does Tommy Long have a nickname?

14 A Tom Tom.

15 Q So let's get straight to May 11th, 2019. Can
16 you tell us how this started? Where did y'all meet up
17 before you went to Prince's apartment?

18 A I called Jaylan to get a hotel for me. At the
19 time, I was 18 so I couldn't get the room myself. When I
20 call him, he come get the room for me, him and Tom Tom
21 come.

22 Q Now, you wanted the room, who did you want the
23 room with?

24 A Natasha.

25 Q Okay. So Jaylan got the room at Motel 6?

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 A Correct.

2 Q Did everybody meet there?

3 A Everybody but Jevonda.

4 Q Okay. All right. I'm showing you State's
5 Exhibit 27 and 28, you recognize those photos?

6 A Yes, ma'am.

7 Q Okay. Just one second, let me get this thing
8 turned on here. Okay. Do you know what this is a photo
9 of?

10 A The hotel room.

11 Q Okay. Is that Motel 6 on May 11, 2019?

12 A Yes, ma'am.

13 Q Okay. Can you identify who the person in the
14 black is here?

15 A Tom Tom.

16 Q Okay. Who's in red?

17 A Jaylan.

18 Q Okay. Okay. Now, can you tell me, again, who's
19 in the red?

20 A Jaylan?

21 Q What about the blue hair?

22 A Natasha, me.

23 Q Okay. So you're at the back?

24 A Correct.

25 Q What were you wearing?

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 A All black.

2 Q Okay. You have a smiley face on your shirt?

3 A Yes, ma'am.

4 Q Okay. Okay. So what happened at Motel 6?

5 A At the Motel 6 we got a room, went in the room.

6 We was, I say, talking or whatever, smoking. And Tasha
7 came across the picture of Prince.

8 Q What was the picture of Prince?

9 A He had some money.

10 Q Okay. How much money?

11 A Just a stack of money, I can't put no price on
12 it.

13 Q Okay. And what did y'all talk about?

14 A Well, when they got looking at the picture or
15 whatever, my brother wanted to -- he wanted to rob him or
16 whatever, so--

17 Q When you say your brother, you mean Jaylan?

18 A Jaylan, correct.

19 Q Okay.

20 A He wanted to rob him or whatever. So Tasha went
21 to school with him or whatever so she hit him up. He sent
22 the address. And my brother came up with the plan that we
23 was going to rob him and how we was going to do it.

24 Q Okay. What was that plan?

25 A Natasha was going go to the apartment and find

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 out who apartment it was and find out where the money at.

2 Q Okay. And when you were at -- what was Tom Tom
3 supposed to do in all this? What was his job?

4 A Really, just to plan it and the gun, really.

5 Q What was your job?

6 A To get the money. Find the money.

7 Q Okay. Then what was Jaylan's job?

8 A The same position, point the gun at him.

9 Q Okay.

10 A Really, just make sure he don't move.

11 Q Okay. Did everybody have guns?

12 A They had guns.

13 Q Did you have a gun?

14 A Not at the apartment, no.

15 Q Okay. Did you have a gun before that?

16 A Yes.

17 Q Okay. What did you do with it?

18 A I gave it to them.

19 Q Okay. So were you communicating with Natasha
20 that night?

21 A Yes.

22 Q When she was with Prince at the apartment?

23 A Correct.

24 Q Okay. Can you tell me what was going on while
25 she was communicating with you? Where were you?

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 A We was at some building behind the apartment
2 complex, whatever by a fence.

3 Q Were you sitting in the car?

4 A We got out the car.

5 Q Okay.

6 A We was really behind the apartments in the
7 woods, behind the apartments.

8 Q Were you in a parking lot?

9 A Yeah.

10 Q Okay. And what information did you receive from
11 Natasha?

12 A That he had the money.

13 Q Okay. Was there anything else about the money?

14 A It was supposed to be behind the couch or
15 something in a bag or something.

16 Q Okay. And did you know at which point the girls
17 left the apartment?

18 A Yes. She text me and told me she was going, we
19 went in.

20 Q Okay. Now, you said you were at a parking lot,
21 was there a fence around the apartment building?

22 A It was a fence. It was a little black fence, it
23 had a hole in it. The fence had a hole in it so we just
24 went under the little wire or whatever.

25 Q Okay. And you said it had a hole, what made the

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 hole?

2 A Like the wire to the fence had been cut so it
3 was like separated.

4 Q Okay.

5 A So instead of jumping the fence, we just walked
6 under it.

7 Q Okay. And how long did it take you to get from
8 there to Prince's apartment?

9 A Probably like four minutes once we found the
10 apartment.

11 Q Okay. When you got to the apartment, can you
12 explain who entered first and what happened when you got
13 inside?

14 A Tommy entered first, Jaylan entered second, I
15 entered last. When we got in the apartment, Prince
16 reached for a gun, Tommy took it. He took the gun, aimed
17 his gun at him or whatever. My brother had the gun, asked
18 where the one was. And he said he ain't had no money so
19 we started looking for the money.

20 Q Were they ordered to do anything else? Prince
21 and Malik?

22 A Just tell us where the money was at, really
23 that's it.

24 Q Okay. Now, I just brought up Malik. Can you
25 talk a little bit about where the two of them were sitting

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 in the apartment when y'all came in?

2 A They were sitting on the couch, like -- it was
3 like a recliner or something, you feel me? It was like a
4 loveseat or something. But Prince was like -- when you
5 come through the door, he was on the left, Malik was on
6 the right. Like I said, when he reached for the gun,
7 Tommy took it. So we were about getting the money, told
8 them don't move or whatever.

9 Q Okay. So when you entered the apartment, how
10 did you get in?

11 A The door was unlocked.

12 Q Did you have permission to be in there?

13 A No.

14 Q Was it your apartment?

15 A No.

16 Q So let's talk again about everybody that was
17 armed. Can you tell me who had a gun?

18 A Tommy had a gun, Jaylan had a gun.

19 Q Okay. Was anybody wearing a mask?

20 A Yes.

21 Q Who was wearing a mask?

22 A Tommy had a mask on.

23 Q Okay. Did he have the mask on the whole time?

24 A Somewhere between the time I think he lost it or
25 something.

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 Q Okay. And what did you make Prince and Malik
2 do?

3 A What you mean what I make them do? Told them
4 don't move.

5 Q Okay. Did either of them get hurt?

6 A I mean, Tommy smacked him with a pistol or
7 whatever but that's about it. Just like. . .

8 Q Okay. Who did he do that to?

9 A Prince.

10 Q Did he do anything else to his foot?

11 A He burned him with a spoon or something. He had
12 a spoon with a lighter or something.

13 Q How did he do that?

14 A He put the lighter to the spoon, made the spoon
15 hot, put it on his skin.

16 Q What did Prince do when he do that?

17 A He just yelled.

18 Q At that point, were you pointing the gun at
19 Prince and Malik?

20 A No.

21 Q Was anybody pointing a gun at them?

22 A Yeah and no, like, because, like, like, during
23 the process of the time or whatever, like I said, somebody
24 came to the door during the process of that time, somebody
25 came to the door. So when they came to the door--

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 Q Who came to the door?

2 A Some female came to the door.

3 Q Okay.

4 A She opened the door -- she opened the door,
5 Tommy pointed a gun at her or whatever. She like shut the
6 door, took off running or whatever. He told me to go get
7 her.

8 Q Okay. So what did you do?

9 A I ran out the door, I ran to the front of the
10 breezeway to find her. I ain't see nobody so I ran back
11 to the door, I didn't cross the threshold, I ran back to
12 the door and I told them like, we need to go.

13 Q Okay. And then what happened after that?

14 A I took off running, I heard the gunshots.

15 Q Okay. So after you took off running and you
16 heard the gunshots, where did you go?

17 A Well, in the process of running I fell or
18 whatever. So I turn around and get my shoe, I had sliders
19 on, I turn around to get my shoe or whatever. We ran to
20 the car.

21 Q Okay. Who's we?

22 A Me, Tommy and Jaylan ran to the car.

23 Q Okay. And what happened after that?

24 A Well, when we get in the car, I was in the
25 driver's seat waiting on them. So when we get in the car

DARIUS RHODES-DIRECT BY MRS. LANDSVERK

1 or whatever, I pull out or whatever and I start talking to
2 them or whatever, we're going down the back street. I ask
3 them, like, man, why you shoot at him, why you got to
4 shoot him or whatever? And nobody said nothing, you feel
5 me? So I kind of like panicked. So I get out the car or
6 whatever. I had got out the car.

7 Q Okay.

8 A I had sent my baby momma my location, telling
9 her to pick me up.

10 Q Okay. Your baby momma is Natasha?

11 A Correct.

12 Q Okay. Why didn't you want to be in the car with
13 them?

14 A I don't know, man, I was in shock. I don't know
15 what was going on.

16 Q You didn't want to be associated with them?

17 A Nah, not at all.

18 Q Were you worried about being with them, at that
19 point?

20 A I mean, yeah, because I see the signs or
21 whatever. And like I say, I don't know what went on in
22 the apartment, you feel me? I just heard the gunshot, so.
23 It was like a shot.

24 Q Okay. After you call your baby momma, did she
25 come pick you up?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A Correct.

2 Q Where did y'all go after that?

3 A Back to the motel. Well, we went to
4 Highlands -- then we dropped him off at Highlands, then we
5 when went to Motel 6.

6 Q So you saw Jevonda in the car?

7 A Correct.

8 Q And after you got out of the car with Tommy and
9 Jaylan, did you see them again that night?

10 A I don't think I seen them until the next day,
11 really. Like I said, when we pulled out at Highlands, we
12 dropped them off, we left.

13 MRS. LANDSVERK: Okay, thank you. That's all
14 the questions I have for you. Please answer any
15 Mr. Pringle has.

16 THE COURT: All right, cross.

17 CROSS-EXAMINATION

18 BY MR. PRINGLE:

19 Q All right. Mr. Rhodes, you've already testified
20 that you pled guilty to a number of charges here; correct?

21 A Correct.

22 Q So you've admitted your role in this?

23 A Correct.

24 Q Of course, you're not facing murder charges
25 anymore; are you?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A Manslaughter.

2 Q All right. And you know what manslaughter
3 carries; right? The penalty?

4 A 25 to 30.

5 Q Okay. You know what murder carries; don't you?

6 A Thirty to life.

7 Q Life, okay. Do you remember -- basically,
8 you've, essentially, talked about what happened twice.
9 You gave a statement on June 5th, 2019, when you met with
10 police; do you remember when you met with police for your
11 statement?

12 A June 5th, yeah.

13 Q Okay. About -- almost -- well, about, I guess,
14 about a month after the incident, a little less, you met
15 with police; do you remember that?

16 A Yeah.

17 Q Okay. Were you under arrest at that time?

18 A Correct.

19 Q And you knew what you were there for; didn't
20 you? You knew why -- you knew why they were talking to
21 you that day?

22 A Refresh my memory.

23 Q Okay. You initially said that you were a
24 lookout and that you never went into the apartment; didn't
25 you.

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A (There was no response.)

2 Q I want to be very clear. This was June 5th,
3 2019, when you met with Greenville police.

4 A June 5th, I was high, I don't remember, I can't
5 recall.

6 Q You were high?

7 A Correct.

8 Q Okay. Well, when you were high, isn't it true
9 that you lied and said that you were just a lookout and
10 never went into the apartment?

11 A Yes.

12 Q Okay. And it's interesting, you mentioned that
13 when you were at the hotel before you went to rob and
14 ultimately kill Prince, that you were smoking, what did
15 you mean by that?

16 A Just a little weed.

17 Q Weed, meaning?

18 A Weed.

19 Q Marijuana?

20 A Marijuana, correct.

21 Q Okay. So were you high that night after that?

22 A I mean, not really, yeah but not really just
23 buzzed.

24 Q What's that?

25 A I said just buzzed like, yeah.

DARIUS RHODES-CROSS BY MR. PRINGLE

1 Q Okay. But there's no question before the
2 robbery you were using drugs?

3 A Correct.

4 Q Okay. And then when you told the police on
5 June 5th, less than -- well about three weeks after the
6 incident, you said you didn't have a gun; didn't you?

7 A What you mean?

8 Q In your statement, you initially said, I didn't
9 have no gun.

10 Didn't you?

11 A Yes.

12 Q Okay. And that was a lie, in hindsight; wasn't
13 it? You had a gun?

14 A No -- yes and no.

15 Q Isn't it true that you flashed a 9~millimeter to
16 your girlfriend prior to the robbery?

17 A I don't recall that.

18 Q If she said you did that is she lying or do you
19 think that's probably the way it went?

20 A I probably did.

21 Q Okay. And you, actually, had a 9~millimeter, it
22 was well known; didn't you?

23 A Correct.

24 Q And you know what kind of gun was used to kill
25 Prince?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A No, I don't.

2 Q If I told you it was a 9~millimeter, would that
3 shock you?

4 A Yeah.

5 Q It would?

6 A Correct.

7 Q Okay. And again, we've been back and forth
8 about this mask, no mask thing, were y'all masked when you
9 went in there? Were you?

10 A I didn't have no mask on.

11 Q Did your brother have a mask on?

12 A He had a hoodie on.

13 Q Okay. And you were -- I was a little unclear,
14 you said Tommy was there with you, did he have a mask on?

15 A He had one on.

16 Q He had a mask on, you didn't and Jaylan didn't?

17 A Correct.

18 Q Okay. Did Jaylan have a gun?

19 A Correct.

20 Q What kind of gun did he have?

21 A A 9~millimeter.

22 Q Okay. In that first statement, June 5th, after
23 you backed off and said, okay fine, I admit I wasn't just
24 a lookout. You immediately said, I wasn't the killer, it
25 was my bro; didn't you?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A Correct.

2 Q Okay. By your bro, you meant Jaylan Fair; isn't
3 that correct?

4 A Like I said, I don't know what happened in that
5 apartment, I wun't [verbatim] in there.

6 Q Okay. You weren't in the apartment at the time
7 Prince was killed?

8 A No.

9 Q You're absolutely sure of that?

10 A I'm 100 percent.

11 Q Okay. So you can't say what happened, who shot
12 him?

13 A I can't say who shot him, no, I can't.

14 Q But you told the cops that your brother did;
15 didn't you?

16 A That's just what I thought.

17 Q Acting strange, I know my brother. My brother
18 had a gun, I know he was the shooter, I don't know why he
19 killed him.

20 Those are your words; aren't they?

21 A Like I said, I don't know what happened in the
22 apartment, I wun't in there.

23 Q But you told the cops a month later that your
24 brother was the shooter?

25 A I still don't know what happened in the

DARIUS RHODES-CROSS BY MR. PRINGLE

1 apartment, I wun't in there.

2 Q Why would you tell the police your brother, of
3 all people, your brother, who you're tight with, if you
4 didn't know what happened, why on earth would you tell the
5 police that you knew your brother was the shooter?

6 A I said he was acting strange. I think he just
7 was in shock.

8 Q I wasn't the killer, it was my bro.

9 Okay, so you're denying you were the
10 killer; right?

11 A Correct.

12 Q You're sitting here today -- were you the
13 killer, did you shoot him?

14 A No, not at all.

15 Q But you had a 9 and so did your bro; is that
16 correct? You just said that; right?

17 A I had a 9 before we went to the apartment,
18 before we even pulled up to the apartment complex.

19 Q So you had a --

20 A By the time we got to the apartment complex, I
21 had no gun in my vicinity, in my possession.

22 Q So you had a gun, flashed it to your girlfriend
23 and say, We're going to set this N word up. And it's your
24 testimony to these people that on the way to the robbery,
25 you ditched the gun?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A I didn't ditch the gun, I gave the gun to Tommy.
2 What are you talking about?

3 Q That's the first time we've heard that; isn't
4 it?

5 A (There was no response.)

6 Q So multiple times you told the police it was
7 your brother. Never told the police that it was to Tommy;
8 did you? Never.

9 A No, I didn't.

10 Q Okay. But you're willing to throw your brother
11 under the bus and say he did it and you never said
12 anything about Tommy?

13 A I didn't.

14 Q You gave a statement, this should be the second
15 or third story you told on May 13th, 2020, here at the
16 courthouse; do you remember that?

17 A Correct.

18 Q Okay. And your attorney was present, Rodney
19 Richey; correct?

20 A Correct.

21 Q And a couple of the solicitors, as well as the
22 solicitor's investigator, Ms. Ginny Hilton, they were all
23 present; weren't they?

24 A Correct.

25 Q Okay. And didn't you tell them that Jaylan was

DARIUS RHODES-CROSS BY MR. PRINGLE

1 the shooter, again, at that time? A year later, here in
2 the courthouse, isn't it true you told them Jaylan was the
3 shooter?

4 A I don't recall what I said, refresh my memory.

5 Q Okay.

6 Jaylan was the shooter because he had
7 nothing to lose because he has herpes.

8 Now, that's got to ring a bell, that's a
9 little crazy; isn't it? Do you remember saying that?

10 A I don't recall.

11 Q You don't remember saying that?

12 A Uh-huh.

13 Q All right. You think they made that up? Or
14 were you high? Maybe you were high and you don't
15 remember?

16 A I don't recall.

17 Q Is this a game to you?

18 A Nah.

19 Q You seem like you find it funny. You don't
20 remember saying that about herpes?

21 A (There was no response.)

22 Q All right. When you talked about chasing after
23 Ms. Harrison, the woman that came in during the robbery.

24 A Correct.

25 Q Didn't she testify that your brother first --

DARIUS RHODES-CROSS BY MR. PRINGLE

1 Jaylan Fair was the first one that ran out after her?

2 A No, I ran out after her.

3 Q Okay. And when you came -- when you came
4 back -- she got away; right? She got away, obviously,
5 because she was here today or yesterday. So when you came
6 back, what happened then?

7 A I told them to come on.

8 Q Told who? Who did you tell? Who was where when
9 you came back to the door?

10 A Tommy and Jaylan, I told them to come on.

11 Q And so what, you guys took off running?

12 A I took off running.

13 Q And you left Jaylan and Tommy back--

14 A They caught up with me but, yeah.

15 Q Okay. So your testimony today, the story today
16 is, you take off running, you left your brother, who
17 you've already said was the shooter, and Tommy back by the
18 door; right?

19 A It was in the apartment; correct.

20 Q Okay. So according to you, today, your story
21 here today, is that you didn't shoot Tommy -- or you
22 didn't shoot Prince?

23 A I ain't shoot nobody.

24 Q Okay. And you don't know who shot him, you
25 didn't see it; right?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A No, I didn't.

2 Q But throughout the whole process, for at least a
3 year, you repeatedly said you know it was your brother,
4 your brother was the shooter?

5 A That is what I thought.

6 Q Well, that's interesting, you know. So because
7 you thought maybe that was the case, you decided, hey, I'm
8 going to tell the cops my brother was the killer. You
9 knew he would be facing murder; right? You knew you were?

10 A Correct.

11 Q Okay. All right. So after that story with the
12 cops that you told on June 5th, and then after your
13 statement May 13th, a year later, when you again said
14 Jaylan was the shooter, then you ultimately pled guilty.
15 Okay, do you remember when you were here in court and you
16 pled guilty with Mr. Richey representing you?

17 A Correct.

18 Q Okay. And that was, obviously, with the advice
19 of your lawyer; right? You knew what was going on?

20 A Correct.

21 Q Were you high during that time?

22 A No, not at all.

23 Q Okay. So while you were -- you know what an
24 allocution is? Do you remember using that term?

25 A Elaborate.

DARIUS RHODES-CROSS BY MR. PRINGLE

1 Q When you gave your allocution, that's where you
2 told The Court on the record, when you pled guilty, in
3 your words what happened. Do you remember telling The
4 Court what happened?

5 A Refresh my memory.

6 Q Okay, I'll be glad to.

7 You said, I would like to correct one
8 thing. When the female victim came to the door, I ran out
9 by myself to get her. During the time of me coming back,
10 Tommy Long came outside. And I told him, I said, come on,
11 let's go. Okay, I took off running. While I'm running I
12 hear gunshots.

13 A Correct.

14 Q And when I turned around, only Tommy was behind
15 me.

16 A Correct.

17 Q With that being said, I really don't know who
18 shot him, that's all I'm saying.

19 Those are your words; correct?

20 A Correct.

21 Q Okay. So a minute ago you testified that you
22 came back and both guys were out there, okay. Now, you
23 say you take off running and Tommy's behind you.

24 A I said when I turned around he was behind me.

25 Q Okay. And you hear shots and according to your

DARIUS RHODES-CROSS BY MR. PRINGLE

1 allocution here in court when you pled guilty, you said,
2 Tommy was the only one there behind me. Your words.
3 Tommy -- only Tommy was behind me. So by implication,
4 your brother, Jaylan Fair, was not behind you; was he? He
5 was still back there?

6 A Correct.

7 Q And that's when the shots happened. Okay. So
8 by your testimony, your most recent story, you and Tommy
9 took off running, they're shots, your brother is still
10 back there. You've said throughout your brother was the
11 shooter. Multiple times. A year later you reaffirmed
12 your brother, your brother. Not some guy you know, not
13 Tommy, not any of the girls, your brother. Now, in your
14 allocution then, of course, you say, well, Tommy's behind
15 me, I hear shots but I really don't know who killed him.

16 MRS. LANDSVERK: Objection, Your Honor, he's
17 testifying.

18 THE COURT: Sustained.

19 BY MR. PRINGLE:

20 Q Wasn't that your shot to try to save your
21 brother? I really don't know who shot him. After you've
22 been saying he was the killer and you knew he was for all
23 that time. Now, you plead guilty and say, I really don't
24 know who shot him but Tommy was behind me when we were
25 running. That's your words; right?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A Correct.

2 Q All right. You know, it's interesting because
3 you knew that Prince, the guy who ended up dead here, you
4 knew he had been seeing your girlfriend; didn't you?

5 A No, I don't recall that.

6 Q You don't recall that?

7 A I don't recall.

8 Q You don't recall saying, You're going set this N
9 word up. Before the robbery to Natasha? You knew she was
10 talking to him?

11 A I don't recall that.

12 Q When she said she was seeing him, was she
13 telling the truth?

14 A I don't recall.

15 Q Okay. So you're going to sit here and say you
16 had no problem with Prince seeing your girlfriend, your
17 baby's mother?

18 A None at all.

19 Q Isn't it you true you're the only one in the
20 entire equation, who has a personal ax to grind with the
21 deceased, the dead guy, Prince. You're the only one;
22 aren't you?

23 A I'm the only what? Say that again.

24 Q You're the only one that had a personal grudge
25 with the guy that got shot and killed?

DARIUS RHODES-CROSS BY MR. PRINGLE

1 A No.

2 Q Okay. All right. Like you said, you pled to
3 everything here. Okay, you admitted to everything except
4 shooting him yourself. You stated over and over your
5 brother was the shooter. Why weren't you sentenced at the
6 time you pled guilty?

7 A I got a deferred sentence.

8 Q That means your sentence will happen later;
9 right?

10 A Correct.

11 Q Okay. Just like the rest of the co-defendants
12 in this case; right?

13 A Correct.

14 Q All right. And so it's going to depend on your
15 performance here today; isn't it? What happens to you?

16 A Yeah, I guess so.

17 Q We really don't care who the shooter was but as
18 long as you testify the way we want you to, you're going
19 to get this deal; isn't that the way it went?

20 A Not necessarily, no.

21 Q Not necessarily?

22 A No.

23 Q Well, to what extent then?

24 A I pled out because I know what I did.

25 Q Okay. Meaning that you conspired, you set this

DARIUS RHODES-CROSS BY MR. PRINGLE

1 thing up, you went in, you had a 9 millimeter--

2 MRS. LANDSVERK: Objection, Your Honor. He's
3 just summarizing, can he ask one question.

4 MR. PRINGLE: There's nothing improper about
5 that.

6 THE COURT: I'll give him a little leeway,
7 overruled.

8 THE WITNESS: Say that again.

9 BY MR. PRINGLE:

10 Q You said to a certain extent. And I said, Okay,
11 so you've admitted to planning the robbery, setting it up,
12 working with the girls, going in with, at least, your
13 brother, you had a 9-millimeter, you had a problem with
14 the defendant -- the deceased. You've been telling
15 everybody that would listen that your brother was the
16 killer and you knew it. Okay.

17 And you've avoided a murder charge, 30 to
18 life by sitting up there and telling this most recent
19 version of your story; isn't that true? You wouldn't be
20 doing it out of the goodness of your heart now; would you?
21 Please don't tell us that.

22 A I'm owning up to what I did.

23 Q Okay. But if you weren't here you wouldn't have
24 gotten that deal; would you? You would be up for murder?

25 A Only God knows.

DARIUS RHODES-REDIRECT BY MRS. LANDSVERK

1 Q So you're an admitted liar, admitted hard
2 criminal who's pled guilty to all this, including the
3 death of this poor guy. And you're up here and now you're
4 doing everything you can to save yourself and to save your
5 brother; isn't that true?

6 A I'm telling the truth.

7 Q For the first time ever?

8 A In general.

9 MR. PRINGLE: Thank you, nothing further.

10 THE COURT: All right, redirect?

11 MRS. LANDSVERK: Yes, Your Honor.

12 REDIRECT EXAMINATION

13 BY MRS. LANDSVERK: -

14 Q Mr. Rhodes, I'm going to ask you the only
15 question that matters. Was Tommy Long involved in the
16 armed robbery and murder of Prince?

17 A Yes, ma'am.

18 MRS. LANDSVERK: Thank you.

19 THE COURT: All right, recross?

20 MR. PRINGLE: No, thank you.

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

22 All right, next witness.

23 MR. JOHNSON: Thank you, Your Honor, The State
24 calls Jaylan Fair. Your Honor, can I get the
25 overhead screen, please?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 THE CLERK: Pause at the bench, place your left
2 hand on the Bible, raise your right hand.

3 JAYLAN FAIR, after being duly sworn(,) testified
4 as follows:{F}

5 THE CLERK: Thank you, you may be seated. State
6 your name for the record.

7 THE WITNESS: Jaylan Fair.

8 DIRECT EXAMINATION

9 BY MR. JOHNSON:

10 Q Good afternoon, Mr. Fair.

11 A How you doing?

12 Q Where you being housed right now?

13 A Blue pod Greenville County Detention Center.

14 Q At the jail?

15 A Yes, sir.

16 Q Are you being held in there on a deferred
17 sentence?

18 A Yes, sir.

19 Q What did you plead guilty to in this case?

20 A Manslaughter, attempted armed robbery,
21 kidnapping, first degree burglary and assault and battery.

22 Q All right. So all that manslaughter carries up
23 to 30?

24 A Yes, sir.

25 Q Burg first carries 15 to life?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A Yes, sir.

2 Q You pled to what your brother pled to?

3 A Yes, sir.

4 Q You pled to your involvement in this case?

5 A Yes, sir.

6 Q Did you kill Tommy long?

7 A No, sir.

8 Q Did you kill Prince Osuagwu?

9 A No, sir.

10 Q Why did you plead guilty to manslaughter?

11 A Because this is my way of telling the truth and
12 letting everybody know that I'm not a killer.

13 Q All right. On May 11, 2019, you were involved
14 in -- or were you involved in the robbery and murder of
15 Prince?

16 A Yes, sir.

17 Q Okay. Let's walk through that.

18 A All right.

19 Q When did this plan come about?

20 A Well, the day started off with me at the
21 apartment complex, Highlands, with Jevonda. And like
22 earlier that day we had swapped phones. This was
23 something that we just usually do is we just swap phones.
24 I had her phone and she had my phone.

25 Q All right, let me get that right. You had

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 Jevonda's phone --

2 A Yes, sir --

3 Q Jevonda had your phone?

4 A Yes, sir. But then something end up happening,
5 like somebody FaceTime or something, and, like, I ended up
6 getting mad. So we got into, like, a heated dispute or
7 like a disagreement. She wanted her phone back but I
8 wouldn't give her phone back because she ended breaking
9 mines. So I wouldn't give her phone back, we get into a
10 dispute, like a little argument, physical argument. Tommy
11 ended up pulling up. When Tommy pulled up, he see what's
12 going on he tell me to -- he try to take me away from the
13 situation before it goes any further, so I leave with
14 Tommy. When I leave, I have Jevonda phone.

15 Q So she had your phone?

16 A She had my phone the whole time. So when we
17 leave, we go back to -- go to another apartment complex,
18 we hang out, just chilling for the rest of the day. I get
19 a call from my brother later on that night and he telling
20 me to meet him at Motel 6. Me and Tommy go meet him at
21 Motel 6 and this where I get Tasha and my brother the room
22 in my name because they was under age. So I get the room
23 in my name.

24 Q All right.

25 Judge, could I have the overhead projector?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 Great.

2 All right. You see that screen right
3 there? I'm going to show you State's Exhibit 24. What is
4 that?

5 A That's Natasha car and that's the car that me
6 and Tommy was in.

7 Q This is Tasha's car?

8 A Yes, sir.

9 Q All right. Who's in the car with her?

10 A Her and Darius.

11 Q Her and Darius. What about this other car, this
12 Honda?

13 A Me and Tommy.

14 Q Who's driving that one?

15 A Tommy.

16 Q That's while you were getting the hotel room?
17 Why were you getting the hotel room?

18 A Because, at the time, I just thought they was
19 just getting the room. But like I said, they under age so
20 they wanted me to get the room in my name for them, so.

21 Q How old are you now?

22 A I'm 28 now.

23 Q How old were you then?

24 A Twenty-four.

25 Q Okay. So you were the only one over 21?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A Yeah.

2 Q All right. Let me show you State's Exhibit 26,
3 what is that?

4 A That's me.

5 Q That's you getting out the car?

6 A Yes, sir.

7 Q What are you doing, you going to get the hotel
8 room?

9 A Going to get the room.

10 Q So y'all get the room, what do you do then?

11 A Okay, after I get the room, we all go back to
12 the room. Once we get to the room, Tasha needs to charge
13 her phone so she's trying to get her phone charged. As
14 we're in the room, we're rolling up, about to smoke or
15 whatever. And this is when my brother mentioned that he
16 got a lick for 50,000. And then he shows us a picture--

17 Q What does a lick mean?

18 A A robbery.

19 Q A robbery?

20 A Yeah.

21 Q A robbery to get \$50,000?

22 A Yes, sir.

23 Q All right, go on.

24 A He said he had a lick for 50,000. As he telling
25 us -- as he's telling about the lick, he shows us -- shows

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 us a picture of Prince in a car, flashing money. This is
2 only the first time hearing anything about Prince. He
3 shows us the video of Prince in the car with money.

