

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Cherokee County

J. Derham Cole, Circuit Court Judge

RECEIVED

AUG 27 2013

S.C. Supreme Court

TRAVIS PARKER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2013-000131

APPENDIX

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1 STATE OF SOUTH CAROLINA)
 2 COUNTY OF CHEROKEE) COURT OF GENERAL SESSIONS

3
 4 STATE OF SOUTH CAROLINA,)
 5 PLAINTIFF,)
 6 VS.)
 7 TRAVIS SENTELL PARKER,)
 8 DEFENDANT.)
 9

TRANSCRIPT
 OF
 RECORD
 07-GS-11-1212

10 August 11th, 2008
 11 Gaffney, South Carolina

12
 13 B E F O R E:

14 THE HONORABLE ROGER L. COUCH, JUDGE; and a jury.

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 17 ASSISTANT SOLICITOR
 18 Attorney for the State

19 THOMAS SHEALY
 20 ASSISTANT PUBLIC DEFENDER
 21 Attorney for the Defendant

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 23
 24 PAMELA E. GREEN
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 Seventh Judicial Circuit

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P R O C E E D I N G S

1
2
3 THE COURT: All right. You'd indicated you may have
4 some motions before we go through the voir dire process.

5 MR. SHEALY: Yes, Your Honor.

6 The, the first motion I have is my client's requesting
7 a continuance. He's, he's not ready. He's not mentally
8 prepared to go forward at this time.

9 He has been in negotiations with an attorney. That
10 attorney has received a complete copy of the discovery in
11 this case. He's quoted him a fee of \$10,000. My client's
12 family has raised, he tells me he's raised the \$10,000. He
13 wishes to be represented by, by this attorney.

14 Your Honor, we'd ask, at this time, that you continue
15 this matter until such time as we can submit the deal.

16 THE COURT: Let me be sure I understand now.

17 This attorney apparently has not been retained at this
18 time from what you've told me, is that correct?

19 MR. SHEALY: The money has not -- to my knowledge. It
20 may have happened over the weekend. I don't know. It may
21 have happened.

22 THE COURT: Well, now would be the time to tell me one
23 way or the other. He's in the courtroom.

24 Can he indicate whether he's, in fact, retained this
25 attorney?

1 (Pause.)

2 MR. SHEALY: Your Honor, he tells me that his family,
3 he was to contact, to contact his family this morning as to
4 what he was going to do. But he tells me \$5,000 has
5 exchanged hands and the, the total is, is 10,000.

6 There, there is another issue that, that he---

7 THE COURT: Well, now let me -- let's, let's deal with
8 that issue at this point in time before we go any further.
9 I'm reviewing a order signed by Judge Lockemy on
10 March 19th of 2008. At that time the case came before him
11 and there was a continuance motion at that time as well.
12 The, the Court grants the, granted the continuance and set
13 the trial date for today's date. Also informed that he
14 should be prepared to go to trial on that date in that
15 order. Also he was informed, at that time, that Mr. Shealy
16 was his attorney and would continue to be his attorney until
17 another file, attorney filed a notice of appearance.

18 Madam Clerk, has there been another notice of
19 appearance filed?

20 CLERK: No, sir.

21 THE COURT: All right. Now, I'll be glad to hear you
22 on anything else concerning the continuance.

23 MR. SHEALY: There, there's a further reason he's
24 requesting the continuance is that in the, when the police
25 responded to the shooting, upon their arrival they found a,

1 among other people, a Lyman Tate in the front yard of the;
2 of the house. We couldn't find anywhere in the police
3 report other than Lyman Tate's name and address. We
4 couldn't find out where, what he witnessed, what he said or,
5 or did or anything like that.

6 My client instructed me to find Lyman Tate. So, I
7 started looking for Lyman Tate and he believed -- he had
8 heard that he was in the Cleveland County Jail. Turns out
9 there's a Lyman Tate and a Lyman Tate, Junior. We finally
10 were able to establish that Lyman Tate, Junior was the, the
11 individual that he wanted brought to, to Court.