4 And then, that's when I was like, I asked
5 him, I was like, how y'all know he got this money? That's
6 when Tasha was like, she go to school with him and he
7 brought, like, \$5,000 to school. He was bragging about
8 how he had got all this money and stuff. So Darius was
9 like, he wanted to rob him. So, as I'm listening to
10 everything, I'm telling Darius that didn't sound like to
11 me like [indiscernible] no, I don't think we should do it.
12 I think we should just wait. I think we should do it a
13 different time of day.

14 Darius was like, no, we got to do it
15 tonight, he's going to spend all the money.

16 So as we're there, sitting there talking
17 about the situation, and a Tasha said, it's two of them.
18 It's two dudes that she's going to chill with this night.

19 Q How did she know that?

20 A I guess she just talked to him on the phone.

21 Q Okay.

22 A So Tasha said it's two dudes that she's going to
23 chill with and that she needed another female to go with
24 her because she didn't want to go by herself. So we're
25 giving her suggestions about females she can go with and

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 Jevonda's name popped up.

2 And she was like, Yeah, I'll call Jevonda.

3 So she ended up calling Jevonda from
4 Jevonda phone, which I had.

5 Q Was Jevonda and Natasha friends before that?

6 A Yes.

7 Q Okay.

8 A Which she called Jevonda from her phone, which
9 is calling my phone. She called Jevonda from Jevonda
10 phone but she's calling my phone. She called Jevonda,
11 after she called Jevonda, I guess Jevonda agreed to go and
12 chill with Prince and his homeboy. So we drive back to
13 Highlands Apartments. We drive to back to Highlands
14 Apartments, that's when Natasha go get Jevonda. Jevonda
15 gets in the car, we drive to the apartment complex that
16 Prince stay in.

17 Q All right, stop right there, excuse me. When
18 you go from Motel 6 to Highland Square Apartments, does
19 everybody go?

20 A Yes, sir.

21 Q All right. Who's in the car?

22 A Me, Tommy, Darius is in a car. Tasha is in a
23 car by herself.

24 Q All right. I'm going to show you what's been
25 premarked as State's Exhibit 29, 30 and 31. First off,

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 I'm going to show you State's Exhibit 29, what is that
2 right there?

3 A The Highlands Apartment surveillance footage.

4 Q How do you know that's what that is?

5 A I seen the video.

6 Q How do you know this is the one you watched?

7 A I wrote my initials on it.

8 Q You watched this?

9 A Yes, sir.

10 Q All right. I'm going to show you State's
11 Exhibit 30 and 31. What are those?

12 A That's the video surveillance of Highlands.

13 Q Screen shots?

14 A Yes, sir.

15 Q All right. What do they show?

16 A They're showing Natasha and Jevonda walking back
17 to one car. And they show me getting out the other car.

18 Q All right. Who else is with you?

19 A Me, Tommy and Darius.

20 Q All right. You're in these videos in these
21 pictures?

22 A Yes, sir.

23 Q Are these pictures the same ones just zoomed in?

24 A Yes, sir.

25 MR. JOHNSON: Your Honor, The State seeks to

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 admit State's Exhibit 29, 30 and 31 into evidence.

2 THE COURT: All right, any objection?

3 MR. PRINGLE: None.

4 THE COURT: All right, State's Exhibit 29, 30
5 and 31 are admitted into evidence without objection.

6 (WHEREUPON, State's Exhibits Nos. 29-31 were
7 marked for identification and received into
8 evidence.)

9 BY MR. JOHNSON:

10 Q Are you able to see?

11 (WHEREUPON, State's Exhibit No. 30 was
12 published.)

13 All right. Looks like your screen's not
14 working, I'll move this map so you can see this right
15 here.

16 (WHEREUPON, State's Exhibit No. 30 was continued
17 to be published.)

18 BY MR. JOHNSON:

19 Q All right. Are these the two cars you're
20 talking about?

21 A Yes, sir.

22 Q So that's the Honda, Tommy was driving and the
23 Hyundai Tasha was driving?

24 A Yes, sir.

25 Q That was pretty quick but let me show you the

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 screen shots. All right. This is State's Exhibit 30. Is
2 that a clip from the video we just saw?

3 A Yes, sir.

4 Q Is that the zoomed in photograph that we were
5 just talking about?

6 A Yes, sir.

7 Q So just to be on the same page, what apartment
8 is this again?

9 A Apartments at Highlands.

10 Q This is Jevonda's apartment?

11 A Yes, sir.

12 Q Had you stayed there before?

13 A Yes, sir.

14 Q This is when y'all left Motel 6, in between you
15 picking up Jevonda -- you picking up Jevonda and going to?

16 A Going to the other apartment.

17 Q Okay, I got you. So this is right before
18 everybody heads over to the victim's apartment?

19 A Yes, sir.

20 Q All right. Who is this right here?

21 A Natasha.

22 Q Who is that right there?

23 A Jevonda.

24 Q Who are these people over here?

25 A That's me, Tommy and Darius.

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 Q You, Tommy and Darius getting in the Honda?

2 A Yes, sir.

3 Q And Jevonda and Natasha getting in the Hyundai?

4 A Yes, sir.

5 Q All right. Y'all get in the vehicles, where do
6 y'all go next?

7 A We follow Natasha to Prince apartment complex.
8 The whole time we're following Tasha, like she's on the
9 phone with my brother. They're talking back and forth.
10 After they get to the apartment complex, I guess Tasha let
11 Darius know that, like, there's a camera on the apartment
12 complex. And there's like a code to get into the gate.
13 And Tasha was like, we couldn't come in behind them. So
14 Natasha and them go into the apartment complex and we park
15 in a vacant parking lot. I don't know where the parking
16 lot is or what parking lot this was but we parked in a
17 vacant parking lot. When we parked in the vacant parking
18 lot, we get of the car. It's just a hole in the fence.
19 We didn't put this hole in the fence, it was just a hole
20 that was in the fence that goes into the apartment.

21 Q Was that parking lot close by the apartment
22 complex?

23 A Yes, sir.

24 Q Let me show you State's 3. Can you see this?
25 Can you see that? So this is the apartment right here?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A Yes, sir.

2 Q Is this the parking lot right here by the fence?

3 A I believe so.

4 Q Okay. So there's a hole in the fence over there
5 and that's where you crawled in through?

6 A Uh-huh.

7 Q Parking lot right here.

8 A As we come through the fence, we find a green
9 tank. As we're on this green tank, we're discussing how
10 we're going to go about doing this lick.

11 Q Green tank, what do you mean?

12 A It's like, I guess, a electrical unit.

13 Q Okay. Like a utility box?

14 A Like a utility box outside one of the
15 apartments. So we're sitting there, smoking cigarettes,
16 talking about how we're going to go about this lick. We
17 decided that Tommy was going to be the muscle. Like he
18 was just going to go in there and make sure everything
19 stayed under control while me and Darius ramshack
20 [verbatim] the house, looking for the money.

21 Q Do what to the house?

22 A Ramshack the house.

23 Q Who do you mean by that?

24 A Like, basically, just go look for the money.

25 Just going--

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 Q Ransack?

2 A Ramshack the house, go look for the money.

3 Q I see what you're saying.

4 A So as we're sitting there discussing how we was
5 going to go about this lick, like I say, Tommy was
6 supposed to be the muscle. He was supposed to go in there
7 and make sure everything stayed under control while me and
8 Darius ramshack the house.

9 Q The muscle is to make sure that nobody in the
10 house --

11 A Got out of hand. Yeah, like, nobody in the
12 house got out of hand. So we're discussing it--

13 Q So he's the lookout or not the lookout, he's the
14 muscle?

15 A Yes, sir.

16 Q Keeping two victims from trying anything, you're
17 saying you and Darius were the ones looking for the money?

18 A Yes, sir.

19 Q Okay.

20 A Okay. So we're still out here discussing how
21 we're going to go about the lick because Tasha and Jevonda
22 still in the house the whole time. But while they're in
23 the house, they're calling Darius -- or I'm going to say
24 Tasha is calling Darius and she's telling Darius like the
25 layout of the house. She told Darius that the money was

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 in a blue bag, next to the couch. Like I say, we're out
2 here discussing how we're going to go about this lick. At
3 the time, we only had two guns. Tommy had a gun, Darius
4 had a gun. So like I said, Tommy was going to be the
5 muscle. Tasha ended up calling Darius and I guess she
6 gave him the green light that it was a go.

7 So we went to the apartment, we knocked on
8 the door, we opened it. As soon as we opened the door, we
9 goes inside. Once we goes inside, Prince reached for a
10 gun. Once he reached for a gun, Tommy hits him with the
11 pistol, takes the gun from him and give me the gun and --

12 Q Who does he hit with the pistol, Malik or
13 Prince?

14 A Prince.

15 Q All right. I'm going to show you State's
16 Exhibit 6. Is that the apartment?

17 A Yes, sir.

18 Q Is that right as you walk in the door?

19 A Yes, sir.

20 Q This is State's Exhibit 7. Where was Prince
21 sitting?

22 A He was sitting closer to the sunroom, like.

23 Q Right here?

24 A Yeah.

25 Q You see that?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A Yes, sir.

2 Q All right. Prince was sitting over here close
3 to the sunroom?

4 A Yes, sir.

5 Q What is that?

6 A A side chair, I guess.

7 Q Okay. Is that where you're ransacking the
8 house?

9 A That's one part of the house that we ramshacked
10 [verbatim].

11 Q Where all did y'all look in the house?

12 A Really, I looked everywhere. I ventured off to
13 the kitchen, I went to the bathroom. I tried to open one
14 door that was locked. And I opened another door and I
15 seen some figures laying in the bed, so I closed the door
16 back.

17 Q They see you?

18 A No, they was asleep. So, like I say, I seen the
19 figures laying in the bed, I closed the door back. Went
20 back to the living room. When we get back to the living
21 room, now I'm in the middle of the process of Tommy and
22 Darius is pistol whipping Prince. So as they're pistol
23 whipping Prince, I pistol whip Malik with the little
24 revolver gun that I had --

25 Q Where did you get that revolver at?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A That's the gun I got from Tommy that came from
2 Prince.

3 Q Okay. Let's walk through that a minute, I might
4 have missed that. So how did you get your gun? Walk us
5 through that, specifically.

6 A Okay. When we first came in the house, it was
7 Tommy and Darius. I would say, Tommy and Darius both had
8 guns from the beginning. So they came in the house first,
9 I came in behind them. But as we're coming in the house,
10 Prince goes to reach. Once he goes to reach, Tommy close
11 in on him, hits him with the pistol and takes the gun.
12 Once he takes the gun, he gives it to me. He's holding
13 both of 'em at gunpoint now. As he holding 'em at
14 gunpoint, my brother takes off to the side of the couch
15 looking for the blue bag. He founds the blue bag, he
16 dumps it out but once he dumps it out it ain't nothing but
17 dirty clothes and socks and stuff. So boom, after he
18 dumps it out, we -- I venture off, I venture off into the
19 kitchen, like I say. I venture off into the bathroom. I
20 turned one doorknob, it's locked. I turn another
21 doorknob, I see figures on the bed, I close the door back.

22 As I come back, like I said, I'm in the
23 middle and they're pistol whipping Prince. As they're
24 pistol whipping Prince, I pistol whip Malik. As I'm
25 pistol whipping Malik, a figure walks -- a female walks in

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 the door. I turn -- like on the streets, I should wear
2 glasses all the time, I just got my glasses--

3 Q You say on the streets, when you're outside of
4 jail?

5 A Outside of jail. Like, I supposed to wear
6 glasses but I just got my glasses since I been locked up.
7 So like, when the female walk in, I turn around and point
8 my gun at her. Me not being able to see too well, I'm
9 thinking it's Natasha. I didn't think it was nobody else
10 until, like, after I see that she didn't have the blue wig
11 on, Tasha had a blue wig.

12 Q So you were able -- you couldn't see her face
13 but you could see her hair?

14 A I could see her hair. So once I realized it
15 wasn't Natasha, like I said, I'm pointing the gun at her
16 already, I'm like, we're looking at each other. I'm
17 pointing the gun her. Once I see that it's not Natasha, I
18 go and take off -- I go and take off running behind her.
19 But my brother, he gets out the door before I do. So once
20 he gets out the door, he chases her to the end of the
21 sidewalk. Once he chases her to the end of the sidewalk,
22 she gets away. He come back, I'm standing in the
23 doorframe. He looks at me, he was like, she done hit the
24 road. Once he say that he takes off running. Once he
25 takes off running, I takes off running behind him. We get

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 halfway to the end of the breezeway, I hear two gunshots.
2 After I hear two gunshots, my brother fall. Once he
3 falls, I jump over him, I keep running to the car. I get
4 to the car first, my brother gets in the car and Tommy
5 gets to the car. Once Tommy gets in the car, Tommy makes
6 a statement he just committed his first body of the year.
7 And he thinks that--

8 Q Say that again, what did Tommy say when he got
9 back to the car?

10 A He said he committed his first body of the year.

11 MR. PRINGLE: Objection, objection.

12 THE COURT: What's the basis?

13 MR. PRINGLE: Hearsay, Your Honor.

14 MR. JOHNSON: It's a statement of The Defendant.

15 THE COURT: 801, statement of The Defendant.

16 THE WITNESS: He -- he -- he made a comment that
17 he committed his first body of the year. Once he
18 made that comment, I ask him, what do you mean your
19 first body of the year? Because me, normally, it was
20 two people in the house. I ask him, what you mean,
21 like, that's your first body of the year? He didn't
22 say anything.

23 Q Let's break that down for us. When you're out
24 on the street or community you live in and you say, I got
25 a body or my first body. What does that mean?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A You killed somebody.

2 Q All right. What did y'all do after that?

3 A My brother's in the driver seat. So after Tommy
4 makes his little comment about the first body, my
5 brother's in the driver seat. My brother goes to drive
6 off. Once he drives off, he hit somebody. He hits a hole
7 or something. So Tommy's like, hey man, get out the car
8 get out the car. So he put Darius in the backseat. Once
9 Darius in the backseat, Tommy's in the front seat, Tommy
10 drives off. And while Darius is in the backseat, he's
11 like panicking. We just killed the man, man, we just
12 killed him, we just killed him. Like he was in the
13 backseat, like, he's hyperventilating, going crazy.

14 So he end up telling Tommy to stop the car.
15 Once he tell Tommy to stop the car, he gets out. I guess
16 this is when Natasha picks up -- picked him up. But me
17 and Tommy drive back to this other apartment complex that
18 we usually be in, Berkeley Point. We drive back to
19 Berkeley Point and Tommy stops in the middle of the road.
20 Once he stops in the middle of the road, he gets out the
21 car, he stashes the gun on the side of the road. Then we
22 drive back to Highlands. Once we drive back to Highlands,
23 I called Jevonda. I called Jevonda, I tell her to come
24 outside. Once Jevonda come outside, I sit her down and I
25 tell her I was telling her like, Jevonda y'all lied to us.

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 And she was like, What you mean?

2 And I was, like, He didn't have no money.

3 I was like, I shot Prince twice because he didn't have no
4 money, it's all y'all fault.

5 And she was like, Why you got to shoot
6 [indiscernible] why you got to shoot him?

7 And I told her, I was like, because you
8 lied. I was like, you're the only person that know this.
9 And I was like, Jevonda you can't tell nobody because my
10 life is in your hands.

11 But the only reason why I confessed this to
12 Jevonda, is because I felt like since we had something
13 going on, that she wouldn't tell on me.

14 Q All right. Let's walk through that. A little
15 hard for me to wrap my head around. You told Jevonda that
16 you shot him?

17 A Yes, sir.

18 Q Did you shoot him?

19 A No, sir.

20 Q Okay. Slowly walk us through that logic. Why
21 did you tell Jevonda that?

22 A I felt like because we had dealings. Like,
23 since we was in a relationship or whatever, I felt like
24 she wouldn't tell on me so like I just felt like she
25 wouldn't tell on me to protect me, keep me from going to

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 jail.

2 Q Okay. So let me get this right. So you told
3 her that because you didn't want her to confess?

4 A I didn't want her saying anything at all.

5 Q You thought the only reason she wouldn't confess
6 is if she thought you did it?

7 A Right.

8 Q Okay. Okay. All right. At some point, did law
9 enforcement get a search warrant at the place you were
10 staying?

11 A Yes, sir.

12 Q I'm going to show you State's Exhibit 20. What
13 is this?

14 A A revolver.

15 Q Is this the revolver you took off Prince?

16 A I didn't take it off Prince but it's the
17 revolver we got from Prince.

18 Q This was the revolver Prince had?

19 A Yes, sir.

20 Q When law enforcement searched the place you were
21 at, your house, did they find that gun?

22 A They found it.

23 Q In your possession?

24 A Not in my possession.

25 Q But at the place you were staying?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 A Yes, sir.

2 Q Okay. What happened to the murder weapon?

3 A It was disposed.

4 Q What does that mean?

5 A It was like -- like I said, after we left the
6 apartment after the shooting had happened, we went back to
7 this road -- we went back to this road where we usually be
8 at in another apartment complex. Like I said, Tommy
9 parked the car in the middle of the road. Once he parked
10 the car in the middle of the road, he went to the side of
11 the road, like in the woods, he like buried the gun. Like
12 I said, it's nighttime and I wear glasses -- or I'm
13 supposed to wear glasses. So I don't know where he put
14 the gun. I just know it was on the side of the road and
15 it looks like he buries it.

16 Q The murder weapon was disposed of, is what
17 you're saying?

18 A Yes, sir.

19 Q Okay. And did you ever tell law enforcement
20 that?

21 A (The witness nods.)

22 Q How did you do that? Did y'all go out and look
23 for it, what happened?

24 A Yeah. Like, I had told my lawyer, like, we had
25 went back, like this was three years later but we went

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 back to go look. I took him to the spot where the gun was
2 disposed at and we went back and looked and never was
3 found.

4 Q All right. Let me walk you through the time
5 line of each event, try to hit each crime. State's
6 Exhibit 27, what is that?

7 A That's Motel 6.

8 Q Motel 6. This is right before the murder?

9 A Yes, sir.

10 Q Who is that?

11 A Tommy.

12 Q Who is that?

13 A That's me.

14 Q In the Motel 6, who was involved with
15 discussions of the plan of the armed robbery?

16 A Me, Natasha, Darius, Tommy, we're all talking
17 about it.

18 Q Tommy Long?

19 A Yes, sir.

20 Q You picked up Jevonda, you go to the victim's
21 house?

22 A Yes, sir.

23 Q You're in there, whose got guns of Malik and
24 whose got guns on Prince?

25 A Tommy is closer to Prince. He's holding Prince

JAYLAN FAIR-DIRECT BY MR. JOHNSON

1 at gunpoint. Darius is holding Malik at gunpoint. But
2 once I get the gun, I'm holding Malik at gunpoint and my
3 brother, like, rushed to the side of the couch.

4 Q All right. So everybody's got guns pointed at
5 the victims?

6 A Yes, sir.

7 Q Were you going to let those victims leave?
8 Could they walk out the door if they wanted to?

9 A (The witness shook his head.)

10 Q No?

11 A No, sir.

12 Q Okay. Show you State's Exhibit 21. What's
13 that?

14 A Prince.

15 Q Is that where he was sitting?

16 A Yes, sir.

17 Q Why doesn't he have any pants on?

18 A Stripped him?

19 Q Who stripped him?

20 A My brother.

21 Q Why?

22 A I don't know.

23 Q Did you see anybody cause any other injuries to
24 the victim besides the pistol whipping and the obvious
25 bullet in his head?

JAYLAN FAIR-DIRECT BY MR. JOHNSON

- 1 A No, sir.
- 2 Q Did you see him torture him with the spoon?
- 3 A No, sir. I seen the spoon but I didn't seen the
- 4 burn.
- 5 Q You saw a spoon but you didn't think anything
- 6 about it?
- 7 A No, sir.
- 8 Q Why not?
- 9 A Because everything was moving too fast. But
- 10 like I say, like, during all that, that's during the
- 11 timeframe -- or when the woman walked in the house. So,
- 12 like, once that door opened, like, all my attention--
- 13 Q Because your job was to ransack?
- 14 A Yes, sir.
- 15 Q You weren't the muscle?
- 16 A No, sir.
- 17 Q Who was the muscle?
- 18 A Tommy was the muscle.
- 19 Q Do you see Tommy in the courtroom today?
- 20 A Yes, sir.
- 21 Q Point him out for me.
- 22 A (The witness complies.)
- 23 Q Sitting at the Defense table?
- 24 A Yes, sir.
- 25 Q How long have you known Tommy?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A All my life.

2 Q All your life?

3 A Elementary school.

4 Q Elementary school. Was he one of your best
5 friends?

6 A That's my brother.

7 Q You want to be here today.

8 A (The witness shook his head.)

9 Q Do you want to be facing 15 to life?

10 A No, sir.

11 Q You telling the truth?

12 A Yes, sir.

13 Q Do you have any incentive to lie?

14 A No, sir.

15 Q Have I made you any promises?

16 A No, sir.

17 Q Do you think a charge carrying up to life is
18 getting off easy?

19 A Not at all.

20 MR. JOHNSON: No further questions.

21 THE COURT: All right, cross.

22 CROSS-EXAMINATION

23 BY MR. PRINGLE:

24 Q All right. Mr. Fair, you were also known as
25 Ratio, that's your nickname, your street name?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A That's my middle name.

2 Q Your middle name is Heratio [ph]; right?

3 A Heratio.

4 Q Okay. So Ratio, you've already pled guilty, you
5 listed all the stuff that you pled guilty to and you're
6 here today testifying. But interestingly enough, you're
7 not facing murder; are you?

8 A No, sir.

9 Q No, you're not. And you knew you weren't going
10 to be facing murder because you knew what you were going
11 to do today; right?

12 A Yes, sir.

13 Q Okay. Thirty to life is what you were facing,
14 murder. You knew that?

15 A Yes, sir.

16 Q All right. On February 28th, 2020, this is
17 about seven months or so after the incident. You were
18 interviewed here at the Greenville County Courthouse, do
19 you remember that? I believe it's the only statement you
20 ever gave before you pled guilty; do you remember that?

21 A Yes, sir.

22 Q All right. And you met with your attorney,
23 Casandra Gorton, at least one solicitor and Investigator
24 Ginny Hilton of the solicitor's office; do you remember
25 that?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A (The witness nods.)

2 Q Okay. Then the next time you talked about this
3 at all is when you pled guilty on October 20th of 2020;
4 right? You just gave the one statement; right?

5 A Yes, sir.

6 Q Okay. All right. Now to be clear, I think you
7 testified that when you went to the robbery you did not
8 have a gun?

9 A Yes, sir.

10 Q You did not have a 9-millimeter?

11 A No, sir.

12 Q Okay. So when your brother, Darius, about 30
13 minutes ago, said you had a 9 millimeter--

14 MR. JOHNSON: Objection, Your Honor, pitting
15 witness.

16 THE COURT: Sustained.

17 MR. PRINGLE: What's the objection?

18 THE COURT: Can't pit the witness -- can't pit
19 testimony against another witness.

20 MR. PRINGLE: All right.

21 BY MR. PRINGLE:

22 Q Did Darius have a 9 millimeter?

23 A Yes, sir.

24 Q Okay.

25 A I don't remember the exact gun but Darius

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 definitely had a gun.

2 Q And you, actually, at the time, owned a
3 9~millimeter; right?

4 A No, sir.

5 Q Okay. So the whole idea of a 9~millimeter,
6 that's just totally -- that's false?

7 A Darius -- Darius had a gun and Tommy had a gun.
8 Them the only two people that had a gun, I never owned a
9 gun on the streets.

10 Q Darius had a 9 millimeter?

11 A I don't know what kind of gun it was. I know my
12 brother had a gun.

13 Q Okay. Do you know what kind of gun was used to
14 kill Prince?

15 A No, sir.

16 Q Okay.

17 A It was my brother's -- the gun that was used to
18 kill Prince was the gun that my brother owned.

19 MR. PRINGLE: May we approach?

20 (WHEREUPON, an off-the-record bench conference
21 was held in the presence of the jury but out of
22 the hearing of the jury.)

23 BY MR. PRINGLE:

24 Q All right. When y'all went in to rob the place,
25 did you have a mask on?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A No, sir, I just had that red hoodie.

2 Q And you gave a prior statement where you said
3 that Darius didn't have a mask on either?

4 A No, Darius did have a mask on. He went in with
5 a mask on.

6 Q Okay. And you said Tommy was there as well?

7 A Yes, sir.

8 Q Did he have a mask on?

9 A No, sir.

10 Q You sure about that?

11 A Yes, sir.

12 Q So the three of you -- whoever, all of you that
13 came there were not masked when you got there?

14 A Darius came in masked.

15 Q Darius came in masked.

16 A Because out of the three of us, Darius was the
17 only one that probably knew him through his baby momma,
18 Tasha. Other than that, me and Tommy--

19 Q Did you know about Prince's relationship with
20 Natasha?

21 A No, sir.

22 Q You didn't know about it at all?

23 A No, sir.

24 Q So Darius did have a mask on?

25 A Yes, sir.

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 Q Okay. And at some point did he take it off?

2 A He took it off.

3 Q Why?

4 A Because he made a statement while he was in the
5 house. He was like, I'm going to show you who I am.

6 Like, as like, during the pistol whipping --

7 Q Uh-huh.

8 A He made the statement, like, he was, like, I'm
9 going to show you who I am. And take the mask off.

10 Q Okay. And when the female that interrupted the
11 whole thing came in the room, the one you said you
12 couldn't see clearly at first, no doubt you took off
13 after -- you and your brother took off after her?

14 A Yeah. We both ran after her. My brother made
15 it out the door before I did. And as he's chasing her
16 down the breezeway, I'm standing in the doorway watching
17 the ordeal but she gets away.

18 Q Uh-huh.

19 A Once he comes back, he makes the statement, he's
20 telling me like, kill that nigger bro. And he takes off
21 running.

22 Q And Tommy was right behind him?

23 A No, I was right behind him. Tommy was still in
24 the house.

25 Q Okay. You didn't see Prince get shot then?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A No, sir.

2 Q And you didn't shoot him?

3 A No, sir.

4 Q Okay. You testified a few minutes ago that you,
5 actually, told your girlfriend afterwards that you were
6 the shooter; right?

7 A Yep.

8 Q It was when -- it was when you got to Highlands,
9 you called her to come outside; right? This was after the
10 botched robbery; right? No money, somebody ends up shot
11 and killed, you were pretty upset?

12 A Yes, sir.

13 Q And she comes out. And you threatened her life;
14 didn't you?

15 A (The witness nods.)

16 Q Okay. And this was your girlfriend; right?

17 A We had a relationship. I ain't going to
18 necessarily call her my girlfriend but we had a thing
19 going on.

20 Q But didn't she say that your life was in her
21 hands and--

22 A I told her that my life was in her hands because
23 she's the only person that knew about it.

24 Q And that her life was in yours, didn't you say
25 that too?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A (The witness shook his head.)

2 Q But you did tell her, hey, I'll kill you if you
3 talk--

4 A I told her I'd kill her.

5 Q Okay. And that was because you wanted to cover
6 up for what you'd done; right?

7 A I was, basically, just trying to scare her. To
8 get her not to tell. But like I said, the only reason why
9 I told her -- the only reason why I confessed and told her
10 that I had did this, is because I figured since we had a
11 relationship, that she wouldn't say nothing to like --
12 like, she wouldn't say nothing to get me in trouble.

13 Q So you're trying to say now, that although you
14 admitted to shooting this guy, you only did that so that
15 your girlfriend wouldn't tell anybody?

16 A (There was no response.)

17 Q Don't you think she might have been more
18 inclined to tell somebody if you said, hey, we just robbed
19 this guy. As opposed to hey, I just killed this guy. I
20 mean, you think by telling her you killed somebody, that's
21 going to guarantee her silence; that's what you're trying
22 to say today?

23 A That's what I was thinking at the time.

24 Q All right. But there's no question that you
25 told her you shot him twice; didn't you?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A I told her I shot him two times in the chest.

2 Q Right. And, in fact, in this case, there were
3 two shots; right?

4 A Yes, sir.

5 Q And he's dead. And didn't you, actually, say
6 that you thought you might have hit him in the chest?

7 A I told her I shot him two times in the chest.

8 Q All right. So you went into that kind of
9 detail?

10 A Not knowing where he was shot at.

11 Q All right. So you just filled in the blanks for
12 the benefit of your girlfriend, who had no idea what had
13 happened?

14 A Yes, sir.

15 Q Okay. And that's your story?

16 A Yes, sir.

17 Q You think that's pretty convenient here today,
18 sitting here after you made a deal to avoid murder?

19 A It's the truth.

20 Q And now it's just coming out, uh? You never
21 come forward with that any time prior; did you?

22 A (The witness shook his head.)

23 Q But today you just want to do the right thing?
24 Had nothing to do with what you got in return; did it?

25 A I ain't get anything in return. I just -- I

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 just want to own up it, to the part that I played in this
2 whole situation. And I just want everyone to know the
3 truth. I'm not a killer.

4 Q Well, you're the only one that told anybody that
5 you were the shooter; isn't that true?

6 A Not at all.

7 Q There's others that said they shot him? No. Is
8 there anybody that came forward? Who else told Jevonda
9 that they shot and killed Prince? Did your brother?

10 A (The witness shook his head.)

11 Q Tommy didn't, she never talked to Tommy.

12 A (There was no response.)

13 Q So you're the only one that admitted to killing
14 this guy, true?

15 A That's right.

16 Q Your words, okay. Now, again, you've already
17 pled guilty to, basically, everything but murder. What
18 was your sentence?

19 A I haven't been sentenced.

20 Q You haven't been sentenced either. Okay, how
21 come? Why haven't you been sentenced?

22 A My sentence was deferred.

23 Q Deferred, you know what that means; right? It
24 will happen later; right?

25 A (The witness nods.)

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 Q What are they waiting for? We both know the
2 answer; don't we? It's based on your performance here
3 today; isn't it? If you weren't up here testifying,
4 pointing the finger at Tommy, you don't get this deal; do
5 you?

6 A I don't got a deal.

7 Q You don't got a deal? You avoided a murder
8 conviction, a murder charge and pled down. You don't
9 think you got a deal?

10 A (The witness shook his head.)

11 Q Murder's, 30 to life; right? It's the worst
12 thing anybody can do in our code of justice; isn't it?
13 Murder, killing somebody. And you're not pleading to it
14 today; are you?

15 A I didn't kill nobody.

16 Q But you're the only one that told somebody that
17 you were the shooter. But today you're up here whistling
18 the most recent version and isn't it convenient to say
19 that Tommy did it, Tommy shot him?

20 A (There was no response.)

21 Q You admitted you had a gun. And you told -- you
22 told your girlfriend of all things, I shot him. Oh yeah,
23 I shot him, I shot him twice. Isn't that true?

24 A (The witness nods.)

25 Q Okay. So you weren't sentenced and now we know

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 that your sentence will depend on what story you tell up
2 here today. If you weren't here--

3 MR. JOHNSON: Your Honor, this is just more
4 testimony.

5 THE COURT: Make sure you ask a question.

6 BY MR. PRINGLE:

7 Q You knew that you wouldn't have gotten this
8 arrangement, whether you think it's a deal or not, don't
9 want to call it a deal. You know you would be facing
10 murder if you weren't up here whistling this song; don't
11 you? You knew that; didn't you? That's why you're here?

12 A Yeah, but it's going to speak for itself.

13 Q Yeah, you'd do anything to save yourself;
14 wouldn't you?

15 A I just want to tell the truth, sir.

16 Q And didn't you tell your brother a few days
17 after the incident, again, that you were the shooter?

18 A No.

19 Q Because you had nothing to lose because you had
20 herpes; do you remember that?

21 A No.

22 Q It's a crazy story.

23 A Not true.

24 Q It's hard to believe that somebody made that up;
25 isn't it?

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 A It's not true.

2 Q Do you have herpes?

3 A It's not true.

4 Q Okay. So you deny that you ever said that to
5 your brother?

6 A I never said that.

7 Q Okay. And you said the gun that killed Prince
8 was never recovered; right, it wasn't recovered? It was a
9 9 millimeter; right?

10 A I don't know what type of gun it was.

11 Q You know what kind of gun your brother had;
12 right?

13 A No, I don't.

14 Q No, you really don't know what kind of gun your
15 brother had?

16 A (The witness shook his head.)

17 MR. JOHNSON: Your Honor, may we approach?

18 (WHEREUPON, an off-the-record bench conference
19 was held in the presence of the jury but out of
20 the hearing of the jury.)

21 BY MR. PRINGLE:

22 Q All right. Ratio, let's wrap this up here.

23 MR. JOHNSON: Your Honor, put my 403 objection
24 to the prior coming in.

25 THE COURT: Objection's noted, overruled.

JAYLAN FAIR-CROSS BY MR. PRINGLE

1 MR. PRINGLE: Okay.

2 BY MR. PRINGLE:

3 Q So, you know, it seems like you've -- you've
4 been in trouble with the law before; haven't you?

5 A Once.

6 Q Uh?

7 A Once.

8 Q Once. You sure about that? I've got your
9 convictions here.

10 A I've been down the road one time.

11 Q Oh, you've been in prison time?

12 A Yes, sir.

13 Q Okay. All right. But isn't it true that you
14 have prior -- you've been convicted back in 2016 of grand
15 larceny and burglary second degree; is that true?

16 A Yes, sir.

17 Q All right. Burglary and grand larceny. So you
18 pled guilty to those; right?

19 A (The witness nods.)

20 Q And then you've also pled guilty to attempted
21 armed robbery and assault and battery first degree. Those
22 are all serious felonies; aren't they?

23 A Yes, sir.

24 Q And you've pled guilty and you've gone to prison
25 before?

JAYLAN FAIR-REDIRECT BY MR. JOHNSON

1 A Yes, sir.

2 Q Which one or which ones did you go to prison
3 for; do you know?

4 A All of them. Attempted armed robbery, burglary,
5 those were consecutive sentences.

6 Q All right. So I think, you now, I think we've
7 pointed out your whole life was on the line. You're an
8 obvious criminal. You've lied. And now you're pointing
9 the finger and telling the most recent story that you got.
10 Isn't it true that you would say anything, again, to save
11 yourself?

12 A Not at all.

13 MR. PRINGLE: Thank you.

14 THE COURT: All right, redirect?

15 REDIRECT EXAMINATION

16 BY MR. JOHNSON:

17 Q Those prior cases you pled guilty, you came
18 before The Court and you told them what you did?

19 A Yes, sir.

20 Q Is that what you're doing here today?

21 A Yes, sir, I'm taking responsibility for the role
22 that I played.

23 Q You're facing life in prison. Today you're
24 facing a mandatory minimum of 50 years in jail?

25 A (The witness nods.)

JAYLAN FAIR-REDIRECT BY MR. JOHNSON

1 Q Are you telling the truth today?

2 A Yes, sir.

3 Q Did you shoot the victim?

4 A No, sir.

5 Q Why are you pleading guilty to voluntary
6 manslaughter?

7 A I just want the truth to get out there. And I
8 want everybody to know that I'm not a killer.

9 Q Because you were involved?

10 A Yes, I was involved and I played the role.

11 Q Tommy Long was involved?

12 A Yes, sir.

13 Q Tommy Long the shooter?

14 A Yes, sir.

15 Q You've known Tommy your whole life?

16 A Yes, sir.

17 Q You told Jevonda that you shot him in the chest
18 twice?

19 A Yes, sir.

20 Q Was the victim in this case shot in the chest
21 twice?

22 A Not to my understanding he wasn't.

23 Q Where was he shot?

24 A In the facial area.

25 Q How many times?

JAYLAN FAIR-RECROSS BY MR. PRINGLE

1 A I want to say two shots were fired.

2 Q Hit once?

3 A Yes, sir.

4 Q Okay. .You said twice in the chest because you
5 didn't shoot him?

6 A Yes, sir.

7 Q Because you didn't know what you were talking
8 about?

9 A Didn't know.

10 MR. JOHNSON: Nothing further.

11 THE COURT: Recross?

12 RECROSS-EXAMINATION

13 BY MR. PRINGLE: -

14 Q You said before you didn't have your glasses on;
15 right?

16 A (The witness nods.)

17 Q So when you shot Prince you couldn't have known
18 where you shot him; could you?

19 A I didn't shoot him.

20 THE COURT: All right, you may step down.

21 All right, ladies and gentlemen, we're going to
22 take our afternoon break, please don't discuss the
23 case. Thank you.

24 (WHEREUPON, the jury left open court at
25 approximately 3:38 p.m.)

1 MR. PRINGLE: Judge, when to be back, please?

2 THE COURT: Fifteen minutes or so.

3 MR. PRINGLE: Thank you.

4 THE COURT: All right, back on the record as to
5 the 403 objection. You made an objection as to the
6 prior conviction under 609?

7 MR. JOHNSON: Yes, sir.

8 THE COURT: At the bench conference, I indicated
9 I would allow it and I did analyze it as far as 403
10 to determine whether it was unfairly prejudicial and
11 substantially outweighed the probative value. I find
12 that it did and so that's why I allowed it. This is
13 609 of a witness, not a 609 of The Defendant, so it's
14 a 403 analysis to determine whether that goes, so.
15 So I'll allow it.

16 MR. JOHNSON: Yes, sir, appreciate it.

17 (WHEREUPON, a short break was taken.)

18 (WHEREUPON, the jury came into open court at
19 approximately 4:05 p.m.)

20 THE COURT: State, call its next witness.

21 MR. JOHNSON: Thank you, Your Honor, The State
22 calls Julian Conrad.

23 THE CLERK: Please pause the bench, place your
24 left hand on the Bible, raise your right hand.

25 JULIAN CONRAD, after being duly

1 sworn{,}testified as follows:{F}

2 THE CLERK: Thank you. Go ahead and have a
3 seat. Please state your full name for the record.

4 THE WITNESS:. Julian Conrad.

5 DIRECT EXAMINATION

6 BY MR. JOHNSON:

7 Q Officer Conrad, where did you work on May 11,
8 2019?

9 A I was working with the Greenville Police
10 Department.

11 Q Where do you work now?

12 A With the Greenville County Sheriff's Department.

13 Q Okay. What's your position now?

14 A I'm a master deputy and a investigator assigned
15 to the homicide unit.

16 Q You're a homicide investigator?

17 A I am.

18 Q All right. Back in 2019, what was your
19 position?

20 A I was a patrol officer and field training
21 officer in that unit.

22 Q You've been promoted?

23 A I have.

24 Q Congratulations.

25 A Thank you.

JULIAN CONRAD-DIRECT BY MR. JOHNSON

1 Q I'll call you detective. So in 2019, what were
2 your responsibilities?

3 A In 2019 I was assigned to road patrol, I
4 responded to calls, practically attempting to slow down or
5 hinder crime and training new officers that would come
6 through the program.

7 Q Respond to calls for people who call 911, road
8 patrol response?

9 A Calls for service.

10 Q Okay. On the early morning hours of May 11th,
11 did you respond to the scene involving the death of
12 Prince?

13 A I did.

14 Q Okay. Explain the circumstances leading up to
15 that.

16 A Yes. I was with multiple other officers, just
17 down the road, we were on Laurens Road. We were just
18 doing a quick nighttime meeting, which is regular for us
19 on some nights. And dispatch notified us, via radio, that
20 there was a call for service at [REDACTED] Woodruff Road. The
21 subject had received a gunshot wound.

22 Q What time did you get that call, do you know?

23 A It was the early morning hours, if I may?

24 Q Certainly.

25 A Look at my report. We arrived on scene at 3:12

JULIAN CONRAD-DIRECT BY MR. JOHNSON

1 in the morning. So just a few minutes since we weren't
2 too far down the road.

3 Q 3:12 is when you got on scene?

4 A Correct.

5 Q Okay. When you get on scene, what did you do?
6 What do you see?

7 A So with this type of call, with a gunshot wound
8 to a subject, it's a serious nature call. One of the
9 first things we have to think about is officer safety and
10 scene security. We responded to the scene with our lights
11 and sirens but we downgraded those and turned them off
12 prior to arriving. We parked just down from the building,
13 from the apartment complex. And we went on foot to
14 attempt to approach silently. We attempted to locate the
15 apartment, which we did. Apartment 2214. Once we got on
16 scene, we had our weapons drawn. Our first priority upon
17 arriving is to create a safe scene for both officers and
18 any persons on scene attempting to locate a suspect, if
19 there was any on scene.

20 Q So you didn't know if the gunmen were still
21 there?

22 A We had no idea.

23 Q Okay. All right. So you came on scene, guns
24 drawn?

25 A Right. We entered into the residence. I was

JULIAN CONRAD-DIRECT BY MR. JOHNSON

1 one of the first ones in. I immediately observed, who I
2 later was informed was Prince, on the couch to my left in
3 the living room. We made several call-outs and entered in
4 and conducted what we call a protective sweep. Which is
5 officers going through the building, the apartment with
6 weapons drawn, in an attempt to make the scene safe.

7 Q So once you made the scene safe, how long did
8 that take?

9 A It normally takes less than two minutes.

10 Q Okay. All right. So once you make the scene
11 safe -- how long did that take?

12 A It normally takes less than two minutes.

13 Q Okay. Once you make the scene safe, then what
14 is your first priority?

15 A My very first priority is attempt to conduct
16 safety measures.

17 Q Why would you do that?

18 A To conduct life saving measures on any victims
19 that he we might be able to locate.

20 Q Did you do that in this case?

21 A I did. We located one victim, Prince, who was
22 on the couch. He wasn't moving. I attempted life saving
23 measures on him, hands on. I went up to him, I observed
24 that he had a puncture wound to his face, near his cheek
25 area; which was consistent with what I know to be a

JULIAN CONRAD-DIRECT BY MR. JOHNSON

1 gunshot wound.

2 Q So you come up onto the gunshot wound and what
3 do you do?

4 A Well, I also see that he was not moving. He had
5 blood pooled on his shirt and blood dripping from his
6 mouth. So I went to see if the subject was still alive.
7 The victim was still alive. So I went out and felt for a
8 pulse near his neck. And I did feel a pulse. It was
9 fading slowly, was observable. Having observed a pulse,
10 the victim was still alive, I attempted to try to save his
11 life.

12 Q What did you do to try to save his life?

13 A One of the first rules, what we have to access
14 the type of injury. With the injury being shot in the
15 head, there was very limited life saving measures I can
16 conduct on scene with my limited resources. I knew that I
17 could try to clear his airway. He had a lot of blood
18 coming from his mouth. So I decided to open his bottom
19 jaw and tilt his head forward to allow the blood to drip
20 out. I did observe shattering of teeth and blood kind of
21 built up in his mouth area. Then I used a rag to try to
22 wipe the rest of it away and pushed his tongue down a
23 little bit, trying to get some air flow.

24 Q The shattered teeth, his teeth were broken?

25 A Yes, sir.

JULIAN CONRAD-DIRECT BY MR. JOHNSON

1 Q All right. What else can you tell us about
2 the -- showing you State's Exhibit 21, do you recognize
3 that?

4 A That is a still image from my body-worn camera
5 of the scene when we first made entry.

6 Q So that picture's just a screen grabbed by you?

7 A Yes, sir.

8 Q Okay. And that's what the scene looked like
9 when you got on there?

10 A It is.

11 Q Okay. Was this -- and this was before you did
12 life saving measures?

13 A I don't recall if it was before or after but it
14 is directly before or directly after.

15 Q All right. Let's talk about what the victim's
16 body looked like. Did you notice anything else about --
17 what was he wearing?

18 A So he had on a t-shirt that he was wearing but
19 he wasn't wearing any pants or shoes. He was just in that
20 seated position.

21 Q What did you do next?

22 A Just tried to stabilize him. I tried talking to
23 him. Sometimes just try to reassure somebody, if they
24 have the ability to hold on, just be with them, talk to
25 them to hold on to life, if possible. So I attempted to

JULIAN CONRAD-DIRECT BY MR. JOHNSON

1 keep his airway open and talk to him. Kind of just let
2 him know that medical services were on the way.

3 Q All right. So we can't play your body cam. Can
4 you explain -- you were sitting their talking to him?

5 A Uh-huh.

6 Q Why did you say you were doing that?

7 A Just having somebody next to you sometimes
8 talking to you, trying to give you some hope, let him know
9 you're not alone. If you feel like you're slipping,
10 somebody is there to help reach out to you. Kind of keep
11 you there.

12 Q Were you successful with the life saving
13 measures here?

14 A I was not.

15 MR. JOHNSON: All right, no further questions.

16 THE COURT: All right, cross?

17 MR. PRINGLE: No questions, thank you.

18 THE COURT: All right, you may stand down, thank
19 you, sir.

20 THE WITNESS: Thank you, Your Honor.

21 THE COURT: All right, next witness.

22 MR. JOHNSON: Officer Garrett Holden.

23 THE CLERK: Place your left hand on the Bible.

24 GARRETT HOLDEN, after being duly

25 sworn{,}testified as follows:{F}

GARRETT HOLDEN-DIRECT BY MR. JOHNSON

1 THE CLERK: Go ahead, have a seat. Please state
2 your full name for the record.

3 THE WITNESS: Garrett Michael Holden.

4 DIRECT EXAMINATION

5 BY MR. JOHNSON:

6 Q Officer Holden, where are you employed?

7 A Greenville Police Department.

8 Q Were you employed there May 11, 2019?

9 A I was.

10 Q On that day did you respond to the incident
11 where Mr. Prince Osuagwu was shot?

12 A I did.

13 Q Can you explain what you did?

14 A I was on Laurens Road as well for a meeting. We
15 had a call there was a gunshot victim at [REDACTED] Woodruff.

16 Q You were meeting with officer or Detective
17 Conrad?

18 A Yes.

19 Q Okay. Sorry.

20 A We responded to apartment 2214. We had went
21 inside. Obviously, several people in there. I observed
22 later who was identified as Prince leaned back on the
23 couch. Blood was pouring out of his mouth, teeth were
24 shattered, tongue hanging out. I immediately did a
25 protective sweep, clear the apartment to make sure we

GARRETT HOLDEN-DIRECT BY MR. JOHNSON

1 didn't have anybody with a gun hiding. I went to the back
2 bedrooms, I can specifically remember there was little
3 kids, very young.

4 Can you hear me?

5 Laying in the bed asleep. After the
6 protective sweep was done we tried to keep everybody in
7 there, set them outside, detained them, all that good
8 stuff. And I went over to check on Detective Conrad, he
9 didn't need anything. He, obviously, tried to do
10 everything he could do. I was just there to try to watch
11 his back to let him provide medical aid.

12 Q So you were perimeter security, scene security?

13 A Yes.

14 Q Did you have any other -- did you ever come in
15 contact with Tommy Long?

16 A I did.

17 Q All right, when was that?

18 A Let me pull the report, if you don't mind. Look
19 at the exact date.

20 Q Yes, sir.

21 A This was on May 21st.

22 Q May 21st, 2019?

23 A Yes.

24 Q Ten days after the incident?

25 A Yes.

GARRETT HOLDEN-DIRECT BY MR. JOHNSON

1 Q Or after the murder?

2 A (The witness nods.)

3 Q All right. Without going into any details about
4 the encounter, did you conduct a traffic stop on Tommy
5 Long?

6 A I did.

7 Q Do you see that man in the courtroom today?

8 A I do.

9 Q Where is he at?

10 A At Defense table.

11 Q All right. I'm going to show you State's
12 Exhibit 38, 39 and 40. You recognize those?

13 A I do.

14 Q What are those pictures of?

15 A Picture of the vehicle that Tommy Long was
16 driving that day.

17 Q You were there, you saw this vehicle?

18 A I was.

19 Q Is that a fair and accurate depiction of the
20 vehicle?

21 A It is.

22 MR. JOHNSON: Your Honor, State seeks to
23 introduce State's Exhibit 38, 39 and 40 into
24 evidence.

25 THE COURT: All right, any objection?

GARRETT HOLDEN-DIRECT BY MR. JOHNSON

1 MR. PRINGLE: None.

2 THE COURT: All right, State's Exhibit 38, 39
3 and 40 are admitted into evidence without objection.

4 MR. JOHNSON: Thank you, Your Honor.

5 (WHEREUPON, State's Exhibits Nos. 38-40 was
6 marked for identification and received into
7 evidence.)

8 BY MR. JOHNSON:

9 Q When you pulled over Mr. Long, what was he
10 driving?

11 A It was a 2004 Honda Accord, it was really dark
12 gray.

13 Q These the photographs we're looking at?

14 A Yes, sir.

15 Q Who was that car registered to?

16 A It was registered to a Tania Glass.

17 Q Tania Glass?

18 A Yes.

19 Q This man was driving the vehicle?

20 A Yes, sir, he was.

21 MR. JOHNSON: All right, thank you, officer, no
22 further questions.

23 THE COURT: All right, any cross?

24 MR. PRINGLE: None, thank you.

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

1 MR. JOHNSON: Your Honor, may we approach about
2 scheduling?

3 THE COURT: Yeah.

4 (WHEREUPON, an off-the-record bench conference
5 was held in the presence of the jury but out of
6 the hearing of the jury.)

7 THE COURT: All right, ladies and gentlemen of
8 the jury, we are at a stopping point because the next
9 witness could be fairly long and would extend us a
10 good while in the afternoon. So what I'm going to do
11 is break for today. And then we'll start fresh in
12 the morning. And I anticipate we will finish
13 tomorrow. That's my game plan. I think we should
14 have the evidence done by the morning. And
15 hopefully, can get y'all the case at lunch. That's
16 what I'm hitting for. Don't hold me to that because
17 things can happen in a trial. But that's -- we just
18 had -- this a good time with witness, a logistic
19 issue that have come up as well, so we're going to
20 end for the today. Let's again get back tomorrow at
21 9:30. I believe we should be finishing up. So
22 please don't discuss the case, as I have instructed
23 you. And I hope all of you have a good night and
24 I'll see y'all in the morning at 9:30.

25 (WHEREUPON, the jury left open court at

1 approximately 4:22 p.m.)

2 THE COURT: As a housekeeping matter, we had a
3 bench conference a while ago, this afternoon, and
4 it's pitting witnesses, bench conference. You
5 objected to it. I told you I was -- I would sustain
6 the objection but we didn't get anything on the
7 record. So I'm going back and I sustain that
8 objection on pitting of the witnesses. That's just
9 to clear up the record.

10 MR. JOHNSON: Thank you, Your Honor.

11 THE COURT: All right, anything? I don't think
12 there's any need to discuss any charges right now
13 because we've got issues that we'll need to deal
14 with. So unless y'all need anything or need to
15 discuss anything, we'll adjourn until 9:30 in the
16 morning.

17 MR. JOHNSON: Would you like standard charges
18 tomorrow? Unless, Your Honor, prefers us to prepare
19 something.

20 THE COURT: We can go with my charges normally.
21 Unless y'all want to submit anything. But I normally
22 go with my charges. But will certainly listen and
23 look at anybody's charges that you want me to. I
24 don't think there's anything -- I don't think there's
25 anything unusual.

1 MR. JOHNSON: I agree. Pretty straightforward,
2 I just didn't want to come up in here empty handed.

3 MR. PRINGLE: Yeah, sometimes The Court expects
4 us to have that prepared ahead of time, that's kind
5 of difficult sometimes when you don't have the whole
6 case in front of you.

7 THE COURT: And I'm not going to expect y'all to
8 have that, I'll handle that. See y'all in the
9 morning, 9:30.

10 MR. JOHNSON: Thank you, Your Honor.

11 MR. PRINGLE: Thank you, Judge.

12 (WHEREUPON, the proceedings were concluded for
13 the day to be reconvened on July 12, 2023.)
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1 July 12, 2023

2 THE COURT: Anything from The State?

3 MR. JOHNSON: No, Your Honor.

4 THE COURT: Anything from The Defense?

5 MR. PRINGLE: No, Your Honor.

6 THE COURT: All right, let's bring them in.

7 (WHEREUPON, the jury came into open court at
8 approximately 9:49 a.m.)

9 THE COURT: All right, good morning, ladies and
10 gentlemen, hope you had a good night. We are ready
11 to proceed.

12 The State call its next witness.

13 MR. JOHNSON: Thank you, Your Honor, The State
14 calls Tania Glass.

15 THE CLERK: Good morning, if you would pause at
16 the bench, put your left hand on the Bible, raise
17 your right hand.

18 TANIA GLASS, after being duly sworn, testified
19 as follows:

20 THE CLERK: Thank you, if you would be seated.
21 Please state your name for the record.

22 THE WITNESS: Tania Nicole Glass.

23 DIRECT EXAMINATION

24 BY MR. JOHNSON:

25 Q Good morning, Ms. Glass, how old are you?

TANIA GLASS-DIRECT BY MR. JOHNSON

- 1 A I'm 27.
- 2 Q Twenty-seven, all right. You working right now?
- 3 A Yes.
- 4 Q Where you working?
- 5 A Full-time manager at Taco Belle.
- 6 Q Are you in school?
- 7 A Full-time nursing student.
- 8 Q Do you know Tommy Long?
- 9 A Yes.
- 10 Q You see him in the courtroom today?
- 11 A He is right there.
- 12 Q Is he sitting at the Defense table?
- 13 A Uh-huh.
- 14 Q How do you know Tommy?
- 15 A We had dated on and off for about five years.
- 16 Q What years were those?
- 17 A 2015 to about 2019/20.
- 18 Q Okay. So May 11th, 2019, were you dating at
- 19 that point?
- 20 A Yes, sir.
- 21 Q Did you ever let Tommy use your car?
- 22 A Yes.
- 23 Q How often?
- 24 A When he asked.
- 25 Q Did he have your car on May 10th and May 11th,

TANIA GLASS-DIRECT BY MR. JOHNSON

1 2019?

2 A Yes.

3 Q What about May 21st, 2019?

4 A Yes.

5 Q I'm showing you State's Exhibit 38, what is
6 that?

7 A That's my car.

8 Q This?

9 A That's my car.

10 Q Okay. Looks like on this projector, looks like
11 a little blue but that's dark gray; correct?

12 A Yes.

13 Q I'm going to show you State's Exhibit 26, you
14 see your car in this picture?

15 A Yes, I do.

16 Q Is that it right there?

17 A Yes.

18 Q Show you State's Exhibit 27, you see your car in
19 this picture?

20 A Yes.

21 Q Is that it right there?

22 A Yes.

23 Q All right. So one last time, the night of
24 May 10th, early morning hours of May 11th, Tommy Long had
25 your car?

TANIA GLASS-CROSS BY MR. PRINGLE

1 A Yes.

2 Q And on May 21st, 2019, did he still have your
3 car?

4 A Yes.

5 MR. JOHNSON: No further questions, thank you.

6 THE COURT: All right, cross-examination.

7 CROSS-EXAMINATION

8 BY MR. PRINGLE:

9 Q Just very briefly, good morning. The pictures
10 that Mr. Johnson just showed you where there was one that
11 had, I guess -- let me pull it up. Now, you said from --
12 well, at least, from May 19th -- or May 19th, 2019 through
13 May 21st, 2019, you know that Tommy had your car?

14 A Yes.

15 Q Okay. Mr. Johnson showed you this photo just a
16 minute ago. Now, what kind of car is that?

17 A A Honda Accord.

18 Q What year?

19 A Like 2004, maybe.

20 Q All right. Obviously, you say there's a lot of
21 those on the road; aren't there?

22 A (The witness nods.)

23 Q So when you look at that photo right there, it
24 looks like your car, obviously, right? It's the same kind
25 of car, roughly?

TANIA GLASS-CROSS BY MR. PRINGLE

1 A Yes, it's my car.

2 Q You can tell that that's your car from that
3 photo, that that's, specifically, your car?

4 A Yes.

5 Q How can you tell? How can you tell it's not
6 just any -- any other car that looks like that on the
7 road? There's a lot of those Honda's out there.

8 A I just remember what my car looks like.

9 Q It looks like your car, we all agree on that.
10 But you don't know that that is your car, at that time, in
11 that photo; do you?

12 A I'm pretty positive it's my car.

13 Q Okay. Did you know your license plate number at
14 the time?

15 A No.

16 Q You would agree there's no license plate visible
17 in that picture; was there?

18 A No, not visible.

19 Q Okay. And you didn't see any -- in those
20 pictures, you didn't see Tommy; did you?

21 A Not in that picture.

22 Q Yeah. It looked like it might have -- that was
23 a car that looked like yours and you think it was your
24 car?

25 A I feel like it was my car, I know it was.

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 MR. PRINGLE: Thank you, nothing further.

2 THE COURT: Any redirect?

3 MR. JOHNSON: No, Your Honor.

4 THE COURT: All right, you may step down. Thank
5 you, ma'am.

6 All right, next witness.

7 MRS. LANDSVERK: Your Honor, at this time, The
8 State would call Defective Mary Ashley Thomas.

9 MARY ASHLEY THOMAS, after being duly
10 sworn{,}testified as follows:{F}

11 THE CLERK: Thank you. Please state your full
12 name for the record.

13 THE WITNESS: Mary Ashley Thomas.

14 DIRECT EXAMINATION

15 BY MRS. LANDSVERK:

16 Q Hey, good morning.

17 A Good morning.

18 Q What is your occupation?

19 A I work for the Greenville Police Department as a
20 police officer.

21 Q How long have you been with the Greenville
22 Police Department?

23 A This is my 20th year.

24 Q Okay. So you were employed May 11, 2019?

25 A I was.

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 Q Okay. And what is your involvement in this
2 case?

3 A I have been assigned to the detective division.
4 And during that time, I was actually the on-call detective
5 that weekend of Prince's murder. And was called and was
6 the first detective to arrive on scene.

7 Q Okay. What was the first thing that you did in
8 this investigation?

9 A The first thing was arriving at the apartment
10 where he was murdered and obtaining a search warrant from
11 a judge to start processing evidence.

12 Q Okay. Now, when you came on scene, what did the
13 layout -- what did everything look like?

14 A The apartment was in disarray. There were a lot
15 of book bags and miscellaneous items strawn about the
16 floor. I notice some blood and tissue matter on the sofa
17 in the den, things of this nature.

18 Q Okay. Did you notice anything on the ground
19 when you first walked in?

20 A When I first walked in by the front door there
21 were two spent shell casings.

22 Q Okay. So before we get to the shell casings, I
23 did want to ask you about the money.

24 A Okay.

25 Q Did you find the money in this case or any money

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 in general?

2 A I did. I observed a large wad of rubber banded
3 cash laying off the den in the sunroom. It was between a
4 wall and a cardboard box.

5 Q Okay. And did you end up counting that money?

6 A I did.

7 Q What amount did it come out to be?

8 A The total was \$16,100.

9 Q Okay. Okay. I'm handing you State's Exhibit
10 41, do you recognize that photo?

11 A I do.

12 Q Okay. What it as a picture of?

13 A It's a picture of the money that was spread out
14 on the kitchen island to count it before we packaged it.

15 Q Okay. And how do you know that it's the same
16 picture? Does it look the same?

17 A It's the same picture.

18 Q Okay. Is it a accurate depiction?

19 A It is.

20 Q Of all the money?

21 A Yes.

22 MRS. LANDSVERK: All right, Your Honor, at this
23 time, The State would seek to introduce 41 into
24 evidence.

25 THE COURT: All right, any objection?

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 MR. PRINGLE: None.

2 THE COURT: All right, State's Exhibit 41 is
3 admitted into evidence without objection.

4 (WHEREUPON, State's Exhibit No. 41 was marked
5 for identification and received into evidence.)

6 BY MR. PRINGLE:

7 Q Okay. So let's get back to what you noticed on
8 the ground when you first walked in.

9 A Okay.

10 Q You said that you saw some shell casings on the
11 ground?

12 A Yes, ma'am.

13 Q How many did you find?

14 A Two.

15 Q Okay. And where were they exactly?

16 A Right as you walked in the front door of the
17 apartment.

18 Q Okay. Okay. I'm handing you State's Exhibit
19 42, can you please tell me what you are looking at?

20 A These are the shell casings. Mind if I open
21 them?

22 Q Yes, please do.

23 A You want me to open the package?

24 Q Yes.

25 A They are sealed and signed and dated the way we

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 package them.