12 Through a very difficult and confusing process, Your
13 Honor, Mr. Tate was out on, turns out he was out on
14 probation. But he was not required to carry a, a home
15 detention, a beeper, GPS system on him. However, my client
16 told me yes, he had one, and, in fact, on the day of the
17 shooting he supposedly cut the, the monitoring system off,
18 left it at the, the place that ran the monitoring system and
19 disappeared.

20 So, I started looking into that. It turned out that
21 he, Lyman Tate, had been additionally charged with a drug
22 offense, and as a condition of his bond, he was required to
23 have home detention which apparently was interpreted to mean
24 he had to have something on his ankle.

25 I attempted -- the company that, that I heard handled

1 it was defunct. I managed to get a hold of the woman that
2 ran it, and she said no, they didn't have Lyman Tate. That
3 wasn't, that wasn't one of theirs. So, I wasn't able to
4 determine who, who actually ran the detention center, I mean
5 the detention ankle bracelet.

6 At that point I called probation once again. Probation
7 started digging, and even though they didn't have the, the
8 ankle bracelet, they had found out that Lyman Tate was in
9 jail in Caribous County, North Carolina. They claimed that
10 they had a warrant for his arrest.

11 THE COURT: Who had a warrant for his arrest?

12 MR. SHEALY: Probation, for, for skipping out on
13 probation.

14 THE COURT: All right.

15 MR. SHEALY: I called Caribous. I can't say that
16 right. But anyway, I called that---

17 THE COURT: Caribous I think.

18 MR. SHEALY: Right.

19 I called the, the jail there. They verified that there
20 was a Lyman Tate there charged with trafficking. He -- they
21 said that there had been a fugitive warrant on him from
22 South Carolina, but that, that had been dismissed because
23 the Governor had not signed it. At that point -- well,
24 that's where we are now, Your Honor.

25 Obviously he is beyond the service of, of, of this

1 Court. At least I believe him to be. The -- but we don't
2 know what Lyman Tate saw or heard.

3 THE COURT: The State.

4 SOLICITOR MORIN: He's asking for a continuance because
5 he can't get in touch with a witness who he doesn't know
6 what he's gonna say.

7 THE COURT: That's what I, my understanding is.

8 SOLICITOR MORIN: I don't believe that's grounds, Your
9 Honor.

10 THE COURT: Have any clue what this witness is -- have
11 you interviewed the witness?

12 MR. SHEALY: I have not, Your Honor. My, my
13 understanding is, is that -- well, upon information and
14 belief, I believe him to be represented by an attorney. I
15 don't believe I can speak to him.

16 THE COURT: Have you talked to his attorney?

17 MR. SHEALY: I have not been able to identify the
18 attorney.

19 THE COURT: I'll have to deny the motion.

20 MR. SHEALY: Okay. The second -- thank you, Your
21 Honor.

22 The second thing he's asked me to ask you, and
23 understand this is a query and not a, not---

24 THE COURT: Okay.

25 MR. SHEALY: ---a demand at this point. But he is

1 asked me -- he is considering relieving me as his counsel.
2 But before he does that, he would like to know what the
3 ramifications of that is.

4 THE COURT: This Court doesn't issue advisory opinions.
5 I'm not allowed to do so. So, I can't give an advisory
6 opinion. I can tell you this. Anyone who is in my
7 courtroom who dismisses an attorney who's ready to go to
8 trial, and has not replaced them with another attorney
9 that's had sufficient notice of the date and the time of the
10 trial, will proceed pro se.

11 MR. SHEALY: And that means he, he would be
12 representing himself?

13 THE COURT: I don't, I don't issue advisory opinions in
14 this case. I don't know the exact facts here. No motion
15 has been made.

16 MR. SHEALY: Thank you.

17 (Pause.)

18 MR. SHEALY: Thank you, Your Honor. We're ready.

19 THE COURT: All right. Anything from the State before
20 we begin the jury qualification process for this trial?

21 SOLICITOR MORIN: No, sir.

22 THE COURT: All right. Mr. Shealy, I'm going to ask
23 you has your client been arraigned on this charge?

24 MR. SHEALY: I am not aware that he has been, Your
25 Honor.

1 THE COURT: Well, why don't we arraign him at this
2 point in time.

3 Madam Clerk -- sir, you can remain seated.
4 Please swear the defendant.

5 (Whereupon, the defendant was placed under oath at this
6 time.)