2 Q Okay. Can you tell me a little bit about the
3 process about which forensics gets that and puts it into
4 evidence?

5 A Uh-huh. We mark it on scene with a marker or if
6 we don't have a marker, something that, you know, we know
7 they're there. And then once the photographs are taken of
8 the crime scene, these are collected, packaged, sealed,
9 dated, initialed and put in property and evidence. For
10 later testing, maybe.

11 Q Okay. So, at this point, has this ever been
12 opened?

13 A No, this has never been opened until today.
14 Yes, the same ones.

15 Q Okay. So you can confirm, based on the
16 packaging and based on what you remember seeing on scene,
17 that these were the same shell casings that you found that
18 day?

19 A Uh-huh. They're stamped Blazer 9-millimeters.

20 Q Okay.

21 Your Honor, at this time, The State would
22 seek to introduce it into evidence.

23 THE COURT: All right, any objection?

24 MR. PRINGLE: None, Your Honor.

25 THE COURT: All right, that's State's Exhibit

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 42?

2 MRS. LANDSVERK: It is, Your Honor.

3 THE COURT: All right, State Exhibit 42 is
4 admitted into evidence without objection.

5 (WHEREUPON, State's Exhibit No. 42 was marked
6 for identification and received into evidence.)

7 BY MRS. LANDSVERK:

8 Q Okay. Now, you said that there were two shell
9 casings, what does that approximately mean as far as how
10 many shots were taken? Based on that.

11 A It means we knew, at least, two shots were
12 fired. The casings are rejected from the handgun once
13 it's fired.

14 Q Okay. And do you know where the two shots were
15 fired?

16 A Where they were appeared from the front door or
17 near the front door.

18 Q Okay. And what did they hit? Just real general
19 question, not meant to trick you, where did the bullets
20 go?

21 A The bullets -- one went into the wall in the den
22 and one went into Prince.

23 Q Okay. I want to talk about one that went into
24 the wall.

25 A Okay.

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 Q Do you recognize State's Exhibit 43? Again,
2 here's State's Exhibit 43, do you recognize that photo?

3 A Yes, that was the wall that we dug out to
4 actually find the projectile.

5 Q Okay. Is that a accurate depiction of what you
6 saw that day?

7 A It is.

8 Q Okay.

9 Your Honor, at this time, The State would
10 ask that 43 go into evidence.

11 THE COURT: All right, any objection?

12 MR. PRINGLE: No.

13 THE COURT: State's Exhibit 43 is admitted into
14 evidence without objection.

15 (WHEREUPON, State's Exhibit No. 43 was marked
16 for identification and received into evidence.)

17 MRS. LANDSVERK: May we publish, Your Honor?

18 THE COURT: Yes, ma'am.

19 BY MRS. LANDSVERK:

20 Q Okay. So can you talk a little bit about where
21 you saw this in the wall?

22 A It was behind the couch where Prince was
23 sitting. And a trajectory was done to get the path that
24 the bullet traveled. And that's where we found it and had
25 to dig out the wall to retrieve it.

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 Q Okay. Can you tell me, approximately, where it
2 is so I can point it out to the jury? Is it right here?

3 A Yeah, that's it.

4 Q Okay. Okay, so you said the other bullet hit
5 Prince?

6 A Yes.

7 Q Did you see Prince when you walked in?

8 A I did not, he had already been transported to
9 the hospital.

10 Q Okay. Do you know where the projectile hit
11 Prince?

12 A I do, in his right jaw.

13 Q Okay. And I think you mentioned it before but
14 just want to confirm, what was the type of bullet?

15 A 9-millimeter.

16 Q Okay. Also, did you see a spoon on the floor?

17 A I did.

18 Q Okay. And did you collect evidence or do any
19 sort of forensics on that spoon?

20 A The spoon was not collected at that time because
21 we were not aware that he had been tortured with it.

22 MR. PRINGLE: Objection.

23 THE COURT: What's the basis?

24 MR. PRINGLE: Well, I don't -- I'm not sure how
25 she could say that he was tortured. I mean, that's a

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 conclusion, I don't know how she could make that--

2 THE COURT: I'll sustain it right now, just lay
3 some foundation.

4 MRS. LANDSVERK: Okay. And, Your Honor, we're
5 not really going down that road, we're just talking
6 about the spoon itself as far as why that was not
7 looked at. She's explaining that.

8 THE COURT: I'll sustain that right now. I'll
9 hear you, continue on.

10 BY MRS. LANDSVERK:

11 Q Okay. So if you don't mind, just explaining why
12 there was no evidence or any DNA testing done on that
13 spoon?

14 A We did not know at the time that it was
15 significant to this case.

16 Q Okay. Thank you.

17 A You're welcome.

18 Q Now, after you came on scene, looked at all the
19 evidence, tried to piece everything together, what was the
20 next step that you took in your investigation?

21 A We started following up on leads, interviewing
22 witnesses, different parties, reviewing and collecting
23 different videos, security footages from different places.

24 Q Okay. So who did you interview first?

25 A Me, personally, I interviewed Jevonda Dillard

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1 first.

2 Q Okay. And was she truthful --

3 A I'm sorry, Natasha Booker first.

4 Q Natasha first, okay. And so you interviewed
5 Natasha and Jevonda probably close in time?

6 A Several days.

7 Q Okay. And based on the information that you
8 heard from them, did you feel like that they were giving
9 you the truth?

10 A No.

11 Q And what did you do in order to determine what
12 the truth was?

13 A Well, in these cases, it's been my experience we
14 get partial truths. And it's up to us to dig a little
15 further, verify bits and pieces of what they tell us. And
16 that's what we had to do. And we did that in collecting
17 different security footages of places that I was told that
18 they had been.

19 Q Okay. So based on the information that you
20 received, where is the first place that you went to follow
21 up and look at security footage?

22 A Waterside Greene Apartments, where the crime
23 scene was.

24 Q Okay. And what did you do at Waterside Greene?

25 A Collected the video from the entrance where the

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 gate is, reviewed that video.

2 Q Okay. And is that the same video that included
3 seeing Natasha and Jevonda's car go through the gate?

4 A Yes.

5 Q Okay. Where did you go next?

6 A Highlands Apartments.

7 Q Okay. What did you get at Highlands?

8 A Video of the gray Hyundai and dark in color
9 Honda Accord and the parties gathered in the parking lot.

10 Q Okay. And -- okay, just to recap real quickly
11 so we can see what you're talking about. Is this what
12 you're talking about, the Waterside Greene Apartments?

13 A Yes.

14 Q Okay. Then you went to Highlands you said. Is
15 this a accurate depiction of what you found at Highlands?

16 A No, that's the security footage from the Motel
17 6.

18 Q Okay. Let me back up. Show you what you're
19 talking about here. What are you looking at right here?

20 A That's the still picture from the security
21 footage taken from Highlands Apartments.

22 Q Okay. So can you explain this picture a little
23 bit as far as how it's lit up?

24 A From what we were told that is when Natasha went
25 to pick up Jevonda at the Highlands and Ratio -- or Ratio

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 Fair, Jaylan/Ratio Fair, Darius Rhodes and Tommy Long had
2 followed them in the darker Honda Accord before they went
3 to commit the robbery and murder.

4 Q Okay. It was a pretty fuzzy picture shot of the
5 surveillance but can you tell me who you believe to be
6 these people.

7 A I believe--

8 MR. PRINGLE: Objection.

9 THE COURT: What's the basis?

10 MR. PRINGLE: There's no way that anybody can
11 identify anybody from that photograph. I think she's
12 trying to elicit names of people. I mean, as I look
13 at that, I mean, I don't know how anybody could
14 identify anything. Let alone--

15 THE COURT: No speaking objection, no speaking
16 objection. All right, I'll sustain the objection.

17 Lay some more foundation with it.

18 MRS. LANDSVERK: Okay.

19 BY MRS. LANDSVERK:

20 Q Now, were you able to watch the surveillance
21 video that's capsulized in this still shot?

22 A I was.

23 Q Did you see that, okay. And in that video,
24 based on their movements, based on the lighting around the
25 apartment, were you able to determine who was in the

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1 photo?

2 MR. PRINGLE: Again, same objection.

3 THE COURT: Lay some more foundation, sustained.

4 BY MRS. LANDSVERK:

5 Q So through your investigation, were you able to
6 speak with Natasha and Jevonda?

7 A Yes.

8 Q Did you know what they looked like?

9 A Yes.

10 Q Did you meet with them in person when you spoke
11 with them?

12 A Yes.

13 Q Okay. Would you be able to tell who they were
14 if you were looking at them through the surveillance
15 video?

16 A Yes. And the timeframe that we were given that
17 they were there, this was the same timeframe.

18 Q Okay. Do you remember the timeframe about which
19 they were at Highlands?

20 A It was after, I want to say, after 1:15 in the
21 morning.

22 Q Okay. Is this another shot, a little further
23 away?

24 A 1:37, so yes.

25 Q Okay. So based on your experience, speaking

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1 with these people on your investigation and reviewing the
2 surveillance footage, were you able to determine who was,
3 in fact, in that picture?

4 . MR. PRINGLE: Objection.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 BY MRS. LANDSVERK:

8 Q Okay. Who were the people in the picture? Who
9 are these two right here?

10 A Natasha Booker and Jevonda Dillard.

11 Q Okay. It's difficult to see but are there
12 people back here?

13 A - There are.

14 Q Okay. Can you tell me -- do you mind -- if you
15 want to you can get up and point it out if it's easier.
16 Do you mind telling me, in general, who you think
17 everybody was?

18 A These were the three males.

19 Q Okay.

20 A Darius Rhodes, Jaylan Fair and Tommy Long.

21 Q Okay. And how do you know that's them? Do you
22 see the car that they're around?

23 A You cannot see the car, it's a dark in color
24 Honda. And this -- they pulled in this apartment complex
25 right after they left the Motel 6. And it's timestamped.

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1 Q Okay. So after you got the surveillance video
2 from Highlands, what was the next step in your
3 investigation?

4 A Highlands, we reviewed and collected security
5 footage from the QT.

6 Q Okay. Did you also go to the Motel 6?

7 A And the Motel 6, yes.

8 Q Okay. So I'm going to show you these pictures,
9 Exhibits 28 and 27. Is this the still shot of the video
10 that you collected?

11 A It is.

12 Q Okay. And you named these parties, who's the
13 person in red?

14 A That is Jaylan Fair. Natasha Booker and Darius
15 Rhodes.

16 Q Okay. Is this another still shot from the
17 surveillance you collected in Motel 6?

18 A It is.

19 Q Okay. Who is this person?

20 A That is Tommy Long.

21 Q Okay. Who is that?

22 A Jaylan Fair.

23 Q Okay. So let's talk about quickly the
24 appearance of Tommy Long. He appears to look a little bit
25 different today?

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 A He does.

2 Q Than he looked in that photo?

3 A Yes, ma'am.

4 Q Do you know why that could be the case?

5 A He has more facial hair and his hair is a little
6 bit longer today.

7 Q Okay. How long ago was this?

8 A This was 2019. So about five years ago.

9 Q Okay. And, obviously, people develop and age
10 differently; right?

11 A Right.

12 Q So he would, naturally, look a little bit
13 different?

14 A Yes, ma'am.

15 Q Okay. So after you went to Motel 6, where did
16 you end up going?

17 A Reviewing the video from the QT.

18 Q Okay. So I'm showing you State's Exhibits 35,
19 36 and 37. Just to confirm this is the still shot from
20 the surveillance video you got?

21 A It is.

22 Q Who is this?

23 A That is Jevonda Dillard.

24 Q Okay. Who is this?

25 A Natasha Booker.

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1 Q Okay. Who is the one with the blue hair right
2 there again?

3 A Natasha Booker.

4 Q Okay.

5 A Jevonda Dillard.

6 Q Okay. What is significant about this photo,
7 what are they buying?

8 A In this photo they purchased five drinks.

9 Q Okay. Presumably for the five of them?

10 A Presumably.

11 Q And then is this the photo of them on the way
12 out?

13 A It is, yes.

14 Q Okay. Jevonda and Natasha, okay. So what did
15 this confirm for you after you spoke with those witnesses
16 and after you got the surveillance video?

17 A Well, after watching the video, that's at 3:01,
18 they're leaving the QT. I believe it's 3:03 she gets --
19 Natasha gets a phone call and you can see her on the
20 footage, you know, on a phone call. And they go sit in
21 the parking lot with the lights on in their vehicle. And
22 at 3:10, they abruptly leave the parking lot.

23 Q Okay.

24 A It confirms to me that what they told us with
25 the timeframe was truthful about them going to pick up

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 Darius after the crime was committed.

2 Q Okay. Now, during the investigation, did you
3 obtain any phone records from any of the co-defendants in
4 this case?

5 A I submitted search warrants for all five
6 defendants cell phone records.

7 Q Okay. And who did you get phone records on?

8 A I received records back on Jaylan Fair, Darius
9 Rhodes and Natasha Booker and Jevonda Dillard.

10 Q Okay. And did you receive any phone records
11 from Tommy Long?

12 A There was no data to obtain on his phone because
13 it was turned off.

14 Q Okay. Now, as far as a records you did receive
15 from Jaylan, Darius, Natasha and Jevonda, did the GPS
16 coordinance put them at the crime scene?

17 A It did.

18 Q At that time?

19 A It did.

20 Q Okay. Now, did you find any guns as a part of
21 your investigation?

22 A I did.

23 Q What did you find?

24 A The .38 revolver that's been submitted to
25 evidence.

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 Q Okay. So where did you find this?

2 A We found that in the apartment that Jaylan Fair
3 was arrested in.

4 Q Okay. Do you know where it was found?

5 A It was found hidden under a bathroom sink.

6 Q Okay. Did you ever find the murder weapon in
7 this case?

8 A We did not.

9 Q Okay. Can you tell me about that? Did you look
10 for it?

11 A We did. We looked for it. We were told it had
12 been disposed of. And we searched and searched. We were
13 never able to locate it.

14 Q Okay. Now, by the time you were told it was
15 disposed of, was years after this initial investigation in
16 this case?

17 A I want to say it was about three years later
18 that we were finally told it was disposed of.

19 Q Okay. And the likelihood of you finding it was
20 probably pretty rare?

21 A Yes, ma'am.

22 Q At that point. Now, when Tommy Long was
23 arrested about ten days later after this crime occurred,
24 what car was he driving?

25 A A 2004 Honda Accord.

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1 Q Okay. Was that the same car that he was said to
2 be driving the night of the crime?

3 A Yes, ma'am.

4 Q Okay. Is that the same car that he was driving
5 the day he was arrested?

6 A Yes.

7 Q Okay. And I did kind of jump over this last
8 piece of evidence here. I'm going to show you State's
9 Exhibit 44. I'm handing you State's Exhibit 44, can you
10 tell me what you're looking at?

11 A Sure. That is the projectile collected from the
12 living room wall.

13 Q Okay. Do you mind opening it?

14 A No.

15 Q And again, just telling me, briefly, the process
16 by which it was collected to ensure that it hasn't been
17 altered or changed.

18 A Yes, it was sealed and dated and initialed and
19 has not been opened.

20 Q Okay.

21 A (The witness opens State's Exhibit 44.)

22 And yes, that's the fragment pulled from
23 the wall.

24 Q Okay.

25 Your Honor, at this time, The State would

MARY ASHLEY THOMAS-DIRECT BY MRS. LANDSVERK

1 like to put this into evidence, forty-four.

2 THE COURT: Any objection?

3 MR. PRINGLE: None.

4 THE COURT: All right, State's Exhibit 44 is
5 admitted into evidence without objection.

6 (WHEREUPON, State's Exhibit No. 44 was marked
7 for identification and received into evidence.)

8 MR. JOHNSON: Thank you, Your Honor. May we
9 publish?

10 THE COURT: Yeah.

11 (WHEREUPON, State's Exhibit No. 44 was
12 published.)

13 BY MRS. LANDSVERK:

14 Q Okay. We can talk about this a little bit but I
15 want to just dive into it a little bit more. And then,
16 let me go through here. But did you perform any
17 ballistics on the bullet or on the guns? The thing that
18 we talked about, the .38?

19 A Yes.

20 Q Okay. Can you tell me about that?

21 A That is not the gun that killed Prince.

22 Q Okay. And you said earlier you couldn't find
23 the murder weapon?

24 A We could not. We tried.

25 MRS. LANDSVERK: Thank you, Defective Thomas,

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 that's all the questions from The State. Please
2 answer anything from Mr. Pringle.

3 THE WITNESS: Thank you.

4 THE COURT: All rights, cross.

5 CROSS-EXAMINATION

6 BY MR. PRINGLE:

7 Q Good morning.

8 A Good morning.

9 Q Okay, it's pretty clear that you said that y'all
10 recovered two shell casings?

11 A Yes, sir.

12 Q So there were no other shell casings recovered
13 of any kind?

14 A No, sir.

15 Q Okay. And you said they were stamped -- I
16 didn't hear exactly, they were stamped something
17 9~millimeter?

18 A I believe it was Blazer 9~millimeter.

19 Q Blazer?

20 A Yes.

21 Q Okay, thank you. And both of them had the same
22 stamp?

23 A Yes, sir.

24 Q Okay. All right. And you said that those --
25 were those bullets tested for what type of gun they were

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 fired from?

2 A Those were not.

3 Q They were not tested. But they said
4 9~millimeter on them?

5 A Yes, sir.

6 Q Okay. How do we know that each bullet was fired
7 from the same gun? Is there any way to know?

8 A Not unless we were able to recover the murder
9 weapon.

10 Q Okay. So we got two bullets that are stamped
11 9~millimeter that don't match up, we didn't get any weapon
12 that they match up to?

13 A No, sir.

14 Q So it is possible that they could have been
15 fired from different guns? Possible?

16 A It's possible.

17 Q However, it's unlikely, it's possible --

18 A It's possible --

19 Q Yeah, there was no way to tell; right? Because
20 we could not test them?

21 A Right.

22 Q Okay. But we're pretty sure they're
23 9~millimeter bullets? They were never fired from that
24 revolver?

25 A Right, they were never fired from the revolver.

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 Q Okay. Great, thank you. And you mentioned you
2 were the first -- or your first interview was with Natasha
3 Booker. That was like the morning of or right after all
4 this happened?

5 A Yes, sir.

6 Q And at that time, were you known as Detective
7 Blair?

8 A I was.

9 Q Okay, thank you. And now it's Thomas; right?

10 A Now it's Thomas, yes, sir.

11 Q And you said she was not truthful with you?

12 A Correct.

13 Q Okay. That's obvious and she's admitted that;
14 correct?

15 A Correct.

16 Q Didn't you also interview Jevonda Dillard; as
17 well?

18 A I did.

19 Q Okay. And it was the same story with Jevonda;
20 wasn't it?

21 A Yes, sir.

22 Q Essentially, just not being truthful?

23 A Yes, sir.

24 Q Okay. Now, eventually, they came clean to some
25 extent?

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 A Yes, sir.

2 Q And I think -- I think it's your words, I don't
3 want to put them in your mouth, you said that these cases
4 are full of what we call partial truths?

5 A Yes, sir.

6 Q Okay. And, of course, partial truths, that's a
7 big problem in a case like this; isn't it? It's a big
8 problem, partial truths?

9 A Yes, sir.

10 Q Hard to get to the actual truth when you get
11 partial truths; right?

12 A It is.

13 Q And it's up to folks like y'all to take all
14 those partial truths and try to sort through it when you
15 know that these folks are lying to you about much of what
16 they're saying; right?

17 A Yes, sir.

18 Q Okay. And that's how it worked out in this
19 case; wasn't it?

20 A Yes, sir.

21 Q Lots of stories, everybody had a story and
22 multiple stories?

23 A Yes, sir.

24 Q Yeah. A lot of lying going on, a lot of finger
25 pointing?

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 A Yes, sir.

2 Q Deflection. Did you have anything to do with
3 interviewing Darius Rhodes?

4 A I did not.

5 Q Okay. And -- or Jaylan Fair; right?

6 A No, sir.

7 Q Okay. Okay. You know, I objected to your
8 identification -- or the purported ID of those fuzzy
9 images on those pictures. You mentioned during your
10 testimony that -- and under questioning from Solicitor
11 Landsverk, that you were basing that not on what you saw
12 in the images but within the context of what you had
13 learned from the story that Natasha Booker told you;
14 right? You look at the photo and you look at the
15 timeframe and you match that up with what she told you,
16 that's how you are purporting to ID the figures in the
17 photo; right?

18 A That actually was based off what Jevonda Dillard
19 told me.

20 Q I'm sorry, I said Booker. So it was based on
21 what Dillard told you?

22 A When we started getting more of the truth out of
23 her --

24 Q Yeah.

25 A -- yes. Then I started pulling security footage

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 and it did match what she was telling us about the
2 timeframe.

3 Q Right. So when you say, hey those three guys
4 are Jaylan Fair, Darius Rhodes and even Tommy, that's --
5 that's not based on your knowledge, that's based on the
6 image and what she told you, fair enough?

7 A Fair enough.

8 Q Okay. Now, she also asked you if you had had a
9 chance -- you got search a warrants for everybody's
10 involved phone; right? All the co-defendants?

11 A Yes, sir.

12 Q And you said that the warrants showed that -- I
13 don't mean to put words in your mouth. Was it Darius
14 Rhodes, the phone records show that he was at the crime
15 scene?

16 A Darius Rhodes, Jaylan Fair, Jevonda Dillard and
17 Natasha Booker, all of their phones pinged at the closet
18 cell phone tower to the crime scene that.

19 Q Okay. And that's consistent with what we've
20 learned about all four of their involvement?

21 A Yes, sir.

22 Q Okay. Now, I noticed that, though, that you
23 don't say Tommy Long's phone pinged at the crime scene;
24 did you?

25 A It was turned off.

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 Q It was turned off. So we have no idea?

2 A Correct.

3 Q Okay. And isn't there a -- isn't there some way
4 to determine that location, even if the phone is turned
5 off?

6 A We were not able to.

7 Q Okay. Is there a mechanism to do that if y'all
8 would have wanted to take it that far?

9 A I don't know.

10 Q Okay. So if there was a way to find out, don't
11 you think it would have been helpful--

12 MRS. LANDSVERK: Objection, Your Honor,
13 speculation.

14 THE COURT: Overruled.

15 BY MR. PRINGLE:

16 Q If there was a way to find out where his phone
17 was, don't you think it might have helped us all out here
18 today if law enforcement might have taken that extra step
19 to try to see, pin down where Tommy Long was?

20 A Uh--

21 Q It would have been helpful; wouldn't it?

22 A Data can't be retrieved if the phone is turned
23 off.

24 Q But I'm talking about location. Evidently,
25 y'all could ping the four people, as I'll call it.

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 Booker, Dillard and the two guys, they clearly are pinged
2 at the crime scene?

3 A Clearly, they are.

4 Q Yeah, okay. And we can't ping Tommy for
5 whatever reason. And again, my question is, if there is a
6 way to find out where his phone is, even when it's turned
7 off, not text, calls or anything but just location, that
8 would have been helpful; wouldn't it?

9 A There's no way to do that, that I know of.

10 Q Okay. You know it's been -- it's been asserted
11 by one or more witnesses that Tommy Long was at Motel 6,
12 evidently, I believe the timestamp was around 1:37; is
13 that right?

14 A I have to refer to my notes to give you an exact
15 time.

16 Q Sure, please.

17 A On May 11, 2019 at 12:17 a.m., Natasha Booker
18 and Darius Rhodes and Jaylan Fair and Tommy Long pull into
19 the Motel 6 parking lot.

20 Q Okay. And, of course, again, most of that's
21 based on testimony we've heard or stories we've heard.
22 But can you tell us when they show the photo of when it
23 appears that these cars are leaving the Motel 6?

24 A Sure.

25 Q Yeah, what time was that? I believe it was

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 1:37. But maybe you can confirm that.

2 A At 1:21 they all four exit the hotel room and
3 enter their vehicles.

4 Q All right. So they left from there, allegedly.
5 That's what everybody's saying; right?

6 A Yes, sir.

7 Q Okay. So around 1:21 or maybe a couple minutes
8 after is when they left Motel 6?

9 A Yes, sir.

10 Q Okay. And, of course, we've come to learn that
11 Natasha Booker and Jevonda Dillard went over to Prince's
12 apartment from there; right?

13 A Yes, sir.

14 Q Okay. And so, are you -- I mean, are you --
15 well, we'll get to that. Okay. What's the address of the
16 Motel 6?

17 A 12 Impact Drive, Greenville.

18 Q And do you recall the address of Prince's
19 apartment, the crime scene?

20 A [REDACTED] Woodruff Road.

21 Q Okay. And are you -- I mean, do you have any
22 idea the distance between -- you know, we were shown those
23 overheads and whatnot, but do you know from your knowledge
24 and investigation, what's the distance between those two
25 places?

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 A Well, they went to Highlands after leaving 12
2 Impact Drive. Which is 200 Pine Creek Court.

3 Q Okay, wait. Which is 200 Pine Creek Court? 12
4 Impact is Motel 6?

5 A Yes, sir.

6 Q [REDACTED] Woodruff is the apartment. What was that
7 other address?

8 A The other address is [REDACTED] Pine Creek Court and
9 that's where they went first after they -- I don't know if
10 they went there first but they went there after leaving
11 Motel 6 to pick Jevonda up.

12 Q Oh, excuse me, all right. All right. And
13 then -- all right. So what was that address, Jevonda's,
14 please?

15 A [REDACTED] Pine Creek Court.

16 Q Okay. And, you know, when you're investigating
17 timelines, you know, something like that in a case like
18 this, do you factor in when, you know, when you see a
19 video, like, of these people, supposedly, leaving the
20 hotel going where they're going; and then you look at,
21 evidently, what time they arrive -- I think you were shown
22 a photo of the girl's car, as it went into the apartment
23 complex through the gate?

24 A Yes.

25 Q And what time was that?

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 A I want to give you exact time, if you'll give me
2 just a minute.

3 Q Sure. Sure. Take your time.

4 A They enter Waterside Greene's Apartment complex
5 at 0154 hours.

6 Q 1:54 a.m.?

7 A 1:54 a.m.

8 Q So if we're to believe the timestamps, about 33
9 minutes after leaving the motel, 1:21 to 1:54?

10 A And they made the stop at Highlands.

11 Q Right. So it took -- in between -- by the
12 time -- from the time they left the hotel, picked up
13 Jevonda, went to the crime -- or the apartment complex, it
14 was about 33 minutes? 1:21 to 1:54; is that fair? If we
15 were to believe those times.

16 A Sure.

17 Q Okay. Thank you. And, of course, you came to
18 learn that -- well, Jevonda had told you that she later
19 saw Tommy Long later that night or I should say later in
20 that morning; isn't that correct?

21 A Yes, sir.

22 Q And didn't she, in fact, said that Ratio, Jaylan
23 Fair, her boyfriend, showed up at her place, after the
24 crime, at about 3:30?

25 A I can give you an exact time on that, if you'd

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 like.

2 Q Sure. I believe they got the call at QT at
3 3:11. I think that she went on to say that he came over
4 afterwards and her testimony was approximately 3:30.
5 Maybe you can confirm that.

6 A So about 3:40 they pulled back into the --
7 Darius Rhodes, Natasha Booker drop off Jevonda Dillard
8 around 3:40 at the Highlands Apartments.

9 Q Okay. And we know that sometime after that that
10 Ratio called her to come out to the curb?

11 A Yes.

12 Q Okay. And that's when he was, you know, upset
13 with her and whatnot. And she said and I believe Ratio
14 also said that Tommy dropped him off there. Is that -- is
15 that your understanding?

16 A Yes, sir.

17 Q Okay. So if they were to be believed, the last
18 time anybody involved saw Tommy Long would have been
19 around 1:21 when they left Motel 6; right?

20 A No, it was about 3:59 when he dropped Jaylan
21 Fair off at the Highlands and exited the Highlands parking
22 lot.

23 Q All right. So the last time any of these
24 people -- well, the last time he was seen, allegedly, in
25 that Motel 6 video leaving, heading, you know, out, was

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 around 1:21. And then now we're saying it was well after
2 3:40 that he was then again seen by Jevonda Dillard and
3 Jaylan Fair was dropped off to talk to her; is that right?

4 A Yes.

5 Q Okay.

6 A By Tommy Long.

7 Q All right. I'm just trying to nail down --
8 there's a lot of times flying around. So we're talking
9 about two hours 15 minutes, two hours 20 minutes gap
10 between the video that y'all say that Tommy is driving out
11 of the Motel 6. And then the next time that he's observed
12 would be at the drop off of Jaylan Fair?

13 A Well, I'm sorry, what was the first time you
14 said?

15 Q I think we said -- I think we said -- excuse me,
16 1:54 is when they left Motel 6; is that right?

17 A (There was no response.)

18 Q Or did they leave at 1:21 and then 1:54 is when
19 the girls showed up at the apartment? I believe the
20 timestamp and the evidence is 1:21 is when they left the
21 hotel?

22 A 1:21 is when they left the hotel.

23 Q Right. And so -- and then, of course, now we're
24 saying it was after 3:40 would be the time that they said
25 that Tommy dropped off Jaylan at Dillard's?

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 A Jevonda and Natasha left Waterside Greene at
2 around 2 -- let me see. You'll have to excuse me, there's
3 so many times.

4 Q That's okay. And maybe I'm not -- I want to
5 send you down the right path. What I'm trying to
6 establish here is that that time after the crime, after
7 the robbery and the killing, that Jevonda Dillard said
8 that Ratio showed up at her house, they said Tommy dropped
9 him off. And she said it was sometime around 3:30. I
10 think you just said it was closer to 3:40, but it may have
11 been even later. And it is fair to say it was, at least,
12 3:40?

13 A Well, the girls left Prince's apartment around--

14 Q Before the crime?

15 A Around 2:52, I believe.

16 Q Right.

17 A Was that time.

18 Q And they went to QT?

19 A Yes. The 911 call came in around 3:06.

20 Q Okay.

21 A And then at 3:10, the girls are abruptly leaving
22 the parking lot of the QT.

23 Q Exactly, they got the call from Darius?

24 A Correct.

25 Q And so they go get Darius and that was sometime,

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 obviously, after 3:11 because that's when the call
2 happened. They pick up Darius, he goes through the whole
3 thing about what went wrong with the crime, yada, yada, we
4 shot him, okay. And then they go and drop Jevonda off at
5 her place?

6 A Correct.

7 Q And then that's when Ratio shows up. Same kind
8 of thing as Darius, you know, upset, crime went wrong,
9 yada, yada. And her and Ratio both said Tommy dropped him
10 off at that time?

11 A Yes. And the video showed three people in the
12 parking lot for a few minutes before Jaylan and --

13 Q Jevonda --

14 A -- Jevonda walked in.

15 Q And allegedly Tommy?

16 A And Tommy left.

17 Q Okay. And that was sometime after 3:40?

18 A Yes.

19 Q Okay. Well after that. Okay. So what I'm
20 trying to -- what I'm trying to say is, when they leave
21 the hotel at 1:21, he's next sighted sometime around 3:40
22 or maybe even after. We would agree that that is almost
23 two and a half hours after they left Motel 6?

24 A But they were all together at Highlands.

25 Q Right. What I'm talking about is we got a video

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 that y'all say is Tommy leaving Motel 6 at 1:21, when the
2 girls left?

3 A Correct.

4 Q And then the next time that anybody that wasn't
5 at the crime says they saw Tommy was when he dropped off
6 Jaylan in the parking lot at Jevonda Dillard's and that
7 was sometime after 3:40?

8 A The next time anybody says they saw Tommy?

9 Q Jevonda said Jaylan called her to come out to
10 the curb, that's when she went out there. She testified
11 that Tommy was with Jaylan. Jaylan testified that Tommy
12 brought him there. And I'm just trying to nail down what
13 time that was. It appears to be sometime after 3:40.

14 A I understand but there were other people who did
15 say Tommy was with them.

16 Q Oh, yeah --

17 A Okay.

18 Q I'm not going into the guys that said they were
19 involved, okay. I'm talking about the next time that
20 somebody -- that one of the actual killers, if you will,
21 the guys at the actual killing, we know what they said and
22 didn't say, okay. But Jevonda, who, obviously, was not at
23 the shooting; right? We all know that. She says the next
24 time that Tommy showed up when was he dropped off Ratio
25 and that was around 3:40?

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 A Correct.

2 Q Okay, that's all I'm trying to set up. So we --
3 the simple math is 1:21 a.m. Motel 6, leaving. And then
4 Tommy drops off Ratio sometime around 3:40. I'm just
5 saying, isn't that about two hours and 20 minutes,
6 roughly? Yeah, between the time they left Motel 6 and the
7 time he dropped Ratio off, about two hours and 20 minutes;
8 correct?

9 A Correct.

10 Q Okay. And during that two hours and 20 minutes,
11 we have no way of knowing, through his phone or
12 otherwise -- at least, the phone is blank, we can't tell
13 where he was in that two and a half hours -- two hours and
14 20 minutes; can we? From his phone?

15 A Other than what the witnesses told us.

16 Q Right. Meaning Darius Rhodes and Jaylan Fair.
17 And then we're going to get to Malik Norris.

18 A And Karen.

19 Q Karen, okay. But would you agree Karen never
20 identified Tommy?

21 A Yes.

22 Q Okay. In fact, Karen was unable to identify any
23 of them?

24 A Correct.

25 Q By name. Okay. And let's go ahead and get to

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 that -- the Malik Norris. The one guy involved here who
2 was not part of it. Well, allegedly, not part of it. We
3 have no idea but certainly we know Darius Rhodes and
4 Jaylan Fair by their own stories and by what we've
5 learned, they were there; right?

6 A Yes.

7 Q Okay. And you took -- you took a statement and
8 we talked about it at length, but Malik Norris gave you a
9 statement on November 30th of 2022?

10 A He did.

11 Q Just last year, okay. And that was about three
12 and a half years after the crime?

13 A Correct.

14 Q Okay. Of course, we've gone over what his
15 statement was. It's pretty clear that you were the one
16 that wrote this for him; right?

17 A I did. He was pretty emotional --

18 Q Right.

19 A -- didn't want to write it himself.

20 Q But you wrote his words?

21 A I did.

22 Q Yeah. Okay. Now, had you spoken with him
23 before the statement?

24 A Years ago.

25 Q Okay. How was it that you came to take his

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 statement?

2 A Being that I was the lead investigator and had,
3 you know -- of course, you already said it was about to go
4 to trial. And we met here in a room, here in the
5 solicitor's office.

6 Q So you contacted him?

7 A I did not contact him. I was contacted and told
8 that Malik wants to give some additional information.

9 Q Okay. So you didn't contact him yourself, you
10 were advised, since you're the lead, you were going to be
11 the one to talk to him?

12 A Correct.

13 Q All right. And where did that happen?

14 A Here at the solicitor's office.

15 Q All right. And, of course, he knew coming into
16 that statement, three and a half years later, he knew --
17 he had heard all the -- you know, he testified that he
18 heard the media reports, saw stuff on TV, you know, lots
19 of opportunities, a lot of talking going on for three and
20 a half years, he comes forward. And you're saying he came
21 forward, you didn't prompt him, nobody got in touch with
22 him; do you know that?

23 A I did not get in touch with him. I, actually, I
24 asked him that day why he decided to give us more
25 information now.

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 Q Yeah.

2 A And he was very emotional and said he had a long
3 conversation with an uncle of his who, you know, didn't
4 want him to live and bear with this weight on his
5 shoulders --

6 Q Right.

7 A -- for the rest of his life.

8 Q Uh-huh. And he told you, didn't he, that once I
9 saw a mugshots on the news of the three guys that did
10 this, I recognized who they were. That's his words?

11 A I believe so.

12 Q You wrote them down for him.

13 A Do you have a copy I can look at? I don't have
14 one right in front of me.

15 Q Sure.

16 A Thank you.

17 Q It's just my only copy.

18 A Yeah.

19 Q So if you could take a look at this and kind of
20 work through this together.

21 He says, Once I saw the mugshots on the
22 news of three guys that did this, I recognized who they
23 were.

24 Right?

25 A Yes, sir.

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 Q And then he goes on to say, I knew Jaylan as
2 Jevonda's boyfriend.

3 Right?

4 A Correct.

5 Q So he mentioned Jaylan Fair by name. He knew
6 who he was?

7 A He did.

8 Q And then when him and Darius ran out after
9 Karen. So he mentions Darius by name?

10 A He did.

11 Q So he knew Darius Rhodes? And I think that the
12 evidence backs that up; doesn't it?

13 A I don't know if he knew them.

14 Q Well, he knew who he was.

15 A I think he knew of them through social media.

16 Q Right. See all that stuff's out there for three
17 and a half years after the crime; right?

18 A Sure.

19 Q Okay. There's no -- I mean, that's something we
20 can't get away from; can we? As all this stuff gets out
21 on the social media and everybody starts to process, good,
22 bad or ugly; isn't that fair?

23 A Fair.

24 Q Okay. So he comes forward three and a half
25 years later, you knew; didn't you, that he had given a

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 statement the morning of the crime?

2 A I did.

3 Q Okay.

4 A I knew that.

5 Q And did you know that he didn't ID Tommy Long at
6 that time, he didn't ID anybody at that time; right?

7 A The first time he was interviewed, it was -- I
8 mean, literally, right after he watched his best friend
9 get murdered.

10 Q Sure.

11 A He was sitting next to him on the couch. He was
12 traumatized. He was a traumatized child. That's expected
13 after somebody's been through an event like that, not to
14 start off giving us the full truth.

15 Q Sure, okay. But you would also agree that just
16 mere hours after what happened, that would be the time
17 that would be the most clear in is memory, his
18 recollection, as opposed to three and a half years later;
19 wouldn't it?

20 A That's not my experience.

21 Q So you often have people misrepresent, lie to
22 you in their first statement and then come forward three
23 and a half years later and come clean?

24 A Yes, sir.

25 Q Okay. I mean, do you find that problematic at

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 all?

2 A Everyday.

3 Q Okay. All right. And it's problematic in this
4 case; isn't it?

5 A Yes, sir.

6 Q All right. Would you say it's a big problem;
7 isn't it?

8 A I wouldn't say it's a big problem.

9 Q Okay.

10 A No, sir.

11 Q Okay. It would have been nice if he would have
12 told the truth that morning, if he really knew who Tommy
13 was or any of these guys. It would have been nice;
14 wouldn't it? It would have made it a much better -- much
15 easier investigation?

16 A It would make law enforcement's job easier --

17 Q Absolutely, we would all --

18 A -- if people told the truth.

19 Q -- appreciate that.

20 A Yes, sir.

21 Q Okay. And did you know then about a year after
22 that, Malik met with the -- Ginny Hilton from the
23 solicitor's office, she's an investigator?

24 A Yes, sir.

25 Q He showed her some pictures that were, like,

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 some of like those grainy images--

2 MRS. LANDSVERK: Objection, Your Honor.

3 THE COURT: Basis?

4 MRS. LANDSVERK: She doesn't have personal
5 knowledge of this interaction with Ginny Hilton.

6 MR. PRINGLE: That's hard to believe with her
7 being the chief investigator in a case of this
8 magnitude that she wouldn't be --

9 THE COURT: Overrule, I'll allow it on cross.

10 BY MR. PRINGLE:

11 Q I mean, you knew about that; right?

12 A I heard about it.

13 Q Okay, right. And you know that at that time,
14 this is a year later. And these guys are all locked up in
15 jail, charged. And yet, Malik Norris did not identify
16 Tommy at that time either; did he? You'd know about it if
17 he did?

18 A I would know about it if he did.

19 Q Right. And it's clear from -- and he testified
20 and we've been over it, he did not identify Tommy. This
21 is a year later; right? And then he said that -- and you
22 said he came forward three and a half years later and that
23 he was emotional and that he had talked to somebody and he
24 wanted to get it off his chest; right?

25 A Yes, sir.

MARY ASHLEY THOMAS-CROSS BY MR. PRINGLE

1 Q Okay. He wanted to do the right thing. In
2 fact, he testified that he wanted justice. Did he say
3 that to you when you took his statement?

4 A Is that in the statement?

5 Q It's not. It's something he said here more
6 recently.

7 A I don't remember him telling me that.

8 Q All right. And so we know that he never ID'd
9 Tommy after the -- after the crime, he didn't ID him a
10 year later. And then he ID's him when he talks to you,
11 three and a half years later. And we know that in
12 between, he had seen on the news, mugshots of the four
13 people that we know from their photos, from their
14 testimony, from all the evidence, that they are clearly
15 involved neck deep in this. He told you that he saw
16 Tommy's picture up there with those four; isn't that true?
17 That's his words; right? That you wrote?

18 A That's in his statement.

19 Q Yeah. So either he doesn't know Tommy's
20 involved or for whatever reason, he said he was scared,
21 but he did not do it. The first two times, even when
22 Tommy was in jail. And when I asked -- you know, he said
23 he was scared. You thought he was scared -- was he scared
24 three and a half years later?

25 A I can't answer for him.

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 Q Okay.

2 I don't have anything further, thank you.

3 THE WITNESS: Thank you.

4 THE COURT: All right, any redirect?

5 MRS. LANDSVERK: None, Your Honor.

6 THE COURT: All right, thank you, you can step
7 down.

8 THE WITNESS: Thank you, Your Honor.

9 THE COURT: All right, next witness.

10 MR. JOHNSON: Thank you, Your Honor, The State
11 calls Dr. Michael Ward.

12 MICHAEL WARD, after being duly sworn{,}testified
13 as follows:{F}

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

15 Please state your full name for the record.

16 THE WITNESS: Michael Eugene Ward.

17 DIRECT EXAMINATION

18 BY MR. JOHNSON:

19 Q Dr. Ward, good morning.

20 A Good morning.

21 Q Where do you work?

22 A I am employed by Pathology Associates of
23 Greenville as the chief medical examiner for Greenville
24 County.

25 Q So what does that mean? What do you do?

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 A I'm a licensed physician. I'm a forensic
2 pathologist. And my responsibilities are to investigate
3 deaths that occur in Greenville County to determine cause
4 a manner of death.

5 Q Would you give the jury a little background on
6 your education?

7 A I have a Bachelor's Degree in Biology from the
8 University of Alabama. I have a Master's Degree in
9 Forensic Science from the University of Alabama in
10 Birmingham. I received my Medical Degree from the
11 University of South Alabama in Mobile. I did a four year
12 anatomic pathology residency at the Medical University of
13 South Carolina in Charleston. And a one year fellowship
14 in forensic pathology at the University of New Mexico in
15 Albuquerque. I'm board certified by the American Board of
16 Pathology in both anatomic and forensic pathology.

17 Q How many autopsies do you think you've done?

18 A Well over 7000.

19 Q Seven thousand?

20 A (The witness nods.)

21 Q Have you ever been qualified as an expert
22 before?

23 A Yes, I have.

24 Q How many times?

25 A Over a hundred; at least.

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 MR. JOHNSON: Your Honor, The State seeks to
2 introduce Dr. Ward as a qualified expert in the field
3 of --

4 THE COURT: All right, any objection or voir
5 dire?

6 MR. PRINGLE: None.

7 THE COURT: All right, Dr. Ward is qualified as
8 a expert in -- qualifying him in forensic pathology?

9 MR. JOHNSON: Yes, sir, forensic pathology.

10 THE COURT: In the area of forensic pathology.

11 Ladies and gentlemen, most all witnesses are
12 only allowed to testify as to facts. They're not
13 allowed to give any kind of opinion, only what they
14 see, heard, smelled, observed, what those facts are.
15 Our rules allow certain witnesses to give opinions in
16 cases. And if a witness is qualified as a expert by
17 education, experience or training, then they are
18 allowed to give an opinion in the case. Now
19 they're -- as a jury, you are free to determine the
20 credibility of this witness just like any other. And
21 determine whether or not the testimony is believable.
22 That is certainly up to you. Just because they are
23 qualified as an expert does not mean that you're
24 required to take their testimony any greater than any
25 other witness.

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 All right.

2 MR. JOHNSON: Thank you, Your Honor.

3 BY MR. JOHNSON:

4 Q. So once someone is pronounced dead, how do they
5 come to you? When do you get involved?

6 A Deaths that occur in Greenville County that are
7 as a manner of non-natural disease process, which fall
8 under the jurisdiction of the Greenville County Coroner's
9 Office. The coroner's office and the medical examiner's
10 office work together to investigate these deaths. Deaths
11 that require an autopsy are brought to the autopsy
12 facility at Greenville Memorial Hospital; which is where I
13 first saw this individual.

14 Q Can you walk us through kind of what, generally,
15 an autopsy is and what you're looking for and what you're
16 doing?

17 A An autopsy is, basically, a detailed physical
18 examination on someone who has passed away. So we look at
19 the outside of the body. If there's any clothing or any
20 personal effects, we collect those. Looking for any signs
21 of trauma, any signing of natural disease process on the
22 outside of the body. And then perform an internal
23 examination, again, to determine any natural disease that
24 may be present or to document any injuries that may have
25 occurred on the inside of the body. We collect tissue

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 samples as well as samples for toxicology.

2 Q Okay. Did you conduct an autopsy on Udeh
3 Osuagwu?

4 A I did.

5 Q When was he pronounced dead?

6 A May 11th, 2019 at 3:39 a.m.

7 Q Can you explain to the jury the difference
8 between the cause of death and the manner of death?

9 A A cause of death is a process that starts the
10 ball rolling down the hill that we, ultimately, die from.
11 There are a multitude of causes of death. You can have
12 heart disease, you have cancer, in this case, you can have
13 trauma. So that trauma to Mr. Osuagwu is the gunshot
14 wound to the head, which was his cause of death, the
15 reason that he died that day. The manner of death has to
16 deal with the circumstances under which that caused
17 occurs. It can be natural, it can be accident, suicide or
18 homicide. In this case, the injury caused by another
19 individual puts it into the homicide category.

20 Q I'm going to show you what's been premarked as
21 State's Exhibit 46. Do you recognize that?

22 A Yes, I do.

23 Q What is that?

24 A This is a body diagram of the four views of the
25 head, on which I have drawn the location of the gunshot

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 wound to the head.

2 Q You drew this?

3 A Yes, I did.

4 Q After your autopsy?

5 A Yes.

6 Q All right.

7 MR. JOHNSON: Your Honor, The State seeks to
8 introduce State's Exhibit -- what's been premarked as
9 State's Exhibit 46 into evidence.

10 THE COURT: All right, any objection from The
11 Defendant?

12 MR. PRINGLE: None.

13 THE COURT: All right, State's Exhibit 46 is
14 admitted into evidence without objection.

15 (WHEREUPON, State's Exhibit No. 46 was marked
16 for identification and received into evidence.)

17 BY MR. JOHNSON:

18 Q Dr. Ward, can you tell the jury what wounds you
19 observed on the victim in this case?

20 A So there are two -- depicted on this diagram
21 there are two wounds. One superficial and one fatal. The
22 fatal wound is a gunshot wound to right side of the face.
23 Which is just seen on the image on the left. Thank you.
24 This is a gunshot wound to the head, to the face, which
25 goes through the skin just outside the margin of the

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 mouth, through the jaw bone or the mandible, through the
2 base of the tongue and into a second cervical vertebrae.
3 Where it transected the high cervical spinal cord. And
4 from that area we recovered a projectile.

5 Q Let me show you what's been premarked as State's
6 Exhibit 47.

7 THE CLERK: Do you need scissors?

8 MR. JOHNSON: Yes, please, need the scissors.

9 BY MR. JOHNSON:

10 Q Do you recognize this? You can open it up if
11 you need to.

12 A Can I open the bag?

13 Q Oh yeah, there's some scissors for you.

14 A (The witness opened State's Exhibit No. 47.)

15 Yes, I recognize it.

16 Q What is that?

17 A This is a container labeled with our autopsy
18 labels with Mr. Osuagwu individual autopsy number
19 containing a projectile that was recovered from his second
20 cervical vertebra.

21 MR. JOHNSON: Your Honor, The State seeks to
22 introduce State's Exhibit 47 into evidence.

23 THE COURT: Any objection?

24 MR. PRINGLE: None.

25 THE COURT: All right, State's Exhibit 47 is

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 admitted into evidence without objection.

2 (WHEREUPON, State's Exhibit No. 47 was marked
3 for identification and received into evidence.)

4 BY MR. JOHNSON: .

5 Q All right, doctor, where did you say -- you
6 pulled this out of his spine?

7 A Of his vertebral column.

8 Q Is that the neck?

9 A It's high neck, yes.

10 Q High neck, okay. Is this the bullet that killed
11 the victim?

12 A Yes, it is.

13 Q Did it hit his brain?

14 A It did not hit what we could consider to be
15 brain. It hit the high cervical spinal cord.

16 Q Can you explain how that would have killed him?
17 Assuming that's the wound that killed him?

18 A Disruption of the spinal cord at level -- the
19 second cervical vertebra causes disruption of motor and
20 sensory function from the neck down. That includes
21 ability to move you're upper/lower extremities, to feel
22 anything in the upper/lower extremities. But it also
23 includes motor function to the diaphragm. The diaphragm
24 is the muscle that we use to breathe. So disruption of
25 the nervous innervation of the diaphragm would cause you

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 to have respiratory arrest, unable to spontaneously
2 breathe.

3 Q You suffocate, more or less? If not, correct
4 me.

5 A Suffocation is not the right word but you do die
6 as a lack of oxygen.

7 Q Okay. We had an officer testify that he felt a
8 pulse. Is that something he felt or the victim had a
9 pulse in this case?

10 A So disruption of the spinal cord at level C-2
11 would -- while it disrupts his ability to breathe, would
12 not effect his ability to have a spontaneous pulse or
13 heartbeat. The heartbeat is controlled by a different
14 mechanism. It's a central area that's within the heart
15 that causes a spontaneous beat. And so, especially, in
16 someone who's 18 years old, I would expect him to have a
17 heartbeat for multiple minutes after the incident, even
18 though he's unable to breathe.

19 Q After the victim was shot and the spinal cord
20 severed, would he have been conscious?

21 A Yes, I think so.

22 Q When would he have lost consciousness?

23 A When his oxygen -- excuse me, when his brain was
24 depleted of enough oxygen to stay conscious.

25 Q Did you see any other injuries on his face?

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 A Yes, I did.

2 Q Can you explain that?

3 A So at the base of the left nose or the left side
4 of the nose, this is called the alae of the nose, there's
5 a blunt force injury. It's a superficial tear of the
6 skin, that we call it curvilinear. So it has a linear
7 portion and then a curved portion at one edge. So this is
8 blunt force trauma to the face, right at the level of the
9 nose.

10 Q Is that what this line is right here coming off
11 the nostril?

12 A Yes.

13 Q Okay. Would that wound be indicative of
14 somebody being pistol whipped?

15 A That would be one possibility, yes. It's blunt
16 force trauma with an instrument that's going to leave a
17 pattern. Such that that pattern would include a linear
18 portion and then a curved portion.

19 Q Any other injuries you saw on the victim?

20 A Yes, there was a second degree burn to the top
21 of the right foot.

22 Q I'm going to show you State's Exhibit 48, do you
23 recognize that?

24 A Yes, I do.

25 Q What is that?

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 A That's a blister that's on the top of the right
2 foot.

3 Q And when was this photograph taken?

4 A During the autopsy.

5 Q That's a fair and accurate representation of
6 what the victim's foot looked like?

7 A Yes, sir.

8 MR. JOHNSON: Your Honor, The State seeks to
9 admit State's Exhibit -- what's been premarked as
10 State's Exhibit 48.

11 THE COURT: All right, any objection?

12 MR. PRINGLE: No, Your Honor.

13 THE COURT: State's Exhibit 48 is admitted into
14 evidence without objection.

15 (WHEREUPON, State's Exhibit No. 48 was marked
16 for identification and received into evidence.)

17 BY MR. JOHNSON:

18 Q All right. What can you tell us about that
19 burn?

20 A That it's a second degree burn, which is the
21 result of disruption of the superficial dermis, the
22 underlining dermis, causing a blister formation.

23 Q Is there anything you can tell us about when
24 this blister would have occurred or when this burn would
25 have occurred?

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 A It is an anti-mortem burn, it happened before he
2 died.

3 Q Okay.

4 A There's no -- if you look at the interface, if
5 you will, between the blister and the skin, there's no
6 redness. We often get that after a burn. And starts
7 to -- the body starts to try to heal it so I would say
8 that has not been there for hours because there's no
9 inflammatory response there. So this is a burn that
10 occurs around the time before he died.

11 Q So you're saying there would be some redness
12 around?

13 A That's correct. "

14 Q Because there's no redness here, right, this is
15 indicative that this was done right before he died?

16 A Correct.

17 Q Around the same time?

18 A Yes.

19 MR. JOHNSON: All right, no further questions.

20 Thank you, doctor.

21 THE COURT: All right, cross?

22 MR. PRINGLE: No, thank you.

23 THE COURT: All right, you may step down,
24 doctor.

25 THE WITNESS: Thank you.

MICHAEL WARD-DIRECT BY MR. JOHNSON

1 THE COURT: All right, next witness.

2 MR. JOHNSON: Your Honor, The State rests.

3 THE COURT: All right, ladies and gentlemen, The
4 State has rested and they have put up their case.
5 And I have some matters to take up so I'm going to
6 excuse you for a little bit. It's a good time to
7 take a morning break. So please don't discuss the
8 case.

9 (WHEREUPON, the jury left open court at
10 approximately 11:06 a.m.)

11 THE COURT: All right, any motions?
12 Any from The State?

13 MR. JOHNSON: Nothing from The State, Your
14 Honor.

15 THE COURT: All right, anything from The
16 Defendant?

17 MR. PRINGLE: Your Honor, at this time, The
18 Defense moves to dismiss the charges based on The
19 State's failure to meet their burden of proving
20 beyond a reasonable doubt, asking for a directed
21 verdict from The Court. Thank you.

22 THE COURT: All right, Mr. Johnson.

23 MR. JOHNSON: Your Honor, The State believes we
24 have met each threshold for each burden by more than
25 one witness throughout the trial of the case, Your

1 Honor. So we, obviously, oppose the motion.

2 THE COURT: All right, as you know, the standard
3 is most favorably to The State. Whether or not there
4 is any direct evidence or any circumstantial evidence
5 tending to prove the guilt of the accused and/or any
6 evidence from which the guilt can be fairly and
7 logically deduced. And based on the evidence that's
8 been provided in The State's case, at this point, I
9 believe that evidence has been provided, so motion
10 will be denied.

11 MR. JOHNSON: Thank you, Your Honor.

12 THE COURT: All right, anything else. Y'all
13 want to take a morning break now?

14 MR. PRINGLE: Well --

15 THE COURT: Well, let me -- that's The State's
16 case, let me do this at this point. As far as
17 Mr. Long's opportunity to testify, if he would like
18 to do so.

19 EXAMINATION

20 BY THE COURT:

21 Q So, Mr. Long, this will be addressed to you,
22 please stand up, sir. All right, Mr. Long, we have
23 progressed at this stage of the case where I am going to
24 explain to you certain rights that you have. And I want
25 to tell you or ask you if you don't understand anything

TOMMY LONG-EXAMINATION BY THE COURT

1 that I'm asking you or anything I'm telling you, please
2 let me know and I will explain it in detail, all right.
3 All right. We've now have reached the stage in this case
4 where you may present your case and your defense. You
5 have the right to claim the protections given to you by
6 the Fifth Amendment of the Constitution of the United
7 States.

8 This amendment states in part, No person
9 shall be compelled in any criminal case to be a witness
10 against himself.

11 Which means that you cannot be required to
12 testify in this case. You have the right to testify on
13 your own. On your own behalf. However, no one can make
14 you testify. This is a personal right and no one can
15 waive this right except you. If you decide to testify,
16 you will be subject to the same rules that govern other
17 witnesses and you may be examined and cross-examined on
18 any relevant issue in this case. In addition, if you have
19 any convictions, any prior convictions involving
20 dishonesty or false statement or for crimes punishable by
21 imprisonment for more than one year and The Court
22 determines that the probative value of admitting that
23 evidence outweighs its prejudicial effect to you, the
24 solicitor will be able to introduce your record to attack
25 your credibility.

TOMMY LONG-EXAMINATION BY THE COURT

1 Ask The State, is there any such evidence
2 there?

3 MR. JOHNSON: Yes, Your Honor, he has a prior
4 conviction for a attempted armed robbery. If he did
5 take the stand, we would not, specifically, ask about
6 the armed robbery, just due to the close nature of
7 the charge we have here. However, we would seek to
8 ask him about the felony conviction.

9 THE COURT: All right.

10 BY THE COURT:

11 Q If you decide to testify, Mr. Long, this
12 decision on your part must be freely, voluntarily and
13 intelligently made with the knowledge of the protections
14 given to you by the Fifth Amendment and the consequences
15 of your decision to testify. If you decide not to
16 testify, I will instruct the jurors that they cannot give
17 the fact that you did not testify any consideration
18 whatsoever. And that there is to be absolutely no
19 prejudice to you because you did not testify. It is left
20 entirely up to you as to whether or not you want to
21 testify. You may talk with your lawyer, your family, your
22 friends, anyone else but the final decision has to be made
23 by you. Now, have you understood all that I have said to
24 you and the instructions that I have given to you?

25 A Yes, sir.

TOMMY LONG-EXAMINATION BY THE COURT

1 Q Do you have any questions at all of me?

2 A No, sir.

3 Q All right. What I'm going to do is -- it's time
4 to take a break anyway, I'm going to step off the bench,
5 give you an opportunity to speak with your lawyer, again.
6 If you've already spoken with him, I'll give you the
7 opportunity to speak with your lawyer or anyone else. And
8 then when we come back from our morning recess, I'll ask
9 whether or not you decided to testify.

10 So we will be in recess. We'll probably
11 take 15 minutes or so.

12 (WHEREUPON, a short break was taken.)

13 BY THE COURT:

14 Q Okay, Mr. Long, have you had a opportunity to
15 make your decision?

16 A Yes, sir.

17 Q What decision is that?

18 A I'm not going to testify.

19 Q All right, you're waiving that right. All
20 right, thank you, sir.

21 All right, from a logistical, The Defense
22 going to put up any testimony, any witnesses?

23 MR. PRINGLE: No, Your Honor.

24 THE COURT: Okay. Here's my thought, is instead
25 of pushing on to start closings right now and

1 charges, my thought is to excuse them for lunch, take
2 a little early lunch. And that will also give y'all
3 an opportunity to get ready, prepared, organize your
4 closing. And we'll discuss some charges here when I
5 excuse them for lunch. We'll go over the charges.
6 And then we'll break, give y'all an opportunity to
7 organize your closing. And maybe have them come back
8 somewhere around -- we have -- I don't know how much
9 we're going to discuss on the charges, I don't
10 anticipate you have much. I'm thinking maybe
11 anywhere from 1:00 to 1:30, do y'all have any
12 preference?

13 MR. PRINGLE: I was going to say 1:30-or 2:00,
14 so, I guess, I would ask maybe a quarter till 2:00.

15 THE COURT: I'll give you whatever time you
16 want.

17 MR. PRINGLE: The only reason I say that,
18 Monday -- Judge, all you have to do is look at me,
19 you know I don't like missing meals; right? And
20 Monday --

21 THE COURT: I don't either. I eat three a day.

22 MR. PRINGLE: -- we cut the jury loose and I
23 think we thought we were going to have plenty of time
24 and we ended up, you know, on the record with a bunch
25 of stuff. And then it was too short of a time to

1 actually -- I think Seth and I both had a granola bar
2 that day. And for guys like us, that's probably not.

3 . . .

4 THE COURT: That's good for me to hear, I eat
5 three square a day.

6 MR. PRINGLE: When in doubt, if we could get
7 that extra 15 minutes or so.

8 THE COURT: All right, so say, 1:45?

9 MR. JOHNSON: That's fine with me, Judge.

10 MR. PRINGLE: Yeah, thanks.

11 THE COURT: 1:45, okay. All right. So why
12 don't I -- I'm going to bring them in. I will call
13 on you see to if The Defense has any case and then
14 you can state on the record. And then I'll excuse
15 them for lunch and we'll go over the charges and let
16 everybody go to lunch and we'll start back at 1:45.