7 THE COURT: Thank you, sir.

8 Your name is Travis Sentell Parker, is that correct?

9 DEFENDANT: Yes, sir.

10 THE COURT: Mr. Parker, I have in front of me an
11 indictment. The indictment is in Case Number 07-GS-11-1212.
12 The indictment is for the offense of murder. I'm going to
13 read the indictment to you at this point in time. And when
14 I finish, I'll give you an opportunity to ask any questions
15 that you might have concerning the indictment, and then I'll
16 have some questions of you.

17 The indictment states that Travis Sentell Parker did,
18 in Cherokee County, on or about June 22nd of 2007,
19 feloniously, willfully, and with malice aforethought, kill
20 one -- is it Maraine?

21 Did I say that right?

22 SOLICITOR MORIN: Yes, sir.

23 THE COURT: Maraine Charles Edward Foote by shooting
24 the victim and that the victim died as a proximate result
25 thereof all in violation of Code Section 3, 16-3-10 and

1 16-3-20 of the Code of Laws of South Carolina, 1976 as
2 amended, against the peace and dignity of the State and
3 contrary to the statute in such case made and provided.

4 Now, Mr. Parker, did you understand the indictment I
5 just read to you?

6 DEFENDANT: Yes, sir.

7 THE COURT: Do you have any questions concerning it?

8 DEFENDANT: No, sir.

9 THE COURT: Now, sir, you have the right to plead
10 either guilty or not guilty to that indictment.

11 How do you wish to plead?

12 DEFENDANT: Not guilty, Your Honor.

13 THE COURT: And sir, how do you wish to be tried?

14 DEFENDANT: Jury.

15 THE COURT: All right.

16 DEFENDANT: By a jury, Your Honor.

17 THE COURT: All right. God grant you a speedy
18 deliverance.

19 Anything further before we bring the jury panel in for
20 voir dire?

21 MR. SHEALY: Just to confirm, Your Honor, I believe
22 that the strikes will be, we would have ten strikes and the
23 State would have five strikes.

24 THE COURT: That's correct. And we're going to select
25 one alternate simply because the jury box really doesn't

1 take in any more than one. But we'll select one alternate
2 in the case. And that, that would be the State having one
3 strike and the defense having two.

4 Do you have any objection to the defense's request for
5 voir dire?

6 SOLICITOR MORIN: I haven't seen it, but I---

7 THE COURT: Oh, I'll give him a moment to take a look
8 at it.

9 MR. SHEALY: Judge, I thought I gave him a copy last
10 time.

11 THE COURT: That's all right.

12 SOLICITOR MORIN: He may have. I want to---

13 THE COURT: That's no problem.

14 SOLICITOR MORIN: State doesn't have any objection to
15 his voir dire, Your Honor.

16 THE COURT: All right.

17 All right. We're ready for the jury to come back in,
18 Mrs. Boman.

19 Mrs. Boman, if you'll close the door and hold them
20 outside just one second. There's one other thing I want to
21 put on the record.

22 Also, in chambers, we had a brief conference,
23 conference, and at that time the conference included
24 courtroom security officers and representatives from both
25 the plaintiff and the defense. During that conference I

1 received information from courthouse security concerning
2 concerns that they had concerning security for this trial.
3 At that time, based on that knowledge, and based on my
4 knowledge concerning the nature of the offense, it's been my
5 decision to require that the defendant remain in leg irons
6 during the trial.

7 Does that correctly state the conference that we had,
8 Mr. Morin?

9 SOLICITOR MORIN: Yes, sir.

10 THE COURT: Mr. Shealy.

11 MR. SHEALY: It, it does, Your Honor. I just like to
12 add that, that I oppose that on the grounds of fear that
13 somebody might see the leg irons, and, and automatically
14 assume that he's guilty of, of---

15 THE COURT: I understand your motion. The Court will
16 take every precaution that we can to see that that does not
17 become an issue in the case. However, courtroom security
18 takes precedence over certain matters. And in this case,
19 it's been my finding and determination, based on the
20 information supplied to me, that this is a necessary step in
21 this particular case.

22 MR. SHEALY: Thank you, Your Honor.

23 THE COURT: You may allow the jury to come back in.

24 (Whereupon, the following takes place within the
25 presence of the jury.)

1 THE COURT: Do we have everyone?

2 BAILIFF: Yes, sir.

3 THE COURT: Thank you very much.

4 Ladies and gentlemen of the jury panel, we're about to
5 begin the trial of the case of the State of South Carolina
6 against Travis Sentell Parker. There are several questions
7 that I'm going to ask you now that apply specifically to
8 this case, and it is necessary again that you take an oath
9 this morning to respond to the questions that I'm about to
10 ask you truthfully, honestly, and completely.

11 And so, at this point in time I'm going to ask that the
12 clerk again administer an oath. However, this oath applies
13 to the questions I'm about to ask in this specific case.

14 Madam Clerk.

15 (Whereupon, the jury panel was placed under oath at
16 this time.)

17 THE COURT: You can be seated.

18 Now, if there was any member of the jury panel who
19 either failed or refused to take the oath just administered
20 by the clerk, I would ask that you now please stand.

21 (No response.)

22 THE COURT: The record will reflect that all jurors
23 have been sworn for purposes of my questioning at this time.

24 Now, at this point in time I am going to ask you
25 specific questions about this case and about the

1 participants that are involved in the case. Again, we'll go
2 through the same procedure. If you have a response, I'll
3 ask that you stand, we'll identify you on, on the record,
4 and then I'll take your response.

5 Now, before I begin my questioning, I am going to ask
6 that the attorneys involved in the trial of this case
7 introduce themselves to the jury panel.

8 First of all, from the State.

9 SOLICITOR MORIN: My name is Michael Morin. I'm
10 assistant solicitor here in Cherokee County.

11 THE COURT: And for the defense?

12 MR. SHEALY: My name is Tommy Shealy. I'm a public
13 defender here in Cherokee County.

14 THE COURT: All right. Now, ladies and gentlemen,
15 again, I'm going to ask a series of questions, and I will
16 also point out that the defendant, Mr. Parker, is the
17 gentleman seated beside Mr. Shealy here at the counsel
18 table. I'm going to ask a series of questions concerning
19 this matter, and if you have a response, please stand.

20 Before I do that though, I am going to go over with you
21 the indictment in this case. The indictment is a document
22 that brings this case before this Court. It is a document
23 which is issued by the Grand Jury here in Cherokee County.
24 It informs the defendant of the charge which has been lodged
25 against the defendant. It informs this Court of the trial

1 that we are to conduct, the issues that will be involved in
2 that trial.

3 I will tell you now that an indictment can not be used
4 in any fashion by a jury in determining a verdict in a case.
5 So, the fact that someone has been indicted or, or charged
6 with a crime should not even be considered by you if you are
7 later selected on a jury in reaching a decision in the case.
8 However, the indictment will inform you of the persons who
9 were involved in the alleged incident. Will also inform you
10 of the time and the place that it is alleged to have
11 occurred so that you might more fully answer the questions
12 that I'm about to ask you.

13 The indictment in this case is Case Number
14 07-GS-11-1212. The indictment is for the crime of murder.
15 The indictment states that Travis Sentell Parker did, in
16 Cherokee County, on or about June 22nd of 2007,
17 feloniously, willfully, and with malice a forethought kill
18 one Maraine Charles Edward Foote by shooting the victim and
19 that the victim died as a proximate result thereof all in
20 violation of Code Section 16-3-10 and 16-3-20 of the Code of
21 Laws of South Carolina, 1976 as amended, against the peace
22 and dignity of the State and contrary to the statute in such
23 case made and provided.

24 That is the indictment. That is the charge that is
25 before this Court to be tried. I will tell you the

1 defendant has pled not guilty to that particular charge and
2 has requested trial by jury.

3 Now, I'm going to again ask you a series of questions.
4 We'll take your responses should you have that, a response.

5 My first question, is there any member of the
6 prospective jury panel who has ever been related by either
7 blood or marriage to the defendant, Travis Sentell Parker,
8 or the alleged victim, Maraine Charles Edward Foote, if
9 that's true, please stand.