17 So bring them on in.

18 (WHEREUPON, the jury entered open court at
19 approximately 11:38 a.m.)

20 THE COURT: All right, ladies and gentlemen, The
21 State has rested. Now, we'll call on The Defense.

22 Mr. Pringle.

23 MR. PRINGLE: Yes, Your Honor, The Defense
24 rests, Judge.

25 THE COURT: All right.

1 All right, ladies and gentlemen, The Defense has
2 rested. The State has their evidence in. And so we
3 are at that stage, all the evidence is in. We're at
4 the stage of closing arguments to you and then my
5 charge of the law to you, as well. What I'm going to
6 do, because we've got some issues and matters that
7 we've got to go over and discuss before closing
8 arguments. So I'm going to, actually, go ahead
9 dismiss you now for lunch and give you a little bit
10 longer because we're going to be working while y'all
11 are at lunch. And so I'm going to excuse you and
12 we'll start back at 1:45. The lawyers will give you
13 the closing arguments, and as I said, I will charge
14 you the law and I will give you the case this
15 afternoon. So we'll hopefully wrap it up today. So
16 please don't discuss the case and I will see you back
17 at 1:45. Enjoy your lunch.

18 (WHEREUPON, the jury left open court at
19 approximately 11:40 a.m.)

20 THE COURT: All right, here's my charge. And I
21 will give you my charge and let you take a look at
22 it. Generally, what I'm going to do, I'll just on
23 the record tell you what I'm going to do and then
24 I'll hand it to you, let y'all take a look and I'll
25 step out and y'all just let me know when you look at

1 it.

2 I will start out with just the indictments.
3 Duties of the jury and the trial judge, presumption
4 of innocence, reasonable doubt, what is not evidence,
5 direct and circumstantial evidence, credibility of
6 witnesses, expert witness, The Defendant's right to
7 remain silent and not testify, intent. Have a charge
8 on identification. And then murder. Burglary first,
9 kidnapping, assault and battery first and conspiracy,
10 attempted armed robbery, possession of a weapon
11 during the commission -- or attempt to commit a
12 violent crime. I'll have a sympathy charge. And
13 then I also give them deliberations definition and
14 their duty to deliberate charge as well.

15 The verdict form for each of those. The first
16 one, as to the charge of murder, we, the jury,
17 unanimously find The Defendant, Tommy Lee Long, check
18 one, guilty or not guilty for each of the charges.
19 So those will be my charges. So now I will give you
20 a copy of it. I want to hear any issue of hand of
21 one.

22 MR. JOHNSON: No, Your Honor, that's what I was
23 going to ask for. We would like you to charge the
24 hand of one hand of all, as that's the entire theory
25 of The State's case. As well as felony murder.

1 THE COURT: All right, Mr. Pringle.

2 MR. PRINGLE: Your Honor, we'd be requesting
3 that the jury be charged on the lesser-included
4 offense of voluntary manslaughter since there's been
5 evidence presented from which the jury could infer
6 the lesser rather than the greater offense was
7 committed.

8 THE COURT: All right, let me ask you first and
9 I'll get to the lesser included. What about any
10 objection to the hand of one hand of all?

11 MR. PRINGLE: You mean the standard hand of one
12 hand of all?

13 THE COURT: Yeah, any objection to me charging
14 it? I believe the evidence is there.

15 MR. PRINGLE: I have no objection.

16 THE COURT: Okay. All right.

17 And then now, Mr. Johnson, what about lesser
18 included of voluntary manslaughter?

19 MR. JOHNSON: Your Honor, we would object to
20 that. I think there's no evidence at all of any kind
21 of provocation. Especially, now that The Defendant
22 hasn't taken the stand. There's been no words, no
23 actions. And the case law is pretty clear that if
24 there are no over acts, there's no provocation. So I
25 don't think we're anywhere close to legal provocation

1 to give the voluntary charge.

2 THE COURT: Yeah, let me hear about that,
3 Mr. Pringle. What is the evidence there? Because
4 the evidence here is that they went in unannounced,
5 uninvited, to rob the victim here. And during the
6 robbery he was shot. What is the evidence that gets
7 it to a lesser included of voluntary manslaughter?

8 MR. PRINGLE: Not to toot my horn but I think
9 we've, at least, raised considerable reasonable doubt
10 about any and all of the facts and circumstances that
11 allegedly took place within the apartment at the time
12 of the robbery. I mean, there's conflicting
13 testimony all over about what exactly happened. We
14 know that the deceased had a weapon in his possession
15 at the time. You know, it's about what the jury can
16 infer. And I think that, you know, out of this --
17 what I would say is after the smoke clears, we've got
18 a bloody mess. That they've got a lot of things to
19 try to figure out. I'm not sure that I even know
20 what exactly happened that day after -- after intense
21 review and trying the case. So, I mean, it's, at
22 least, a question that maybe they can consider. I
23 mean, they would, obviously, be able to readily
24 dismiss it against the other instructions.

25 And if they find that the facts and

1 circumstances more closely meet those other
2 instructions, I don't know -- I don't know what, you
3 know, would be the problem. I know the primary test
4 in this -- in this inquiry, if I'm not mistaken, is
5 to determine, really, if -- if what we're asking for
6 is truly a lesser-included offense. And if you look
7 at the elements of murder, of course, it's well
8 settled that voluntary manslaughter is considered a
9 lesser included. I know there's case law that
10 reckless homicide may not be a lesser included
11 because the elements don't match up. But if we look
12 at that and look at the law that, at least, I'm
13 relying on, what I believe to be current and good law
14 here, if -- if what we're asking for in the lesser
15 included can be fully an -- entirely incorporated
16 into murder.

17 In this case, if voluntary manslaughter can be
18 completely covered with all the elements by murder,
19 that's the main inquiry. Then really, I would argue
20 that it's up to the jury to decipher what they
21 believed happened or didn't happen. There was
22 testimony and evidence presented that's all over the
23 place with regard to that. I think we certainly
24 tried to raise doubt over one whether or not he was
25 the shooter. I get hand of one hand of all and

1 felony murder, I know what those say. But, you know,
2 the jury, they heard all of this and it's
3 fundamental, the whole purpose that we're -- you
4 know, why we're here is to let them decide. And most
5 questions, if there's any iota of an argument, I
6 believe that it's more appropriate to let the jury
7 decide.

8 THE COURT: All right.

9 MR. PRINGLE: Thank you.

10 THE COURT: First of all, so no objection to
11 hand of one hand of all and felony murder; is that
12 correct? Your issue is the lesser included
13 voluntary?

14 MR. PRINGLE: Yes, Your Honor. I'm just asking
15 that they get that opportunity. I mean, they may
16 flush it immediately based on what they've heard and
17 what they believe and what they deliberated and
18 determined. And they may look at these instructions
19 on the hand of one and felony murder and, you know,
20 find, obviously, that he's, you know, potentially
21 guilty of those based on that. But it's something
22 they should be able to consider. And, you know, with
23 this bloody mess that I think has been put out there
24 about what happened there with these co-defendants
25 and all the different testimonies, the lack of

1 honesty and trying to pin down what happened, that's
2 really what their role is, I believe, Your Honor.
3 That's for the jury.

4 THE COURT: Well, and you may very well have the
5 argument there that it was a bloody mess. But I
6 think the argument, from a legal standpoint, the
7 bloody mess would have been created arguably by your
8 client, by going into the apartment to rob them. And
9 as far as the -- that he had a gun, that Mr. -- or
10 the victim had a gun at the time. The testimony is
11 that it was taken away from him immediately. And
12 then that gun was used to pistol whip him. And so
13 once the gun was taken away, even if there was an
14 argument with them, and I don't believe, really, the
15 evidence, even if he had the gun, there he's in his
16 own home and entitled to self-defense. I mean,
17 that's a totally different issue that's not at issue
18 in this case. But I'm just using that from an
19 analogy standpoint, for an analysis standpoint.

20 But, nonetheless, when they did go in the
21 apartment, they did -- he reached the for the gun and
22 it was immediately taken from him and then he was
23 pistol whipped from it or with it. And so there's
24 really no testimony that that was used in any way
25 which caused the murder. And furthermore, once that

1 was done, I think that was really sort of a timeline
2 there is that once the gun was taken away from him
3 and then he was pistol whipped, the murder happened
4 after that. And so the weapon really is irrelevant,
5 I think, as far as the murder is concerned because
6 The Defendant and/or his accomplices here, they had
7 his weapon and they were the only ones with guns.
8 Because Jaylan got the weapon that was Mr. Long -- I
9 mean, the victim--

10 MR. PRINGLE: Prince.

11 THE COURT: Prince -- Prince. Yeah, he got --
12 when his weapon was taken away from him, it was given
13 to Jaylan. Darius had a weapon and Mr. Long had a
14 weapon. So I think that sort of breaks the chain
15 there so to speak as far as any argument that the
16 weapon could be used to get a lesser-included offense
17 of voluntary manslaughter. Not saying -- again, I'm
18 not sure even if a weapon was involved and did
19 precipitate it, I'm not sure that the evidence allows
20 you to get a lesser included of voluntary
21 manslaughter.

22 But I'll hear from Mr. Johnson.

23 MR. JOHNSON: Your Honor, if you're inclined to
24 let it in, I'm fine with that. But if you'd like to
25 hear anything particular, I can flesh that out. I

1 was going to make the same argument you just made.
2 And specifically, about how -- typically, I wouldn't
3 oppose any lesser, however, as Your Honor knows,
4 voluntary is different. Voluntary takes that
5 specific overt act to get us that legal provocation.
6 Here, there's zero testimony saying the victim ever
7 got off the couch, the victim was ever provoked,
8 there's none of that. Muddy waters are not enough to
9 get us provocation.

10 THE COURT: And there, again, Mr. Pringle, I
11 don't disagree with maybe muddy waters, and that's an
12 argument that you will certainly make to the jury,
13 that you have made with cross-examination through the
14 various witnesses in your representation. And I
15 certainly know you will make a good argument to the
16 jury on those grounds. I don't think it really gets
17 to -- I don't think the evidence gives you a
18 voluntary manslaughter charge. Just the elements of
19 voluntary manslaughter are just not met in this case.
20 And so I will not charge the lesser included of
21 voluntary manslaughter but you are protected.

22 MR. PRINGLE: Thank you.

23 THE COURT: For your request to charge it.

24 MR. PRINGLE: Thank you, Your Honor.

25 THE COURT: All right. I'm going to give y'all

1 my charge and let you take a look at it.

2 MR. JOHNSON: And we'll have felony murder and
3 hand of one?

4 THE COURT: Yeah, hand of one is already in
5 there, I just didn't mention it--

6 MR. JOHNSON: Okay.

7 THE COURT: -- because I wanted to discuss it
8 first so it's in there.

9 MR. JOHNSON: Closing arguments, I was going to
10 discuss some of the language and charges in my
11 recitation of the law. I don't know if have any
12 issue with that, I know some judges prefer that the
13 solicitor does not do that. Is it all right if I
14 briefly touch on the law on that?

15 THE COURT: I'm fine with that.

16 MR. JOHNSON: Okay.

17 THE COURT: I'm fine with that.

18 MR. JOHNSON: Okay.

19 THE COURT: I'm going to give y'all time. Yeah,
20 I'll just let y'all -- those are all my charges. So
21 that's my only copy.

22 MR. JOHNSON: These are just the standard
23 charges?

24 THE COURT: Yeah.

25 MR. PRINGLE: Yeah, I'm good with that.

1 MR. JOHNSON: Thank you, Your Honor.

2 THE COURT: Okay. All right. We'll be in
3 recess then until 1:45.

4 MR. JOHNSON: Thank you, Your Honor.

5 (WHEREUPON, a lunch break was taken.)

6 THE COURT: I know y'all have taken a look at
7 the jury charge, just take a look at the verdict
8 form. I mean, I went over it formally but I just
9 take a look at it.

10 MR. PRINGLE: I'm sorry, I didn't hear what you
11 said.

12 THE COURT: If you would just a look at the
13 verdict form.

14 MR. PRINGLE: Okay.

15 THE COURT: I know you looked at the charges but
16 I just also wanted you to look at the verdict form.

17 MR. JOHNSON: No issue from The State, Judge.

18 THE COURT: All right, none from The State.

19 Any from The Defendant?

20 MR. PRINGLE: None.

21 THE COURT: All right, anything before we bring
22 the jury in?

23 Anything from The State?

24 MR. JOHNSON: No, sir.

25 THE COURT: Anything from The Defendant?

1 MR. PRINGLE: No, Your Honor.

2 THE COURT: All right bring them in.

3 (WHEREUPON, the jury entered open court at
4 approximately 1:52 p.m.)

5 THE COURT: All right, welcome back, ladies and
6 gentlemen. I hope all of you had a good lunch. We
7 are now at the stage for the lawyers closing
8 arguments.

9 I will recognize The State.

10 COURT REPORTER'S NOTE: The unsurmountable
11 amount of [indiscernible] in the closing
12 arguments, are due to the attorneys talking in a
13 low tone with their backs to the court reporter,
14 making it hard to hear what was being said for
15 the record.

16 CLOSING STATEMENT

17 MR. JOHNSON: Thank you, Your Honor.

18 Mr. Long.

19 May it please the Court.

20 As of yesterday, it was exactly four years and
21 two months when Jaylan Fair, Darius Rhodes and the
22 lifelong friend, Mr. Tommy Long, broke into Prince's
23 apartment. They beat him, they shook him down, they
24 tortured him and they executed him. Eighteen year
25 old kid, just turned 18. Just sucked out the life of

1 a kid. Why did they do that? Sixteen thousand
2 dollars. They thought it was \$50,000 but it was
3 \$16,000. Greed. Sucked out his life. However, they
4 didn't find the money, they weren't able to take
5 that. What they did take is everything Prince ever
6 had. Everything Prince was ever going to have.
7 Every birthday, every Christmas, every Mother's day,
8 every Father's day, that's what he took.

9 Prince isn't going to be able to see children be
10 born. Isn't going to be able to see his parents grow
11 old because of this man and his friends. That's what
12 we're here for today. A 18 year-old kid was killed.
13 Never lose sight of what we're here for. Don't focus
14 on me if I upset you about anything you don't like.
15 Focus on the victim. For his sake don't hold
16 whatever I do against the case, don't hold it against
17 the victim. For that matter, don't hold it against
18 The Defendant. This case has greed that may seem
19 unfathomable. Violence and ill will toward another
20 human is hard to comprehend, truly. However that's
21 the reality of the situation. That's what happened,
22 that's what we have to deal with, that's what you
23 have to deal with.

24 So what's he charged with? Let's go through
25 what happened. So Prince was in a car wreck, he got

1 a settlement, he got some cash. He's a 18 year-old
2 kid [indiscernible] post way too much on social
3 media. This is what he did. He posted a picture
4 with the money. Showing that he had something. Look
5 what day it is, May 10th, 2019. He didn't know that
6 later that night he would have a bullet sever his
7 spine, he was going to choke on his own blood. He
8 had no idea because he was a naive kid. However, as
9 my mother said, if you're going in the ocean you got
10 to look out for sharks. Natasha Booker was a shark.
11 She saw that, she showed her friends. She showed
12 Darius, she showed Jaylan, she showed Tommy.

13 They hatched the plan in Motel 6. They made the
14 plan rob him. To break in, hold him at gunpoint and
15 take his money. Conspiracy. They conspired to do
16 the illegal act. Who do they send over? Natasha and
17 Jevonda, the honey pots. They go over there, verify
18 the money is there. Verify it's real. Verify if
19 they have guns or not. They do that and they leave.
20 That's when the guys come in. They come in without
21 permission, they barge in, guns blazing. Burglary.

22 Once they get there, they're two firearms. They
23 take Prince's gun, now they have three. Possession
24 of a weapon during a violent crime. They strip him,
25 they beat him, they torture him, they burn his feet

1 with hot spoons. Assault and battery. And then
2 Karen came in. They ran after her, they didn't catch
3 her. Thank God they didn't catch her. Truly, thank
4 God they didn't catch her. But she busted -- the jig
5 was up, the crime scene cleaned up, kill the
6 witnesses. Jaylan and Darius get to the door and
7 shoot, Tommy fires. One misses, thank God and Malik
8 survives. The other bullet, we know what happened.
9 It killed Prince. Murder. Those are the charges
10 we're having here today.

11 Now, before I dig through a lot of the evidence,
12 I want to talk about something that I think is a
13 absolutely essential piece of the law that I think
14 everybody has to understand. The hand of one is the
15 hand of all. Also known as accomplice liability. If
16 you're an accomplice to a crime, you are liable for
17 what your coconspirators do. And the Judge is going
18 to read this to you, he's the judge of the law. I'm
19 just going to give you guys kind of a heads-up of
20 what's coming. But whatever the Judge says, that's
21 the law. And when he gives you the hand of one is
22 the hand of all, I just ask you to pay attention to
23 that. Very key.

24 Hand of one hand of all, if the crime is
25 committed by two or more people who are acting

1 together committing a crime, the act of one is the
2 act of all. A person who joins with another to
3 commit an unlawful act is criminally responsible for
4 everything done by the other person which happens as
5 a probable or natural consequence. What does that
6 mean? If you join a conspiracy and whatever one of
7 your coconspirators do, you're doing. Something you
8 can foresee happening, everyone is a guilty. The
9 perfect example, the classic example is an armed
10 robbery. You have a getaway driver, you got a
11 lookout and you got the person that goes in the bank
12 with the gun and a bag. Even though one person went
13 in the bank, one person held them up, took the money,
14 the getaway driver knew what was going on.

15 When you drop somebody off at a bank, that may
16 happen. The lookout. They knew what they were part
17 of. They are also guilty of robbery. If that
18 robbery inside killed somebody, that's a natural
19 consequence. Why? Because when you go to the bank
20 with a gun, somebody might get hurt. Accomplice
21 liability, the hand of one is the hand of all. When
22 you break in some random persons house, try to steal
23 their money and you end up killing them, that's a
24 natural consequence. That's what happens when you
25 break in someone's house with guns blazing. That's

1 just part of the deal. And they all knew that. Hand
2 of one is the hand of all. Circle back to that a
3 little more at the end, I just wanted to get that out
4 in front of us now.

5 So The Defense has made mention that The State
6 has no evidence. Obviously, that's not true. We
7 have eye witnesses, we have Malik, we have Karen.
8 People who saw this. People who are not involved in
9 the crime at all. They didn't choose to be a part of
10 this, it was forced on them. They didn't choose to
11 have a jury trial. They're just victims of a crime
12 that have no skin in the game but to come in here and
13 tell the truth. You heard from them. You heard from
14 the co-defendants. And there's a lot of things that
15 you can infer from them. The way they act, the way
16 they spoke but it's testimony. They had a lot of
17 consistencies [indiscernible]. And then we have
18 corroboration, the police work. That's what
19 Detective Thomas does. You trust and verify. You
20 get their stories, and we got the lies, and you start
21 pinpointing what we know happened.

22 Let's walk through that. Again, so Karen comes
23 in, bust the robbery, the jig is up. Try to get the
24 crime scene cleaned up. But he misses, somebody
25 misses, witnesses left. That's the first domino.

1 Officers get there, Detective Thomas is talking to
2 people. She finds out through Malik, just before the
3 murder, he was with Jevonda and Natasha. Three men
4 came in, two wearing black, two wearing a hoodie.
5 That domino falls, sets off the chain. She goes and
6 tracks them down, talks to them. They're involved in
7 this crime. They are very hesitant to talk. She
8 gets a few facts. She starts corroborating. She
9 starts piecing together for herself. Finds out
10 they're at the Motel 6 right before. She goes and
11 pulls the surveillance footage.

12 We have the car. You saw this identified
13 through half the witnesses. We have Natasha and
14 Darius in Natasha's car. She confronts Natasha. The
15 story start a unravel. We identify Jaylan and Tommy
16 Long is the driver of that Honda. Starts to unravel.
17 She goes back and starts pressing the witnesses,
18 calling them out for inconsistencies. Meanwhile, she
19 knows, she knows it's unraveling. More surveillance
20 footage. Who do we have here? Tom Tom, Jaylan,
21 Natasha and Darius. Of course, they look younger
22 there, that was four years ago. All of them
23 identified, each witness there. They all agreed that
24 that's us.

25 Then she figured out how Jevonda gets into this.

1 Where does Jevonda live? Highlands Apartments. She
2 goes and pulls surveillance footage. She watches
3 hours of it. She ticks through, she starts getting
4 the timeline right. She finds everyone getting
5 there. Natasha and Darius and Jaylan and Tommy,
6 arriving to pick up Natasha. And this is a picture
7 of them getting back in the car, about to head to the
8 victim's house. We got lucky on this one, no doubt.
9 Because right when Natasha unlocks her car, those
10 rear lights illuminate. And what does it illuminate?
11 Five defendants. They were standing in the tail
12 light. It was just a split second but that's the
13 screen shot. Go back and watch it if you need to.

14 She identifies. She starts talking to them and
15 then she pieced together who everyone is. They're in
16 cahoots. Why are they traveling in pack? She knows
17 they go to the victim's apartment. Obviously, they
18 do, he's dead. They said they were over there. Pull
19 the gate video. We have her coming in. Twelve
20 minutes later, driving to the victim's apartment.
21 She mentioned on the stand that she had trouble
22 finding the apartment. That explains why it's twelve
23 minutes and not six minutes. [indiscernible] amount
24 of time, she goes there. Again, that's not in doubt
25 whether she's there.

1 The timeline issue is a red herring, it's a
2 nonissue. We know what happened. We have it on
3 video and we have timestamps. The girls are there,
4 they confirm the money. They confirm the gun. What
5 they tell us is true. He had a pistol, he did. And
6 they made hay about this victim having a pistol.
7 Trying to make him out to seem like a bad kid.
8 Again, a 18 year old was murdered. They had this
9 gun. Don't fault him for that. Why did he have this
10 gun? He had this gun because he was worried that
11 exactly what happened was going to happen. He was
12 worried that he had this cash and somebody like Tommy
13 and his pack of friends were going to come take it.
14 It was a good call having the gun. I wish it
15 prevented his death but it didn't. Don't hold that
16 against him.

17 The girls ultimately leave, they say they're
18 going to go to QT. Detectives watch the footage,
19 they find them. Both of those girls said we didn't
20 know what was going on, this conspiracy, we weren't
21 part of it, we had no idea. The detective, being a
22 good detective as she is, she knew to focus on the
23 little details. Let's zoom in on what they bought.
24 Five drinks. Can you imagine who those are for? Two
25 girls buys five drinks, at the very time that Prince

1 is choking on his blood. But they know these guys
2 are working, they're taking that money, they're
3 robbing him, they're going to be thirsty. Five
4 drinks. It's the little details.

5 Then afterwards, they mentioned that they go
6 pick up Darius when he flees. Then they go drop
7 Jevonda off. I want to show you this clip. The
8 video's in evidence. It's hard to see from -- I
9 imagine from where you're at. Here we have, I
10 submit, that is Natasha's car, Jevonda in the front
11 seat, Darius jumps in the back. The door opens, the
12 cabin illuminates, Jevonda can be seen getting out,
13 walking inside. And Darius goes from the backseat to
14 the front seat. Exactly what she said what happened.
15 Detective Thomas pieced that together. We know
16 that's not one of the lies.

17 Next is the pistol. Prince's gun that was
18 stolen. Malik testified and told us in the past that
19 they came in, they took the gun. They took the gun,
20 gave it to Jaylan and Jaylan pointed it. He pointed
21 it at Karen when she came in. That was the story.
22 It is truly enough? She gets a search warrant, they
23 go knocking on Jaylan's door. They go in and search.
24 Low and behold, what do we find? The revolver. That
25 he said he had. That Malik, the victim, said he saw.

1 Corroboration.

2 Now, if anybody knows anything about firearms, I
3 know a lot of people who don't but if you do, hey, I
4 implore you to explain it to anyone who doesn't.
5 That's a .38 special revolver. The shell casings
6 found on scene are 9~millimeter. I submit
7 interesting things about a revolver. When you fire a
8 revolver, shell casings aren't ejected. They stay in
9 the cylinder. We have two 9~millimeter shell
10 casings. Again, that's proof that Tommy was the
11 shooter. But again, that doesn't matter who the
12 shooter was. That shows extra evidence. We've
13 proven it beyond a reasonable doubt, I'll submit to
14 you, but it doesn't matter. Again, hand of one hand
15 of all. Just a piece of evidence.

16 Next, the car he's driving, 2004 four-door
17 Honda, dark gray/black. We have him in video, Tom
18 Tom on video -- excuse me, Tommy Long, on video the
19 night of the murder driving that vehicle. We have
20 testimony from all the witnesses, Tommy was driving,
21 was in his girlfriend's Honda and that's what we road
22 in. I had every witness identify it. You also heard
23 from Tania Glass this morning. It's her car, Tommy
24 was her boyfriend. He drove her car. And then, like
25 I said, he's smart but he's not smart enough. Ten

1 days later he gets pulled over for a traffic stop.
2 What's he driving? Tania Glass' 2004 Honda. The
3 same car. We found him in the same car that he was
4 driving the night of the murder. It's those little
5 details.

6 So they said there's no evidence. This is just
7 a brief summary of what I think of these pieces of
8 exhibits. They are 50 exhibits. Obviously, all of
9 them go to prove something. Go through them again.
10 If I miss anything, piece that together. This is
11 what I think is interesting. We have Malik's
12 testimony. We have a 17 year-old kid who watched his
13 best friend get executed. He watched his best friend
14 get tortured and shot in the face. He saw him choke
15 on his own blood. What reason does he have to lie?
16 None. What interest does he have in convicting a
17 innocent person? What interest does he have at
18 pointing the finger at somebody who [indiscernible].
19 He's just here to tell the truth, he said that. You
20 saw how scared he was. He's a sophomore in college.
21 This not where you want to be. This is not what you
22 want to be doing. But he came in here and told the
23 truth.

24 It took him a while to give all the details. Of
25 course it did. Of course it did. He knows what this

1 man is capable of. He saw what this man did to his
2 best friend. He saw what this man did to a total
3 stranger. He tortured him and he executed. Now,
4 imagine what he's thinking in his head. If he did
5 that to Prince, what is he going to do to me when he
6 has a reason to come after me? He's in jail. He has
7 family. That's what Malik's thinking. That's what
8 he's going through his head. He doesn't want to be
9 in this, in this world. He doesn't want to get
10 wrapped up in law enforcement, I get it. But what we
11 have here is Malik's testimony, a disinterested
12 witness, the only surviving person in that room,
13 besides the coconspirators, that knows what happened.
14 The only other person who knows what happened is
15 Prince. He's obviously not here to testify.

16 So we have Malik's testimony. And then
17 surveillance footage showing that he was with the
18 conspirators right before and right after. That
19 right there is our prototypical murder trial. That's
20 a standard case. We got someone who saw him do it
21 and we corroborate it with surveillance footage.
22 That right there gets us beyond a reasonable doubt.
23 That right there is a murder conviction. The rest of
24 this is overkill. But that's we did. That's what we
25 have to do. Why would I not show you all the

1 evidence? But again, if you're ever thinking of an
2 acquittal, think about this. This right here
3 prototypical murder case. That's some testimony and
4 two exhibits, you have 47 exhibits. Eye witnesses,
5 co-defendants and corroboration.

6 The Defense wants you to focus on the middle
7 one, co-defendants. Because it's the easiest target.
8 All right. You saw everybody testify, you can see
9 what kind of people they are. Let's talk about that.
10 Co-defendants. Are they good people? I don't know.
11 Did they do a bad thing? Certainly. Are they
12 criminals? No doubt. What do we expect? As a very
13 old solicitor here in this circuit said, when a crime
14 is conceived in hell, your witnesses aren't angels.
15 When your crime is conceived in hell, your witnesses
16 aren't angels.

17 What does that mean? Who joins in a conspiracy
18 to rob and torture a kid? Like-minded people, his
19 best friends. Who did he commit this crime with?
20 Lifelong friends. You know, the witnesses we have
21 here are not going to be preachers, teachers, nurses
22 and people who volunteer at the soup kitchen. That's
23 just not realistic. The people who commit these
24 crimes are like-minded people. You saw them, you saw
25 them testify. Varying degrees of sympathy. You saw

1 Darius. These are the kinds of people that do these
2 things.

3 And honestly, like I said earlier, Malik's
4 testimony and the pictures, that's a murder
5 conviction. That's beyond a reasonable doubt. But
6 we brought all the co-defendants up here so you have
7 the full story. I think this day and age, that's
8 necessary. I think that's important. I think that's
9 what The State should do. The State should not
10 cherry pick evidence and only show the polished
11 pieces of evidence. I'm going to bring everything
12 up. That's because [indiscernible]. You got to hear
13 from everybody. That's what we are today and that's
14 a good thing. You should demand that from The State.
15 I could not [indiscernible] I wanted you to see that.

16 Let's go through what they told us.
17 Natasha Booker. What's her involvement? She finds the
18 picture that he posted the day of the murder. She shows
19 her friends. She knows who they are. She says this guy,
20 this kid's got 18 or 16 grand, they thought it was 50
21 grand. He's got 16 grand, let's go take it. He's 18,
22 what's he going to do? Just go in there, kick in the
23 door, rob him. She has a connection of friends. You
24 heard Malik, they don't know these people. They don't
25 know Darius, Jaylan and Tommy. Natasha does. She's the

1 hook. She's how they get in there. Of course, she goes
2 confirms everything, she leaves, leaves the door unlock.

3 But the main takeaway from her testimony,
4 she confirms Tommy, Jaylan and Darius were at the motel
5 together when they made the plans. That they all came
6 together and they knew what they were going to do. They
7 knew the job to do. She confirmed that she was
8 communicating with them prior to the break in. She's at
9 Prince's house, in his bathroom, calling the
10 co-defendants. Casing the joint, saying, hey, the money's
11 in the book bag, get over here. The detective verified
12 that with cell phone records. Prince, Malik, they're
13 going to get lucky. They knew they had girls coming over,
14 they're excited. Oh my gosh were they wrong. Oh my gosh.

15 Look what they were planning. She goes to
16 the powder room. What's she doing? She's calling people
17 with guns to come kick in the door and steal everything
18 they have. Jevonda, you saw her on the stand. Very
19 hesitant to testify to all of what she did. But the
20 important stuff is there. She confirms Tommy, Jaylan and
21 Darius were together afterward. She confirms Tommy,
22 Jaylan and Darius discussed what they did. Remember she
23 was telling how they were sitting on the curb outside the
24 apartment, they were threatening to kill her if she said
25 anything. Because they knew she was the weak link. They

1 brought her in, things went south and they knew she was
2 going to get out of there. And that's what Jaylan did to
3 her when she comes in. He knew the only way she wouldn't
4 rat, if she thought he did it. Crazy. But that's life.

5 What else is crazy? Killing and torturing
6 a 18 year old. These are the people we're dealing with.
7 So she confirms that they're all together, talking about
8 it before, talking about it afterwards, that they're all
9 involved. That's the conspiracy. That's the hand of one
10 hand of all. More evidence of that. Darius Rhodes,
11 again, a lifelong friend of Tommy's. He confirms Tommy
12 conspired at the motel. Again, listen to the
13 consistencies in their stories. I'll just boil down the
14 important things that comes through. He confirms Tommy
15 has a gun. They all said everybody had a gun by the end
16 of it, including Malik. He confirmed that Tommy burned
17 Prince with a spoon. You saw how casual it was. Yeah, he
18 heat it up and just burned him. He confirms Tommy was
19 part of the robbery and murder. Again, hand of one hand
20 of all. Again, witness after witness, after witness.

21 Then confirms Tommy and everybody met up after the murder.

22 Jaylan, same thing. Confirms Tommy had a
23 gun. Confirms that he and Tommy beat Prince. You saw how
24 he testified. He was shockingly opened about what he was
25 willing to confess to. He was doing this in front of The

1 Judge that's going to sentence him, he told the whole
2 story. I can't give him too much leeway because he's
3 still involved but, obviously, kind of taking you back
4 just how casual these conversations were. He confirmed
5 that Tommy said first body of the year. He explains his
6 role and the role of others in great detail. And again,
7 they're facing up to life in prison. Made a lot of hay
8 about everybody getting these deals. Obviously, the deal
9 is life in prison. But we'll come back to that later.

10 Karen Harrison, the 911 call. I implore
11 you to listen to that again in deliberations. Is that
12 someone that's going to lie to law enforcement? Did she
13 seem like she was up to something? Scheming, trying to
14 make up lies. I've never heard a 911 call of somebody
15 [indiscernible] that much that you're having a panic
16 attack. She was still that way when she was on the stand.
17 It's one of those traumatic moments of her life. What did
18 she say? She saw three males in the apartment. I imagine
19 The Defense is going to say they're only two in there,
20 Darius and Jaylan, just the two of them. But we know
21 there's a third. Who else would that third be? I have a
22 sneaky suspicion, it's the person we have on footage,
23 right before the murder, identified by Malik inside the
24 apartment. And then we have them all together after the
25 murder. And then she heard the gunshots. On

1 cross-examination The Defense asked, how do you know those
2 gunshots were in your apartment? I don't know, maybe her
3 brother [indiscernible] for starters. Zero incentive to
4 lie.

5 And Malik, terrified of the defendants.
6 Scared to testify. You saw him shaking. He's a college
7 kid, he's never done this. He identifies Tommy, Jaylan,
8 Darius, Natasha and Jevonda. He was scared to come
9 forward in the beginning, absolutely. Fair enough. The
10 Defense asked, why don't you know their names? He didn't
11 know them. Somebody kicks in the door that you never met,
12 starts coming around and then kills your friend, you think
13 that somehow magically gives them their name? Makes a big
14 deal about seeing them on the news. Right. Because
15 that's when he learned their name. He saw their faces and
16 went, Oh my God, that's the guy who executed my friend.
17 All of them.

18 His name was Tommy. The other name was
19 Jaylan. The other name was Darius. How would he know
20 that information an hour after the murder? They hadn't
21 even identified suspects yet. How could he be expected to
22 just come up with those names? Just finish the
23 investigation. He can't be. That's why we have 20 year
24 veterans investigating these things. That's why we got
25 Detective Thomas investigating these things.

1 Malik, best friend to Prince. Got nothing
2 to gain here. Nothing that happens this week is going to
3 make that pain go away. What does he have to lose? What
4 does he have to gain? He told you, he's here to tell the
5 truth. No matter what happens, my friend's still dead. I
6 still buried my best friend. Zero incentive lie. I mean,
7 zero reason to do anything on the stand except tell the
8 truth. And again, he is the only eye witness to the
9 murder. Aside the co-defendants. That testimony is
10 paramount. The only eye witness.

11 What does he say? Tommy shot my best
12 friend. I spoke to him. I had a face-to-face
13 conversation with him. He threatened me. He said, You
14 don't want to die for this money. He got a good look at
15 him. Again, a face-to-face conversation. This doesn't
16 happen. This is not some eye witness that saw something
17 through a bush 20 yards away. I'm pretty sure it's that
18 guy. Oh my God, no. We're in the same room while they're
19 ransacking it, torturing my friend. He's sitting
20 face-to-face and talking to me, he's threatening me.
21 That's an identification that you can trust. These are
22 all the details that give it veracity.

23 Dr. Ward, he confirms the burn. So in case
24 anybody was thinking the burn could have been from before.
25 I learned that with him. The skin's burned, there's no

1 inflammation. His body didn't have time to send white
2 blood cells or whatever it is to the wound. Then after
3 his burn, a minute later, his spinal cord was severed.
4 Again, that proves everybody's story. They're saying he
5 was burned. Well, hold on, he was. Look at the timeline.
6 The detective get the spoon? She owned up. Nope, I
7 didn't get the spoon, I didn't get the lighter. You have
8 a kid that got killed. The last thing that -- who would
9 think that he was tortured before death? That's not a
10 common thing we see. I've never heard of that. I mean,
11 just think about it. Someone lights up a spoon and holds
12 it against someone's foot. That's far fetched. It's --
13 that makes no sense.

14 That's a nexus that's hard to make. He
15 used the spoon before -- the house is ransacked. It could
16 have been anything on the ground but there's a spoon on
17 the ground beside 50 pieces of paper and flipped over
18 chairs. Don't hold it against her that she didn't think
19 to take that spoon. And then, of course, everybody
20 flipped out. Karen and her husband left. Makes sense.
21 You're not thinking about crime scene preservation. I
22 have to get my kids out of this house because there's
23 blood all over the carpet. I have to get these kids out
24 of the house because the most traumatic thing they've ever
25 seen, happened right there. Don't hold that against them.

1 So you have all these witnesses. What's
2 consistent? Fortunately, all the consistencies are the
3 things that matter. Tommy was part of the planning at the
4 motel. He was there when they conspired to do this job.
5 They conspired to rob and beat him up. Tommy was in the
6 apartment during the crime, everyone says it.
7 Co-defendants, Malik, everybody. Tommy was in the
8 apartment. He was part of the gang. Hand of one hand of
9 all. Tommy had that gun. Even more evidence. Everyone
10 said Tommy had a gun. All three of them had a gun. Not
11 at first. Once they got in there, all three were armed.

12 Tommy burns Prince. Darius says that.
13 Malik said that. You can say, Well, Darius said that
14 because he doesn't want to get in trouble for it. What
15 does Malik have to gain by saying that? You just take
16 some random person, that's the one that just tortured my
17 best friend. Then we have all the evidence that Tommy was
18 with the conspirators afterwards. We have video testimony
19 that they were together before, testimony they were all
20 together during the murder, there's cell phone records
21 they were together and they were all together afterward.

22 And there's an inference there. Sure, Tommy
23 was smart enough to turn his phone off during the murder.
24 Good call. Pro tip, if you're going to commit a crime,
25 cut your phone off. But the problem is he's smart but

1 he's not smart enough. He didn't tell everybody else to
2 do the same thing. So we know he was with them before.
3 All of their cell phones show that they're at the victim's
4 apartment at some point. And then they're all together
5 afterward. That's a easy conclusion to make. That's a
6 easy conclusion. That somebody goes into a grocery store
7 and comes out with a bunch of groceries, it's a pretty
8 clear inference that they bought some groceries in there.
9 That's the same thing we have here. Again, that's that
10 corroboration. Testimony and evidence before, cell phone
11 data testimony and evidence that they were together
12 afterward.

13 Let's look at the charges. The charge of
14 murder, possession of a weapon during a violent crime,
15 kidnapping, attempted armed robbery, burglary in the first
16 degree, conspiracy and assault and battery. Let's go
17 through what I have to prove, what we have to prove.
18 Murder in South Carolina is very straightforward. We
19 don't have degrees of murder, first degree, second degree,
20 premeditation, it's just murder. Murder is the killing of
21 any person with malice aforethought, either expressed or
22 implied. So killing somebody else with malice
23 aforethought. We know killing somebody, we got that. You
24 know we have someone dead.

25 What's malice aforethought? Malice is

1 hatred, ill will or hostility towards another person. You
2 meant to do it. It's not voluntary manslaughter where you
3 were overcome with emotion, you had ill will toward that
4 person. It was a conscious, intentional wrongdoing with
5 intention of doing harm to the victim. You admit to doing
6 it. Pull the trigger, pointed the gun at him and pulled
7 the trigger. You meant to do it, there's intent behind
8 that. There's another way to prove malice as well, that's
9 what the felony murder is. If one is initially killed or
10 intentionally killed during the commission of a felony,
11 malice may be inferred. And that's what we have here, as
12 well.

13 Breaking into someone's apartment and
14 someone dies, yeah, that was malicious. You kicked in
15 their door when you broke in their house. But I think
16 there's better evidence of malice in this case. What's
17 more malicious than torturing somebody right before they
18 die? We don't have to worry about evidence and trying to
19 craft some definition of malice. It's as clear as it
20 gets. I submit to you that it can't be anymore clear.
21 Torturing an 18 year-old kid. Is there any more
22 malicious, aside from murder?

23 Timeframe analysis. There is no timeframe
24 in South Carolina. And on TV and other states you hear
25 about premeditation. You have to go in, premeditated

1 murder, plan it out and then go commit it. South Carolina
2 that's no what we have. It just has to be a malicious,
3 intentional act, killing another, that's murder. Don't
4 get hung up on premeditation. They didn't have to plan on
5 murdering him when they went in that house. It just had
6 to be the intent to murder him when they pointed the gun
7 at him and pulled the trigger. And why else would you
8 point a gun at somebody and pull the trigger and shoot
9 twice? To kill somebody.

10 Kidnapping, another South Carolina law that
11 we're a little different from everybody else. So
12 kidnapping you think, throw a pillowcase over someone's
13 head, throw them in the trunk of the car and take them
14 away. That may be what it is in other states, in South
15 Carolina that's not the case. Whoever shall unlawfully
16 cease, confine or carry away another person by any means
17 whatsoever without the authority of law. So what it boils
18 down to is, you restrict someone's freedom of movement.
19 You don't let them leave. You hold someone on the couch
20 at gunpoint, you don't let them leave, you don't let them
21 go call 911, you don't let them run for their lives. You
22 force them to sit there. That's kidnapping.

23 Attempted armed robbery, that's when you're
24 armed with a pistol or a deadly weapon while alleging
25 either by actions or words, he was armed while using a

1 representation of deadly weapon or any object, which a
2 person present during the commission of the robbery,
3 reasonably believed to be a deadly weapon. What does that
4 mean? Means trying to rob somebody. Came in with a gun
5 and trying to take their stuff but you didn't complete it.
6 Arguably, in this case, there was a robbery. When they
7 took the gun. However, they were going after the money
8 and just to be clean, we're going attempted armed robbery.
9 No question they went in there to get the money. They
10 went in there with guns, they threatened, pointed it at
11 them and then beat them because they wanted to take his
12 property.

13 Burglary in the first degree, The State has
14 to prove that they unlawfully entered someone's home. A
15 person is guilty of burglary in the first degree if the
16 person enters a dwelling without consent or with the
17 intent to commit a crime in the dwelling. And, in effect,
18 while in the dwelling or in immediate flight, he or
19 another person committing a crime, does one of these
20 things. Armed with a deadly weapon, checked. Causes
21 physical injury to a person who is not a participant in
22 the crime, check. If you believe the torturing killed
23 Prince. Uses or threatens to use a dangerous instrument,
24 pointing guns at them. Displays what appears to be a
25 knife, pistol or revolver. All of that.

1 I have to prove one those things. In this
2 case, it's like they read the statute and did all of it.
3 Every single one of those. Like I said, I just had to get
4 one. He came in somebody's house with the intent to
5 commit a crime. And you check one of the boxes and he
6 checked all four. And that's the reason we asked every
7 witness, did they have permission to be there? No. Did
8 they have permission to be in the house? Of course not.
9 Sounds like a silly question but that's what we're getting
10 at.

11 Possession of a weapon during the
12 commission of a violent crime. During the commission of a
13 violent crime, which is burglary, robbery and kidnapping
14 are, you had a weapon. Here, unfortunately, we have
15 incredible evidence of that. We have a 18 year-old kid
16 with a bullet in his spine. We have shell casings in the
17 house. There was a weapon present. Every witness says
18 that.

19 Assault and battery in the first degree,
20 that's unlawful touching of another person. That's the
21 beating, that's the burning, that's the assault. If you
22 unlawfully injure another person in the act, during the
23 commission of a robbery, burglary, kidnapping or theft.
24 Again, it's like they read the statute. They did it all.
25 They offer or attempt to injure another person with the

1 present ability to do so. It's accomplished by means
2 likely to produce death or great bodily injury. Occur
3 during the commission of a robbery, burglary, kidnapping
4 or theft.

5 Again, torturing, pistol whipping. You
6 heard about the pistol whipping, his teeth were broken.
7 They were beating him in the face, they were hitting him
8 with the butt of the pistol so hard, it ruptured his face.
9 That's aside from the shooting. We can't get pictures in
10 but we can get drawings. How hard do you have to hit
11 someone with a pistol to break their teeth? Clearly, it's
12 a circle, it's the butt of a pistol hitting in the top of
13 his -- right beside his nose.

14 So again, come back to the hand of one hand
15 of all. We're making a lot of hay about who the shooter
16 was. I submit to you that the evidence proves that Tommy
17 Long was the shooter. If you don't believe that, not an
18 issue. If you believe he was part of the conspiracy, he's
19 guilty of everything. Again, I think the evidence shows
20 he's the shooter. If you don't, not an issue. If you
21 believe Tommy Long conspired with Natasha Booker, Jaylan
22 Fair and Darius Rhodes or Darius Rhodes, any of them, to
23 rob the victims, still guilty. That's the same premises
24 of law that the others pled to.

25 So let's go through which witnesses

1 established each crime. Burglary. If you believe Karen
2 Harrison, he's guilty of burglary. Malik Norris, what he
3 said, convicts him of burglary. Natasha Booker, burglary.
4 Jaylan Fair, Darius, all of their testimony confirms --
5 shows that he's guilty of burglary in the first degree.
6 Kidnapping and finding Prince and Malik on the couch,
7 Malik told you that, Darius told you that, Jaylan told you
8 that. The details about how they were beating him, making
9 them take their clothes off. They had zero freedom of
10 movement. They didn't have any freedom.

11 Attempted armed robbery, again, every
12 witness, they all, yeah, that's what we were doing. We
13 went over there because we want that stack of cash. We
14 wanted to steal it from that kid. Why else would we go in
15 his house and get the money? Assault and battery, again,
16 all co-defendants, Malik's testimony, Dr. Ward's
17 testimony. We know that he was pistol whipped. It's the
18 pattern that Dr. Ward was talking about. Something that
19 fits around -- goes in the curvilinear. It's something
20 forcefully hit. Look at that injury. Butt of a pistol.

21 Murder, who shot the victim? Malik Norris,
22 he identified Tommy. Jaylan Fair admits or says it was
23 Tommy. He also admits that it happened during the
24 commission of the robbery. And as far as the hand of one
25 hand of goes -- hand of one hand of all goes, so did

1 Darius. Yeah, we were over there and in the course of the
2 robbery, Prince got shot. Every witness says that.
3 Possession of a weapon, I'm not going to harp on that
4 again.

5 This is what Tommy did. At the bear
6 minimum what Tommy did. Planned a robbery. Supposed to
7 be the enforcer during the robbery. Side note of that,
8 that's why there's no DNA. He wasn't the one flipping
9 stuff over, he wasn't the one rummaging, he was the
10 muscle. He was hitting him with the pistol, pointing the
11 gun at him. He drove to the apartment complex. We know,
12 there's ten exhibits in there that prove that. Armed with
13 a gun, entered the apartment and participated in every
14 single crime.

15 I said it once, I'll say it a thousand
16 times, you don't have to believe Tommy Long was shooter to
17 find him guilty of these crimes. You have to believe that
18 he was part of the conspiracy. Every step of the way
19 that's proven. Every single witness proves that. Common
20 sense proves that. Security footage proves that.

21 Sentencing. We had a lot of conversation
22 about this of each witness. They all pled, they're all
23 facing a lot of jail time. That is not for you to
24 consider. It's not for me to consider at this point.
25 This right here is purely -- the question today is, was

1 Tommy Long guilty of conspiring in this plot? That's all
2 we have to determine. Sentencing happens at the
3 sentencing hearing, after the conviction. So don't think
4 about how you want to divvy up blame. That's The Judge's
5 job. You're not to consider it. It's not part of
6 deliberations. If you think he's more culpable or less
7 culpable than some of the co-defendants, that's expressed
8 to the judge later, not through your verdict. The
9 verdict's only if you [indiscernible].

10 I don't know what The Defense is going to
11 say but I'm going to speculate over here. No evidence of
12 Tommy being there. I love what the heck Tommy said.
13 Sure, except for all the evidence of him being there.
14 Again, like the shopping cart and the buggy from the
15 grocery store. You have everybody before, you have
16 everybody after. And we know that every other person that
17 he's been with all day is at the crime scene. And that
18 they all road over there with him. It's not a leap to
19 think that he's not there. That's what happened. And we
20 know that through all the testimony, through every single
21 witness. Through the neutral parties saying that. Then
22 forensics. There's no DNA. This a not a sex case.
23 There's not DNA everywhere. They broke in, hit him with a
24 pistol, fast robbery, things went amuck, killed the
25 witnesses.

1 Then we were talking about the timeline
2 with the detective. Here's the timeline I have. Again,
3 these screen shots in there for any timestamps, you can
4 mark out what happened. You see -- look on the map, this
5 will be back with you as well. Where -- they're spaced
6 out, it's Greenville, traffic. 12:17, all the
7 conspirators got to the hotel. 1:21, they left the hotel.
8 They devised a plan, they left the hotel at 1:21. At
9 1:29, they arrive at Highlands. That's that surveillance.
10 Highlands is where Jevonda lives, right there by the
11 hotel. They left Highlands with Jevonda. Then 10, 15
12 minutes later they get up to the victim's apartment. They
13 told you they had trouble finding it but they did. Ten
14 minutes to go from Pleasantburg all the way to Woodruff,
15 that's very reasonable.

16 And we know when the girls got to the
17 victim's apartment. That's a picture of them driving
18 through the gate. You can see her license plate, we know
19 it's her car. They drive to the victim's apartment. It's
20 1:54. They said they were there for about an hour. They
21 get there at 1:54, when do they leave? 2:56, we have them
22 on video leaving. They say they're going to the QT.
23 Again, timestamp we know they're in the QT. They're
24 sitting there buying five drinks for all the intruders, as
25 the murder is taking place. At 3:10 they get the phone

1 call from Darius, furious, where you at? Come get me.
2 And then at 3:40 you see everybody come back to the
3 Highlands. The girls and Darius get there at 3:40, 3:42
4 Jaylan and Tommy are there. There all together again.
5 That timeline is not crazy. That's -- again, go through
6 it, it's fairly reasonable. There's no huge gaps here.

7 But before I close, I want you guys to
8 think about this from a different point of view. Right
9 now I'm showing you evidence and saying this is proof that
10 he's guilty. I submit to you that it's overwhelming that
11 he's guilty. But I want you to consider it from the point
12 of view, what would you have to believe for him to be not
13 guilty? You have to believe that Malik, that Karen,
14 Jaylan, Natasha, Jevonda and Darius all conspired together
15 beforehand to come up with this story. And then they went
16 and backtracked and they meticulously left evidence at
17 various locations all around Greenville County, showing
18 that they're all together. They go there and they commit
19 the robbery and homicide. Then they all plead guilty up
20 to life in prison just so they can convict their lifelong
21 friend. In what world would that make sense? In what
22 world does that make sense? What's easier, to believe
23 that or that he's just guilty and they were sloppy and
24 they were walking around in front of surveillance footage?
25 That answer is obvious.

1 But all of these pieces of evidence, I want
2 you to look at them like a bridge. My trial, my case here
3 is a bridge. Each piece of evidence is a pillar. Just
4 because you don't believe one piece, doesn't make the
5 bridge fall. We have 50 -- 47 exhibits, if you don't
6 believe Jaylan's testimony, take it out. We still have
7 five other peoples testimony, we still have all the
8 exhibits. Take out all the co-defendants testimony, if
9 you don't believe any of it, we still have overwhelming
10 evidence, the bridge doesn't fall.

11 Again, if you're leaning toward an
12 acquittal, on anything, go back and look at the evidence,
13 take a step back. Don't hold it against the detective for
14 putting together a comprehensive case. Smaller case would
15 have less evidence, would have been shorter and cleaner.
16 We have everything. We have presented you everything.
17 The evidence is overwhelming that he took part in this
18 crime. Every single witness says it. Whether they love
19 him, don't know him, everyone confirms it. If you believe
20 Natasha, he's guilty of murder and all those charges. If
21 you believe Jevonda, he's guilty. If you believe Darius,
22 he's guilty. If you believe Jaylan, he's guilty. If you
23 believe Karen, he's guilty. If you believe Malik, the one
24 person that lost his best friend, the one person that saw
25 this happened, the one person that has zero incentive to

1 lie, if you believe him, this man is guilty of everything.
2 Convict him. Thank you.

3 THE COURT: All right, Mr. Pringle.

4 CLOSING STATEMENT

5 MR. PRINGLE: First thing I want to say is for
6 all of us, it's certainly been a long and difficult
7 three days. Obviously, there were terrible
8 circumstances that you learned about which brought
9 you here. You might recall at the beginning, I
10 didn't go into a lot of details about what you would
11 hear or not hear, but I did tell you that you were
12 going to hear from a number of admitted liars,
13 convicted criminals. On that we can all agree. At
14 that time I asked you, you know, you're going to see
15 a lot of material witnesses, stuff presented by The
16 State and all we could ask is that you diligently pay
17 close attention and weigh all the evidence, that's
18 all of it from both sides. Of course, there are
19 multiple sides in this case.

20 But I want to thank you because it's evident to
21 me and my client that y'all have done that. You've
22 paid very close attention, you clearly were engaged
23 and hopefully you can sort all of it. Because it is
24 a bloody mess and it's going to be very difficult to
25 parse through each and every aspect, despite what the

1 assistant solicitor has just presented. Now, it's my
2 turn.

3 You know, we talked a little bit at the
4 beginning, talked to you about proof beyond a
5 reasonable doubt. You're going to hear from The
6 Judge here shortly about exactly what that means
7 legally. But in a nutshell, like we discussed, it
8 means that you got to be firmly convinced of each and
9 every element of the crime. You got to be really
10 sure because everything is on the line. That's the
11 duty and the privilege that you have as jurors. And
12 I told you at the beginning that I thought you may
13 have many questions. Even after the end of this
14 trial. I know that I still do. And I'm betting that
15 y'all have many questions yet after all of this.
16 It's very difficult to determine exactly what
17 happened that night.

18 I also told you at the beginning that we felt
19 like The State had made some big bets on a couple of
20 these witnesses. A few of these witnesses and some
21 of these circumstances. And, you know, despite all
22 the fancy satellite images and the PowerPoint
23 presentations, the number of people they marched up
24 there, the photographs, the fuzzy photos, the
25 self-centered, self-serving testimony of the

1 witnesses, at least, the key witnesses. There's
2 really only a few things that really matter in this
3 case. The rest of it is bells and whistles, okay.
4 None of the police testimony, none of this kind of
5 stuff gets around the problems that they have with
6 what happened in that apartment that night,
7 specifically. And it's their burden to prove,
8 specifically, what exactly happened.

9 I don't know how that's possible based on what
10 we've heard and not heard. And who knows what was
11 left out. And as you know, I think the detective,
12 investigator, earlier had, during her testimony, she
13 used the term called partial truths. And that struck
14 me and hopefully it strikes you as well. Because
15 that's really -- that's really all any of this is.
16 That's the best we can hope for. And even from her
17 own testimony, that's pretty common in these cases.
18 There's often gray area. But again, I'm going to get
19 into that with more specificity, I just want to
20 highlight some of the things that we saw and heard,
21 just to remind y'all. Okay, there are two sides,
22 there's multiple sides to this.

23 The power of The State is an awesome thing.
24 That's why we have this standard, this burden, where
25 everybody is presumed innocent until they can prove

1 each and every element. Mr. Johnson did a great job
2 of laying out the elements of each of these crimes.
3 You know, it's really -- one of the analogies I
4 learned when I was younger was that one way to put it
5 is it's kind of like baking a cake. I'm certainly
6 not much of a baker. Obviously, I can crush it as
7 far as the eating cake part of it but, you know, it's
8 like this. You know, I don't know what really goes
9 into the cake but for purposes of my example you know
10 it's going to be like flour, yeast, milk, eggs,
11 frosting. There's probably other -- let's just say
12 that's what makes the cake.

13 Well, if there's no yeast, you might have
14 something that's edible but it's certainly not a
15 cake. Okay, that's kind of the analogy here. There
16 can be a lot of smoke but there's got to be fire.
17 That's what beyond a reasonable doubt is. Okay, it
18 can't -- you can't make logical jumps, you can't fill
19 in the blanks, connect the dots for The State, that's
20 their burden. There's a lot of gray area still out
21 there. Let's talk about some of that in a little
22 more detail. But what has actually been proven,
23 that's what you're going to have to determine. You
24 got to stick to what can be proven, okay. Not what
25 we think we're sure of. What we believe might be the

1 case or we think, oh man, it's more likely than not.
2 He probably did this, he probably did that, he
3 probably didn't do this or that. It's got to go way
4 beyond that, okay.

5 What happened in Prince's apartment? Well,
6 certainly there's been some evidence presented. And
7 you may believe that Tommy was at that Motel 6 that
8 night for about an hour or so before they left at
9 1:30, 1:31. So you may believe he was there. You
10 may believe that he discussed this entire plan. It's
11 important to note that everybody has to agree that
12 Tommy was seen by Jevonda Dillard approximately
13 3:40 a.m., plus. And we went through all those times
14 and it got a little confusing with the detective,
15 rather. But I think we all came to an agreement that
16 that's roughly, no matter which side we're on, that's
17 about a two hour and 15, two hour and 20 minute gap,
18 minimum. From the time the video shows them leaving
19 Motel 6 to the time Tommy and Jaylan Fair, aka,
20 Ration, Jevonda Dillard's boyfriend, supposedly
21 showed up at her place.

22 And I think it's important, because I think
23 Mr. Johnson said in his closing argument, that all
24 five of these people ended up together at the end.
25 Frankly, if you go back and look at the evidence, I

1 think it will show -- I think we know that Jevonda
2 Dillard and Natasha Booker went and picked Darius
3 Rhodes up from the hotel. When Rhodes flipped out,
4 called her a F'n B, you know, it all went wrong, what
5 the hell, you know, we shot him. Okay. Tommy was
6 nowhere around when they picked up Darius Rhodes.
7 For that matter, neither was Ratio. Okay, the
8 testimony, the story was that Ratio got dropped off
9 by Tommy over at Jevonda's place. The testimony and
10 evidence also was limited to what Jaylan Fair, aka,
11 Ratio, told Jevonda.

12 There was no testimony, there was no talk about
13 Tommy making threats. Jaylan or Ratio's the one that
14 said, I'll kill you if you talk. I shot him, I shot
15 him twice. It wasn't Tommy shot him. It wasn't
16 Tommy killed him. It wasn't Tommy saying anything to
17 Jevonda. That was pretty clear. He simply dropped
18 her boyfriend off. Almost two and a half hours after
19 we see the video recorded of him being at the hotel.
20 Again, you may believe that it was him, that he was
21 there. I mean, there's pictures. If you do believe
22 that then maybe you believe he conspired to commit
23 this thing. Well, that's where the crime of
24 conspiracy comes in.

25 So when you look at those charges when you go

1 back to deliberate, if that's what you come up with,
2 you go, hey man, they're able to prove that he was
3 there, he talked about robbing the place, that's
4 conspiracy. And you may end up finding him guilt of
5 conspiracy. So they didn't all get together
6 afterwards, that's pretty clear.

7 Now, two guys talked about we shot Prince, we
8 killed Prince. You heard it. We went over it over
9 and over. It was tough to pin this down but we were
10 able to do that. There is no doubt that Darius
11 Rhodes, just moments after this, is screaming and
12 hollering, we F'd up, we killed him, shot him. Okay.
13 Never said anything about Tommy shot him. Never said
14 anything about anybody shooting, we shot him. Then
15 just a little bit later again, shortly after this
16 thing takes place, we know that Ratio, he admitted
17 it, he tried to justify it. We'll get into that but
18 man we know that he shows up, he's also ticked off at
19 Jevonda, okay.

20 They thought they'd tried to use these girls to
21 do their scheme, to do what they wanted and it,
22 obviously, came apart. He ends up coming home, he's
23 ticked off, too. He's very upset about what
24 happened. We didn't get any money, he's dead, I shot
25 him, I killed him. I shot him twice. I think I shot

1 him twice in the torso. Details. You have to ask
2 yourself, what on earth, why would somebody say that
3 about themselves? You know, we'll get to his brother
4 also repeatedly saying that Jaylan Fair was the
5 killer. So, you know, we've got this gap, okay. I
6 call it a gap. It's the time between Motel 6 and the
7 time Tommy shows up with Jaylan at Jevonda's, it's
8 2:20, going on two and a half hour gap. A lot of
9 time when you consider how little bit of time
10 actually went into the robbery.