10 (No response.)

11 THE COURT: Is there any member of the prospective jury
12 panel who has ever had a close personal or a social
13 relationship either with the defendant, Travis Sentell
14 Parker, or the alleged victim, Maraine Charles Edward Foote,
15 if that's true, please stand.

16 (Juror responds.)

17 THE COURT: Yes, ma'am, I need to know your name and
18 number

19 JUROR: Brenda Moore, Juror Number 62.

20 THE COURT: Yes, ma'am.

21 Who, who did you know?

22 JUROR: The victim.

23 THE COURT: And ma'am, how did you know that
24 individual?

25 JUROR: He was kind of a family friend.

1 THE COURT: Was a family friend of yours?

2 JUROR: Yes.

3 THE COURT: Now, when you say family friend, does that
4 mean he was a friend of yours or someone in your family?

5 JUROR: I was around his family and he was around my
6 family.

7 THE COURT: All right. Ma'am, would the fact that you
8 were acquainted with that individual and he was a friend of
9 your family, would that affect your ability to be fair and
10 impartial in the trial of this case?

11 JUROR: I think so.

12 THE COURT: Okay. Ma'am, I'm gonna excuse you from
13 service in this case. If you'll be seated though, I'll need
14 to go over some things with you later.

15 Did everyone get her number?

16 MR. SHEALY: No, Your Honor.

17 THE COURT: Ma'am, I need your juror number again.

18 JUROR: 62.

19 THE COURT: 62.

20 Anyone else?

21 (No response.)

22 THE COURT: Now, has any member of the jury panel ever
23 been represented by either of the attorneys who are involved
24 in the trial of this case or have they ever appeared on the
25 other side of some legal controversy or matter from you, if

1 so, please stand.

2 (No response.)

3 THE COURT: Mr. Shealy, is there some problem?

4 MR. SHEALY: I need to speak to the bailiff just very
5 briefly, Your Honor.

6 THE COURT: I'll give you a moment to do so.

7 MR. SHEALY: Thank you.

8 (Pause.)

9 MR. SHEALY: I apologize, Your Honor.

10 THE COURT: Are you ready to go forward?

11 MR. SHEALY: I am, Your Honor.

12 THE COURT: All right. I just asked you if you ever
13 have been represented by either of the attorneys involved in
14 the case or whether they appeared on the other side of a
15 legal matter. There was no response to that question.

16 My next question is have any of you ever been related
17 by blood or marriage or do you have a close personal or
18 social relationship with either of the attorneys who are
19 involved in the trial of this case, if that's true, I'd ask
20 that you now please stand.

21 (No response.)

22 THE COURT: I'm going to go over with you a list of
23 potential witnesses in this case. I want to be sure that
24 you understand that these people are listed as potential
25 witnesses. The lists are quite long. So, I want you to

1 listen carefully. Make a mental note if you remember or
2 know any of these individuals. I'll have similar questions
3 to the ones that I've already asked concerning these
4 witnesses once I've gone over these lists with you.

5 I'll try to give you any identifying information that I
6 have of these individuals so that you'll know where they
7 work or how they might be involved in the case.