11 What all was going on for that almost two and a
12 half hours? None of us really know other than what
13 maybe three people can tell us. We'll get to that.
14 There was testimony, the detective told us, that all
15 four -- when I say all four, I mean, Jevonda Dillard,
16 Natasha Booker, Jaylan Fair, aka, Ratio and Darius
17 Rhodes, had all kinds of cell phone activity.
18 They're calling -- we know that one or more of the
19 girls were contacting one or more of the boyfriends
20 from the crime scene, telling them the money is here,
21 let's do it, you know, whatever. I see the cash.
22 They testified about how they confirmed it was real
23 money and all of that.

24 All that talk, all that activity, all that stuff
25 going on, these calls, these texts, these phone

1 stuff, all four consistent with those four. That's a
2 common theme throughout this case. Okay. And it's
3 noteworthy, also, that those four are really thick as
4 thieves when you think about it. Yeah, the testimony
5 was that Ratio and Tommy go back, they're old
6 friends. But Ratio and Jevonda Dillard had a
7 romantic, very close relationship. Contentious maybe
8 but certainly a very close relationship. We know
9 that Darius Rhodes and Natasha Booker had maybe a
10 closer relationship, they have a child in common
11 together. These people are thick as thieves, okay.
12 And you keep hearing those same four throughout.

13 Not only the same four with regard to cell phone
14 activity and what's going on during the robbery.
15 And, of course, for whatever reason, whether it was
16 because of what Mr. Johnson -- there is no evidence
17 putting Tommy their by phone. You know, these phone
18 pings that they use, they had to say we don't have
19 any of that. Evidently, his phone was turned off.
20 Of course, I asked if you'd gone a little further, is
21 there any mechanism to maybe go further to determine
22 where his phone was, even though it was turned off?
23 I, obviously, I believe there are additional steps
24 that could have been made, they weren't. And the
25 detective, to her credit, she said she was not aware

1 of that. But it would have been nice if we would
2 have gone a little bit further. I think if they
3 found his cell phone was in his apartment, that might
4 have helped us. Because other than that, we're
5 relying to two guys -- and I'll get into more
6 detail -- [indiscernible] Darius Rhodes and Jaylan
7 Fair [indiscernible] there's nothing that comes out
8 of their mouth that's reliable.

9 And as far as Karen Harrison, the unfortunate
10 woman that busted up, you know, walked in during the
11 robbery, very clearly, if you need to go back look --
12 and look at that questioning, she could not identify
13 anybody. And how could she? I mean, you walk in,
14 the place is getting robbed, what the hell. First
15 thing she sees, evidently, was Jaylan Fair sticking a
16 gun in her face and she took off running. She
17 clearly could not -- she couldn't even identify him.
18 So it's not -- it's not really fair for The State to
19 say that Karen Harrison can corroborate or put Tommy
20 Long in that room. She couldn't identify anybody.
21 How could she know anything with certainty when her
22 own testimony -- and that's not her fault. Any one
23 of us in that circumstance would have probably acted
24 the same way. I mean, she was clearly afraid. I
25 can't imagine what that was like.

1 But, you know, let's take it for what it is. It
2 doesn't add much to The State's case. I mean, we
3 knew there was a robbery, she confirmed that. She
4 knew it was in her apartment. But she wasn't really
5 able to help us other than Jaylan Fair stuck a gun in
6 her face and ran after her. And she is probably
7 lucky that she made it. We might all agree with
8 that. Who knows what would have happened. But they
9 weren't talking about Tommy, they were talking about
10 Jaylan. Then Darius Rhodes talked about how he
11 chased her, too. But she couldn't identify either
12 one of them, let alone Tommy. So she doesn't really
13 do much to help The State's case. We already knew
14 there was a robbery, she corroborated that. At her
15 place.

16 You know, the solicitor said, hey, there was no
17 DNA because according to The State's theory of the
18 case, there wouldn't be any DNA because he was just
19 the whatever man. Well, I mean, there was no --
20 obviously, you didn't hear anything about
21 fingerprints either. We hear this story about Tommy
22 taking this spoon and doing the torture and all of
23 this. Did they fingerprint the spoon? Why not?
24 Don't you think that might have been helpful? I
25 mean, if his fingerprints were on that spoon, we

1 would have proof, I mean, that would have been nice.
2 Kind of like the cell phone thing would have been
3 nice, the DNA would have been nice. How much further
4 . could they have gone and maybe confirm some of this
5 other than banking it all on criminals and liars that
6 clearly are bad people that would do anything to save
7 themselves. One of them was throwing his own brother
8 under the bus without even being prompted. He said,
9 I know my brother's the killer.

10 So, you know -- and I also -- there -- it was
11 evident that they're looking to three guys to really
12 try to make this case. It's Darius Rhodes, it's
13 . Jaylan Fair, of course, that's co-defendants and I'll
14 get into some more of that but I propose to you that
15 their testimony is absolutely worthless, it's
16 self-serving, it's been all over the place, it's just
17 a story. There might be some partial truth in it and
18 we'll touch on that. But, you know, then we got
19 Malik Norris. And, of course, he's not a
20 co-defendant, that's a big thing. Admittedly, he
21 wasn't part of this, okay. But there was, obviously,
22 issues with his identification of Tommy. We went
23 over that. And it was very difficult because,
24 obviously, he was sitting next to his best friend
25 when he was killed. So we all need to be sensitive

1 to that but we shouldn't make it into what it isn't.

2 So as far as the witnesses, Mr. Johnson kind of
3 stole my thunder because he went through each witness
4 and what he was arguing they could give The State.
5 Let's kind of do that from our end of the equation.
6 We know that each and every one of these people
7 admittedly admitted under oath, they're liars. They
8 lied before, they lied all the way through, it's
9 pretty clear they would all lie up until they're
10 cornered with no options, no outs and nothing else to
11 do. Now it's time for self-preservation. Each and
12 every one of them had to admit, they're looking at
13 murder, that's 30 to life. None of them ended up
14 pleading to murder. They got a nice deal, you know.
15 Who wouldn't consider that, I guess. Hopefully, none
16 of us will be in that position to have to make that
17 determination.

18 But, you know, the thought of knowing that
19 you're maybe going to die in prison and you're
20 already that kind of a person that's involved in
21 setting up friends of yours for robberies and got no
22 compunction about going in and doing what these guys
23 did, I mean, what's stretching the truth? What's
24 that going to -- how difficult is that going to be?
25 That's all they got to do. Hey, let's tell them the

1 story they want us to tell them. And, you know, it's
2 real simple math. It's no murder, it's no murder
3 convictions. They say they've not been promised
4 anything but, you know, they certainly already got a
5 huge benefit. We know what they're facing and what
6 they're not.

7 And you have to ask yourself, based on their
8 performance, you know, they followed up through or
9 they tried to anyway to do what The State wanted them
10 to do. Who knows what they're going to end up
11 getting sentenced to. You have to ask yourself just
12 how scot free, what benefit are they going to end up
13 with? Maybe you might want to check that out down
14 the road. All they had to do was perform. Tell
15 another story. Get me out of murder, where do I
16 sign? That's the kind of people we're dealing.

17 As Mr. Johnson said, this is a play that's
18 casting [indiscernible] so you don't expect any
19 [indiscernible]. These are really bad people. Those
20 aren't the kind of people that you want to build a
21 murder case and try to convince people from our
22 community beyond a reasonable doubt that this, this,
23 and this happened when they can't show it. And all
24 they can do is rely on the word of some of these
25 people. I know Malik Norris is a little bit

1 different situation, we're about to get into some of
2 that.

3 Let me march through the witnesses like they
4 did. Natasha Booker. This is not going to be the
5 order in which they called witnesses. She's a proved
6 and admitted liar. I mean, she put on an Oscar
7 performance that first -- the morning of when she was
8 first interviewed. We went through it, it was
9 painful. But, you know, she was talking about, oh,
10 that's my friend, I feel so bad. She played dead in
11 the woods, didn't know anything about what's going
12 on, knowing that she had played a vital role. And
13 her boyfriend, her baby's father, was a -- was a main
14 cog in this whole thing. She probably set this thing
15 up, maybe under duress. She talked about how Darius
16 took her into the bathroom at the hotel and cocked
17 his 9-millimeter and said, You're going to set this N
18 up. Which, we also, of course, established that he
19 knew she'd been having a relationship with Prince
20 behind his back. He was not happy about it. It
21 turns out, he's the only guy in the equation that had
22 a personal ax to grind against the guy that ends up
23 killed.

24 So, of course, she testified that Tommy was with
25 them at Motel 6. The Motel 6 meeting, the

1 conspiracy. And again, as I told you, if you
2 believe -- certainly, if you believe he was there and
3 you believe he participated in the discussion and was
4 part of the planning, that's conspiracy. That's one
5 of the charges he's got. It's not -- it's not all
6 the other charges, it's conspiracy. Okay. It's not
7 accurate to say if he was there talking about the
8 robbery that he's guilty of everything that they
9 charged him with. That's not true. You look at the
10 elements. If you think he conspired, and that's all
11 they can prove, you can find him guilty of
12 conspiracy, it's a very serious crime.

13 Now, really, all she could say about the robbery
14 itself is that they left the motel around 1:21, as we
15 established. She testified she had no knowledge
16 about what happened between then and when she got the
17 phone call from Darius, come get me you bitch or
18 whatever. It all went wrong. So with all these
19 partial truths, maybe we can believe something out of
20 this. Until that moment, you know, when Darius
21 Rhodes said, We shot him, we killed him. Of course,
22 Darius had a gun. He had a 9~millimeter. That's a
23 different type of gun that we all know that killed
24 Prince. He threatened her, she was scared of him.
25 But, you know, obviously, Natasha was nowhere

1 [indiscernible] Jaylan Ratio Fair.

2 Now, let's go to Jevonda Dillard. You
3 know, she's also a proved and admitted liar. She lied
4 initially, she lied after that. You know, but then we get
5 to what happened between her and her boyfriend, Jaylan
6 Fair, also known as Ratio. You saw -- you saw us go
7 through all of this. There is no doubt that Ratio
8 confessed that he shot Prince twice to his girlfriend.
9 Now, she says Tommy dropped him off sometime after 3:40,
10 as we said. That's all she could say. She didn't know
11 anything that happened before. Other than her boyfriend
12 told her, I shot him, he's dead. I shot him twice, I
13 think I hit him in the torso. And then, you know, we went
14 on with that questioning. Yeah, ultimately, he made a
15 explanation, we'll touch on that, about why he -- he
16 rationalized why he would have done something like that
17 and confessed.

18 You know, there was no mention of Ratio
19 said he was going to kill her. I'm going to kill you if
20 you talk. I shot him, I killed him, I shot him twice. No
21 mention, no evidence of Tommy saying anything. He had any
22 part of that discussion, threatening her, saying he shot
23 anybody, that he was part of it. Oh, Ratio. All we know
24 from her testimony of Ratio is that, evidently, Tommy
25 dropped him off about 3:30. Yeah, that's after the

1 murder. Okay. It's quite away after the murder, as luck
2 would have it, but it's also about two and a half hours
3 after they left the hotel. So if you believe he left the
4 hotel and you believe he showed up with Darius, there's a
5 two and a half hour gap there.

6 Now, we get to Malik Norris. This is a
7 very difficult one. You know, it was terrible what he
8 went through. He was a high school kid, no doubt about
9 it. They picked him out, oh he's in high school, he's
10 this age, he's bad. You know, like that makes a huge
11 difference. Yeah, it's terrible he was a kid but, you
12 know, it could have been his father sitting next to Prince
13 when he got shot, it still would have been very traumatic,
14 it would have been horrible. I don't know how somebody
15 can sit there and see that and not have it effect them
16 tremendously. Actually, I think that probably plays into
17 the way that his recollection and his statements, if you
18 will, developed over time. I mean, he never dropped Tommy
19 Long's name until three and a half years later. We know
20 that. We proved it.

21 Just hours after, again, terrible thing. I
22 mean, we know that when we got here. Once you knew it was
23 a murder case, you started hearing the evidence, this is
24 horrible. This is happening in our community. It's
25 terrible. But let's not make what it isn't, okay. That's

1 why you're here. You got to dial it in and focus on the
2 facts and circumstances and what they can prove beyond a
3 reasonable doubt, okay. And again, it's like making a
4 cake, okay. You might have come real close, no cake,
5 okay. So let's not make this what it isn't. Hours after,
6 just a very short time after this happened.

7 Okay, we know from the testimony that,
8 evidently at some point, the guys that were in there doing
9 the robbery didn't have masks on. It's kind of unclear
10 still but it seems as if maybe the guys all had masks on
11 and then maybe they all didn't, partial some did, some
12 didn't, it's just really hard to determine. It's just one
13 of the many things that's going to be hard to sort out,
14 specifically. But, at any rate, just hours after the
15 shooting and the murder, Malik, who three and a half years
16 later said that he recognized these guys. You know, he's
17 telling the police literally just afterwards, he says, hey
18 I love my -- he's my best friend, I want justice for him,
19 I want to tell the truth. He didn't. Either he didn't or
20 he was being truthful then that he could not ID anybody.
21 We don't believe he could ID Tommy for sure. Okay. But
22 certainly, he did not, for whatever reason, ID Tommy or
23 anybody just hours after. Okay.

24 About a year later, a year later, he meets
25 with Investigator Hilton, looking at those photos that

1 we've gone over. This is a year later from the murder.
2 It's not the next morning, it's not right after it, it's
3 not when he's sitting next to Prince. This is after he
4 hasn't been locked up in jail. And yet, he had every
5 opportunity -- three and a half years later he said, at
6 that time, he would have already known it was Tommy Long,
7 he knew it was Darius Rhodes, he knew it was Jaylan Fair.
8 But a year after the incident, he did not drop any of
9 their names. Certainly, not Tommy's. And, you know, the
10 evidence and the testimony and the facts and circumstances
11 show that he clearly, at some point, knew either who
12 Darius Rhodes and Jaylan Fair were or recognized them.
13 Okay.

14 He refers to Jaylan as Jevonda's boyfriend.
15 Well, of course, he'd know because he had a thing with
16 Jevonda, as we found out. He knew that Jaylan was her
17 boyfriend. And if you believed him three and a half years
18 later, he knew that Jaylan was one of the robbers. And
19 Darius, for that matter, okay. And he, evidently, he
20 might have known when it happened. Again, he had no
21 mention of Tommy Long at all. And then after three and a
22 half years, when this stuff has been on social media,
23 television, out on the street, everybody's talking. And
24 again, everybody's got a story, a lot of noise out there.
25 He's hearing from anybody that will -- anybody that will

1 talk is saying Darius Rhodes, Jaylan Fair and Tommy Long.

2 He looks on TV. He sees mugshots. He
3 knows four of the five people were part of this. Knows
4 it. But Tommy's face is up there with those four. You
5 know, if I'm looking at a bunch of mugshots on TV and I
6 sat next to my friend who got shot and killed and I knew
7 who four of those people were and I knew they were all
8 part of it, I might even say, hey, yeah that fifth guy, of
9 course, yeah, yeah, yeah, that's him. I mean, they put
10 him up there with the rest of them when the kid knew that
11 those four were dirty. Were neck deep in this. Of
12 course, he's probably going to then ID Tommy. Of course,
13 it was very convenient. And, you know, The State comes to
14 him -- and he knows, you know, I asked him, he knew that
15 this was a big problem for this case. They needed an ID.
16 And had it come from somebody other than those two
17 criminals, you know, Darius and Jaylan, that wasn't going
18 to work. They knew that. So they needed somebody like
19 him to help out.

20 And so that's what happened, three and a
21 half years later he miraculously comes forward because he
22 wants justice, he wants to tell the truth, he wants what's
23 right for his friend. Where was he the last three and a
24 half years? If you believe him now, he knew who those
25 guys were at the time of the robbery. So at best he lied.

1 And he lied a year later, if you believed he was scared.
2 You know, evidence showed he's flashing a gun that night.
3 He had \$900 bucks in cash. He's just a innocent high
4 school kid, how does that happen? What kind of kid would
5 have -- would be hanging out with a kid like that? If
6 he's an angle. And again, I'm not trying to make him look
7 bad but let's not make it into something's it's not. I
8 mean, it's disingenuous, three and a half years later, he
9 looks back and says I was scared. Well, that's
10 convenient. Maybe you were scared the morning of, okay.
11 And if you were, at best you lied because you were scared.

12 But, you know, a year later that's out the
13 woods, these guys are in jail. Mr. Johnson said, well,
14 they got family. Well, they got family now. So what's
15 changed from the year after the incident? They're all
16 still in jail. It's exactly the same as it was two and a
17 half years ago and yet he didn't drop Tommy's name. But
18 we know that he knew Darius, Jaylan and he knew the two
19 girls. So he gets bombarded for two and a half years with
20 the name Tommy Long, Tommy Long and he's got The State and
21 all these people saying, we got your friends, we got this
22 case, we got big problems with this case. We need an ID.
23 You don't have to ID him, they said. But, you know,
24 they're -- they're showing him photos. Hey, is that him?
25 Is that him? Well, he may even believed that it was. I

1 may have believed it. Any of us may have. But we saw the
2 five mugshots on TV. We knew four of them were dirty.
3 Well, hell, that fifth one, that must be the fifth person.
4 That must be the guy.

5 So you really have to -- you know, when you
6 talk about his eye witness testimony, his identification,
7 there are major problems with his identification. I mean,
8 at best he lied, okay. And if he did, he was scared.
9 Now, did he lie or did he really not -- he couldn't
10 identify Tommy. That's what I'm asking you, when you look
11 at all the facts and circumstances, just use your common
12 sense. He would have dropped Tommy's name immediately.
13 Now, if you believe he was scared and lied about it,
14 that's out the window a year later. Tommy's in jail,
15 they're all in jail, no reason to be scared. And if you
16 thought he was scared then and that made sense, well why
17 is he scared now? He comes forward after all this time
18 and after he's pressured and after he sees Tommy's face on
19 the media, on social media and on TV and hears all the
20 talk on the street, now he comes forward. He gives this
21 statement. We've gone over it many, many times. And
22 questioned Detective Thomas about it.

23 We know how that went. He was clearly
24 shocked and traumatized that on the morning that maybe we
25 can give him a pass for that. You know, if he was really

1 shocked and traumatized, how can we even rely -- how -- we
2 might not even be able to rely on his identification if it
3 had been at that time. You know, The State's justified
4 some of his problems with his statement that morning
5 because he was a scared kid, his friend had just been
6 shot, what do you expect? You have to weigh all that,
7 okay. I mean, there's a major -- I mean, we're betting a
8 whole murder case and all of this on -- on, basically,
9 that -- that testimony. On -- on that eye witness
10 account. And again, three and a half years later by his
11 own words, he didn't write this, she wrote it for him but,
12 evidently, these are his words.

13 When I saw the mugshots on the news of
14 three guys that did this.

15 He didn't know. He knew Jaylan and Darius
16 were apart of it. He didn't know anything about Tommy.
17 Then they showed Tommy's face up there and he says, I knew
18 Jaylan as Jevonda's boyfriend. And him and Darius
19 [indiscernible] okay. He dropped their names, he knew
20 them. And so years later, when we got to put the case
21 together, we really need your help, can you look at these
22 pictures and can you review this? Well, obviously, he
23 wanted to do the right thing. And I believe him, he
24 wanted to get justice for his friend. I certainly would.
25 But you have to question kind of his rationale and his

1 answers as to why this went the way that it did. It just
2 doesn't make sense that he ever really was going to be
3 able to identify Tommy.

4 Despite his testimony that you heard
5 yesterday -- or Monday, excuse me. That's testimony
6 that's now almost four years after the fact. That's after
7 this statement that got cooked up, that was written for
8 him. Where he says, hey, it was the mugshots. Okay
9 still, there's nothing in here that says, I recognize
10 Tommy, at the time. Nothing. So asking you to make a
11 really big leap there. They march him in here. And
12 again, he may even believe it was Tommy, it's pretty clear
13 he could not identify him. And then he couldn't do it
14 after a year. And there was no reason to be scared. And
15 he was still, hopefully, just even more so about getting
16 justice for his friend. You think it would be more so a
17 year after than four years later.

18 So again, after he's seen and heard the
19 name Tommy Long, Tommy Long, Tommy Long, as part of these
20 mugshots, The State coming at him, we need your help, come
21 on make the connection for us, how we get [indiscernible]
22 three and a half years later. And again, it's clear he
23 knew these other guys by name. Very likely he knew it was
24 them at the time. He did certainly a year in. Yet, he
25 didn't mention Tommy, he mentioned these other two guys.

1 Of course, Jevonda and Natasha [indiscernible].

2 We have no doubt the four of them were neck
3 deep in this. But, you know, again, he may even believe
4 now, after being bombarded with all of this. You know,
5 he's put -- made those connections and now here we are in
6 retrospect trying to go back to the point of and
7 explaining. You know, why couldn't you ID them right then
8 when it was fresh. Now you're telling a story. The
9 story's only being told after, again, been bombarded with
10 images and suggestions. That would work on anybody over
11 time. You know, if you repeat the same thing over and
12 over again for enough time people start believing it. I
13 mean, it's probably a good thing they didn't put my face
14 up there as number five, I might be sitting here.

15 So then let's go to Darius Rhodes. You
16 know he's up there smiling and smirking like this is a
17 joke. I even asked him about it. He's, you know,
18 obviously, almost [indiscernible] he's admitted liar,
19 admitted criminal, has pled to all this. We know he had a
20 gun. Believe it was a 9~millimeter. Go back and look at
21 the conflicting evidence there. Certainly, at some point
22 he had a gun. We know the 9~millimeter was the murder
23 weapon. Of course, they never recovered the actual murder
24 weapon. And we know [indiscernible] was a 9~millimeter at
25 one time or another throughout that night. Those were --

1 we know that.

2 Again, we know his brother confessed and we
3 know he told anybody that would listen that it was his
4 brother. But, you know, this is a guy that wouldn't tell
5 the truth unless he was completely cornered and has no
6 options, no escape. And that's what happened. He's
7 looking at murder and he's looking at life. He's a bad
8 dude. But, you know, in that first statement that he
9 gave, you know, and we went through it in detail,
10 unprompted, just off the bat, I didn't kill nobody, my
11 brother did. I know he did it. He continued to repeat
12 that to anybody who would listen. You know, never Tommy,
13 though. He could have said Tommy. Hell, he could have
14 said anybody but his brother. I mean, who would do that?
15 He could have said, oh it's Tommy. He could have said
16 Dick, Harry. He could have said it was Joe Blow. Anybody
17 but his brother. But no, he said it was his brother. You
18 know and then his brother confesses. So put that
19 together.

20 We talk about use your common sense. Why?
21 Why? That defies logic, okay. You know, he had no way of
22 explaining it to them. And then he kind of just blew off
23 the whole testimony, if you think about it, the way he
24 acted. Very disinterested. He knows he's going to prison
25 but he knows he's not going for murder, he escaped. He

1 performed. I even asked him, you know, Did you -- he
2 couldn't wait to throw his brother under the bus and I'm
3 asking him, Darius are you the shooter? I mean, that has
4 to be considered. And it's certainly plausible based on
5 everything that you've heard. Their own testimony. I
6 should say their own most recent stories. Testimony's
7 [indiscernible] strong in terms of these people.

8 You know, even at the time of his plea --
9 and we went over it. Y'all know he pled guilty to
10 everything. And we talk about -- other than murder. And
11 we talked about his, you know, what he said in his plea.
12 And it's interesting because by now, of course, we're
13 saying that he's in self-preservation mode, maybe even
14 preserve his brother mode. And he says he wants to
15 correct one thing about what happened. Now, you may
16 remember this because we went over it. When the female
17 victim came to the door, Karen, we're talking about Karen
18 Harrison, I ran out by myself to get her. During the time
19 of me coming back, Tommy Long came outside. This is
20 according to him.

21 He says, While I'm running I hear gunshots.
22 And when I turned around -- meaning he had took off
23 running from the apartment, obviously -- I hear gunshots,
24 when I turned around, when I finally turned around, only
25 Tommy Long was behind me. With that being said, I really

1 don't know who shot him, that's all I'm saying.

2 That was at his plea, right here, under
3 oath, in front of The Court. Okay. So the most recent
4 story, he backed off of his brother, Ratio, being the
5 killer. And that's interesting. Of course, he was never
6 going to implicate himself. But now it's about saving his
7 brother. And he mentions Tommy but, unfortunately, he
8 says, I'm running, I turn around, Tommy's right behind me,
9 we hear the shots. So by his most recent story when he
10 says, I don't know who shot him. Well, you know what, if
11 you're to believe his most recent story and he's running
12 away and Tommy's running, Tommy's the only one behind him,
13 they hear shots, do the math. Tommy could not have been
14 the shooter. That's even if you believe that he was part
15 of this. If you believe what these guy are saying. But
16 certainly, you can't believe that he was the shooter.

17 You know, he was just adamant that he did
18 not see who shot. Interesting, you know. Why didn't he
19 say, Oh, I saw Tommy, Tommy wasn't the shooter. Tommy
20 might not have even been there, okay. That has to be
21 considered. But he never mentioned that. You know, but
22 throughout he was, my brother did it, my brother did it.
23 Then he testified at his plea, I'm running, Tommy's right
24 behind me, bang, bang. Well, that certainly corroborates
25 that his brother was the shooter. At least, he's not

1 saying that he was the shooter. I guess it's anybody but
2 him.

3 And again, you know, he flashed that
4 9~millimeter. If you believe Natasha, he's her baby's,
5 father, if you believe her, he cocks that 9~millimeter in
6 the bathroom, Bitch you're going to set this N word up.
7 He didn't -- he -- he had no love loss for Prince. In
8 fact, he's the only one that had any ax to grind with
9 Prince. You know what, it's even possible that he could
10 have been the shooter. But if you believe his most recent
11 story, it's very clear that he's, again, pointing at his
12 brother and it's impossible that Tommy was the shooter.
13 If you believe he was there.

14 Okay, finally, Jaylan Fair, Ratio, you
15 know, he's an admitted criminal, okay. And, you know, you
16 heard me ask him about his record, okay. And, of course,
17 we went through some of this, what he's got on his record,
18 he's a criminal. Big surprise, we knew that. He's a
19 liar. But, you know, he has on his record prior to this,
20 grand larceny. What does that mean? It's a fancy word
21 for, basically, stealing money, over \$2,000. Burglary
22 second, basically, entering -- much like what Mr.~Johnson
23 did, trying to give you a little idea of what these crimes
24 actually meant [indiscernible] they good specifics in
25 South Carolina.

1 Entering a dwelling, which is somebody's
2 house, where they live. Without consent and with the
3 intent to commit a crime therein. So he's pled guilty, he
4 went to prison for that. Doesn't that sound familiar?
5 Coming into somebody's house without consent and with the
6 intent to commit a crime. Sounds familiar. Well, he's
7 done it before. Probably will do it again if given the
8 chance. And he'll probably get that chance because he'll
9 get out of prison because he didn't -- he didn't get
10 charged and convicted and he's not facing murder. So
11 he'll probably get out, some day. And maybe he'll have a
12 chance to maybe get better and do this all over again.

13 But he also had attempted armed robbery.
14 Now, we know what that means. In fact, attempted armed
15 robbery was put up there by the solicitor earlier. We
16 don't need to explain it, it can explain itself. Using a
17 weapon or something that appears to be a weapon or
18 threatening it's a weapon to rob somebody. That sounds
19 familiar. And battery first degree, assault and battery
20 first degree; which is really attempting, offering,
21 threatening to cause great bodily injury during the
22 commission of a robbery, burglary, kidnapping or theft.
23 Sounds really familiar. Well, that is Jaylan Fair, aka,
24 Ratio, that's his resume leading up to what happened.

25 So you have to ask yourself, you know, who

1 is this guy? Are we really going to rely on this?
2 He's -- I mean, the vast majority of the evidence that's
3 reliable, which would be his own confession and his
4 brother throwing him under, you know, looks like he was
5 the shooter. Well, when you hear about what he's done
6 before and what kind of activity and resume he's had
7 leading up to this night, it sounds like an instant replay
8 of what he's already been doing for the last several years
9 of his life. It's just the newest, next one. Now
10 somebody ends up dead.

11 But he came up there and he was telling his
12 most recent story. And, you know, his own brother, his
13 criminal history, his detailed confession to his
14 girlfriend, Jevonda, just moments after. He even said two
15 shots. He even said he thought he hit in the torso. He
16 never ID Tommy. He never said Tommy's name as the
17 shooter. Never said he saw Tommy do any of it. In fact,
18 his later testimony, his plea, again, was he never saw who
19 shot. He said he heard the shots. Never saw who shot
20 him. Very convenient. It wasn't -- it was probably his
21 brother. But he never ever said Tommy. He said, I shot
22 him.

23 You know, then it was very awkward but he
24 had to sit up there and try to explain to y'all what
25 really could never been explained. Why on earth would you

1 confess and say you shot and killed this guy, just moments
2 after, when you didn't? Why would your brother be out
3 there saying that? How come he knows? How come he says
4 when he's running out of the room, running to get away,
5 that Tommy's behind him when they hear the shots. Very
6 difficult. He had to sit there and try to explain. And
7 you may want to go back and look at what his purported
8 explanation was [indiscernible].

9 He says, Oh, I told her I killed him. I
10 told her I killed him. First he said he's going to kill
11 her if she talked. Then he said he loved her and all
12 that. He said, I'm going to kill you, bitch, if you talk
13 about this. I killed him, I shot him twice. Then he
14 tried to explain that later by saying I told her I killed
15 him because I wanted her to take it serious or something
16 like that. I mean, can't defy logic. It's actually --
17 it's not only sick but sad at this point. Okay, this is
18 somebody who is desperate to save themselves. They'd say
19 anything, okay. He definitely -- his brother's the same
20 way. He clearly had no compunction about throwing Ratio
21 under the bus, he's the killer.

22 And then, of course, you probably remember,
23 you know, I went back and forth with Ratio a little bit.
24 And he said, well, you know, we had that, you know, last
25 question I asked him, you might remember. Where he kind