8 First of all, Mr. Ken Taylor with the Gaffney City
9 Police Department.

10 Next, David Clary with the Gaffney City Police
11 Department.

12 Next, Ronnie Ramsey with the Gaffney City Police
13 Department.

14 Chris Skinner also with Gaffney City Police.

15 Scott Wiley with Gaffney City Police.

16 Jonathan Blackwell with the Gaffney City Police.

17 Chad Hutchins with the Gaffney City Police.

18 Johnny Miller with the Gaffney City Police.

19 Mike Segina with the Gaffney City Police.

20 Reggie Petty with the Cherokee County 9-1-1.

21 Stephanie Tate with Cherokee County 9-1-1.

22 Monica Littlejohn with Cherokee County 9-1-1.

23 Nicole Thompson.

24 Jarvis Thompson.

25 Correy Haney.

1 Sedrick Littlejohn.
2 Kentrell Jones.
3 Stephanie Tate.
4 Bridget Foote.
5 Ken Edelmeyer with EMS.
6 David Swank with EMS.
7 Dennis Fowler with the Cherokee County Coroner.
8 Joel Sexton, medical doctor.
9 Jeremy Wise with the State Law Enforcement Division or
10 SLED.
11 Tracy Thrower with the State Law Enforcement Division
12 normally known as SLED.
13 Jimmy Henson with the Cherokee County Sheriff's Office.
14 The defendant.
15 Tyrone Parker.
16 Mary Parker.
17 Kim Wilson.
18 Timothy Tate.
19 Brandon Peeler.
20 Jessica Bullock.
21 Scatisha Allen.
22 Travis Colston.
23 And a -- I, I think that's all the names that I have.
24 MR. SHEALY: Your Honor, I didn't hear Tyrone Parker.
25 He's the first, the first name on the defendant's list.

1 THE COURT: Tyrone Parker.

2 I will call that name. I thought I called it before,
3 but perhaps not.

4 All right. Now, ladies and gentlemen, that's the list
5 of potential witnesses who will be involved in the trial of
6 this case or potentially involved. If you have ever been
7 related either by blood or marriage or if you have ever had
8 a close personal or a social relationship with any of the
9 individuals who are just listed as potential witnesses in
10 the trial of this case, I'd ask that you now please stand.

11 JUROR: Juror 16.

12 THE COURT: Just wait till everybody's standing.

13 JUROR: I'm sorry.

14 THE COURT: Everyone please stand that has a response.

15 (Jurors respond.)

16 THE COURT: Now, sir, I need your number.

17 JUROR: 16, Richard Ellison.

18 THE COURT: Yes, sir.

19 JUROR: Associated with some of the police officers by
20 having relatives with law enforcement in Cherokee County.

21 THE COURT: All right. So, you have some association.

22 Would that association though affect your ability to be
23 fair and impartial in the trial of this matter?

24 JUROR: No, sir.

25 THE COURT: All right, sir. You can be seated.

1 Your name and number, sir?

2 JUROR: I don't know my number. I'm sorry.

3 THE COURT: Your number's on your card there.

4 JUROR: Oh, let me see here. 86. I'm sorry.

5 THE COURT: All right.

6 JUROR: Bruce Spurling. I graduated with Ron Ramsey
7 and---

8 THE COURT: Graduated from high school?

9 JUROR: High school with Ronald Ramsey---

10 THE COURT: Okay.

11 JUROR: ---in law enforcement and then also worked with
12 Mr. Dennis Fowler from the Peach Festival for about seven
13 years.

14 THE COURT: All right, sir.

15 JUROR: South Carolina Peach Festival.

16 THE COURT: Would those associations affect your
17 ability to be fair and impartial in the trial of this case?

18 JUROR: No, sir.

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

20 Your name and number please, ma'am?

21 JUROR: Amy, Amy Rickets Clark, Juror Number 69.

22 THE COURT: Yes, ma'am.

23 JUROR: I work with Correy Haney.

24 THE COURT: You work with who, ma'am?

25 JUROR: Correy Haney.

1 THE COURT: Yes, ma'am.

2 Is, is that such a relationship that if that person
3 were a witness it would affect your ability to be fair and
4 impartial in this trial?

5 JUROR: No, sir.

6 THE COURT: Thank you, ma'am. You can be seated.
7 Anyone else?

8 (No response.)

9 THE COURT: Has any member of the jury or any member of
10 your immediate family ever been employed by any law
11 enforcement agency, jail, detention center, or correction
12 center, if that's true, please stand.

13 (Juror responds.)

14 THE COURT: Yes, sir, I'll take you then in the white
15 shirt, name and number?

16 JUROR: John Guiser, 21.

17 THE COURT: Yes, sir.

18 JUROR: My father-in-law was a sheriff's officer.

19 THE COURT: In what county?

20 JUROR: I believe in Cherokee County, but I'm not so
21 sure.

22 THE COURT: You're not real sure though?

23 JUROR: No.

24 THE COURT: All right, sir. Would that---

25 JUROR: It's been, been years.

1 THE COURT: I understand.

2 would that fact affect your ability to be fair and
3 impartial in the trial?

4 JUROR: No.

5 THE COURT: You can be seated, sir.

6 Yes, sir, your name and number?

7 JUROR: Jeff Stevens, Juror 87.

8 THE COURT: Yes, sir.

9 JUROR: My brother-in-law's a police officer.

10 THE COURT: Where?

11 JUROR: In Abbeville County.

12 THE COURT: would that fact affect your ability to be
13 fair and impartial in this trial?

14 JUROR: No, sir.

15 THE COURT: Thank you. You can seated.

16 Yes, sir, again your name and number?

17 JUROR: Juror 16, Richard Ellis. I have a brother
18 that's with the City Police Department.

19 THE COURT: Here in Gaffney?

20 JUROR: Yes, sir.

21 THE COURT: would that fact affect your ability to be,
22 be fair and impartial in this trial?

23 JUROR: No, sir.

24 THE COURT: Thank you, sir. You can be seated.

25 Anyone else?

1 (Juror responds.)

2 THE COURT: I've got a late riser.

3 Yes, ma'am, your name and number?

4 JUROR: Brenda Moore, Number 50.

5 THE COURT: Yes, ma'am.

6 JUROR: I have a nephew who is a police officer in
7 Gaston County.

8 THE COURT: All right. Would that fact affect your
9 impartiality here?

10 JUROR: No.

11 THE COURT: Thank you, ma'am. You can be seated.
12 Anyone else?

13 (Juror responds.)

14 THE COURT: There's another one.

15 Yes, sir, your name and number?

16 JUROR: 78. My wife's brother is the Chief of Police
17 in Kings Mountain.

18 THE COURT: He was?

19 JUROR: He was -- he is now.

20 THE COURT: Okay. Would that affect your ability to be
21 fair and impartial in this case?

22 JUROR: No.

23 THE COURT: Sir?

24 JUROR: No, sir.

25 THE COURT: Thank you. You can be seated.

1 Yes, ma'am, your name and number?

2 JUROR: Constance Wise. I'm Juror 95.

3 THE COURT: Yes, ma'am.

4 JUROR: My brother's a police officer in Chester
5 County.

6 THE COURT: All right.. would that fact affect your
7 ability to be impartial in this matter?

8 JUROR: No, sir.

9 THE COURT: Thank you, ma'am.

10 Anyone else?

11 (Juror responds.)

12 THE COURT: Oh, yes, sir, your name and number?

13 JUROR: Roger Childers. Juror Number 9.

14 Could you restate the question please?

15 THE COURT: Yes, sir, my question was is there any
16 member of the jury panel or any member of your immediate
17 family who's ever been employed by any law enforcement
18 agency, jail, detention center, or correction facility.

19 JUROR: Yes, sir.

20 THE COURT: Your name and number?

21 JUROR: Roger Childers. Juror Number 9. I use to work
22 for the Blacksburg Police Department.

23 THE COURT: So, you're no longer employed there, is
24 that right?

25 JUROR: No, sir.

1 THE COURT: Would that fact affect your ability to be
2 fair and impartial in this trial?

3 JUROR: No, sir.

4 THE COURT: Thank you. You can be seated.
5 Yes, sir, your name and number?

6 JUROR: Jane Tapp.

7 THE COURT: Your number?

8 JUROR: 89.

9 THE COURT: Yes, sir.

10 JUROR: My son.

11 THE COURT: Yes, sir.

12 JUROR: My son was employed at the---

13 THE COURT: Did you understand what he said?

14 SOLICITOR MORIN: No, sir.

15 MR. SHEALY: Your Honor, could we approach?

16 THE COURT: Yes, you may. Be seated for just a moment,
17 sir. You can be seated.

18 (Whereupon, a bench conference was held out of the
19 hearing of the jury at this time.)

20 THE COURT: Did we have someone else that was standing?

21 (Juror responds.)

22 THE COURT: Yes, ma'am, your name and number?

23 JUROR: Catherine Phillip. I'm Number 17. I'm
24 retired from the United States Air Force. I spent 16 years
25 working as a special agent for the Air Force in

1 investigation.

2 THE COURT: All right. Thank you, ma'am.

3 But let me ask you, would that fact affect your
4 impartiality in this trial?

5 JUROR: No, sir.

6 THE COURT: Thank you very much. You can be seated.

7 Has any member of the jury panel or a member of your
8 immediate family or a close personal friend ever been the
9 victim of any type of violent crimes such as assault and
10 battery, robbery, or a shooting, or other similar event, if
11 that's true, please stand.

12 (Jurors respond.)

13 THE COURT: Ma'am, your name and number?

14 JUROR: I'm Sherry Fortenbury. Number 18.

15 THE COURT: Yes, ma'am, your situation?

16 JUROR: I have a friend that lived in Spartanburg.
17 It's a mother and father, two brothers, and recently last
18 year, their son and brother was killed. It -- he was
19 murdered.

20 THE COURT: All right, ma'am. Would that fact affect
21 your ability to be fair and impartial in this trial?

22 JUROR: I don't think so, sir.

23 THE COURT: Well, would it have any affect at all on
24 your impartiality?

25 JUROR: No, sir.

1 THE COURT: All right. Thank you, ma'am. You can be
2 seated..

3 Yes, sir, your name and number?

4 JUROR: Thomas Huffman, Number 32. About 35 years ago
5 my brother was the victim in a shooting.

6 THE COURT: All right, sir. Would that fact affect
7 your impartiality in this trial?

8 JUROR: No, sir.

9 THE COURT: Thank you, sir. You can be seated..
10 Anyone else?

11 (Juror responds.)

12 THE COURT: Yes, sir, your name and number?

13 JUROR: Number 75. My sister was shot by her husband
14 about 30 years ago.

15 THE COURT: All right. Would that fact affect your
16 impartiality in this trial?

17 JUROR: No.

18 THE COURT: Thank you, sir.

19 Has any member of the jury panel ever been accused of
20 or convicted of any type of a violent crime such as a
21 shooting, stabbing, assault and battery or robbery, if
22 that's true, please stand.

23 (No response.)

24 THE COURT: Does any member of the jury panel have any
25 strong feelings, biases or prejudices, concerning the

1 bearing of firearms and their use by individuals who are not
2 police authorities that they do not believe that they, such
3 that they do not believe they can give a fair and impartial
4 trial to either the State or the defendant in this case, if
5 that's true, please stand.

6 (No response.)

7 THE COURT: Has any member of the jury panel already
8 formed or expressed an opinion concerning any of the matters
9 which may be involved in the trial of this case, if that's
10 true, please stand.

11 (No response.)

12 THE COURT: Has any member of the panel gathered any
13 information from any source concerning the events involved
14 in the trial of this case previous to this time, if that's
15 true, please stand.

16 (No response.)

17 THE COURT: Is there any member of the jury panel who
18 is aware of any bias or prejudice that you might have either
19 for or against the State or the defense in this case, if
20 that's true, please stand.

21 (No response.)

22 THE COURT: Is there any member of the jury panel who
23 may have been a member of the Grand Jury that issued the
24 indictment in this case?

25 That indictment was issued during the year of 2007.

1 If that's true, please stand.

2 (No response.)

3 THE COURT: Is there any member of the jury panel who
4 is a member of or a contributor to any group which has as its
5 primary concern the promotion of law enforcement or victim's
6 rights?

7 These groups include, but are not limited to such
8 groups as the Sheriff's Association, the Troopers
9 Association, MADD, Mothers Against Drunk Driving, Students
10 Against Drunk Driving, Citizens Against Violent Crime, or
11 other similarly oriented organizations, if that's true,
12 please stand.

13 (Juror responds.)

14 JUROR: Can you repeat that question for me please?

15 THE COURT: The question is is there any member of the
16 jury panel who is a member of or a contributor to any group
17 which has as its primary concern the promotion of law
18 enforcement or victims rights?

19 Those group are, could include, but not be limited to
20 such groups as the Sheriff's Association, the Troopers
21 Association, Mothers Against Drunk Driving, Students Against
22 Drunk Driving, or Citizens against Violent Crime, or other
23 similarly oriented organizations.

24 Yes, ma'am.

25 JUROR: I'm a contributor to---

1 THE COURT: I need your name and number first.

2 JUROR: Oh, I'm sorry. Patricia Walker. Juror Number
3 94.

4 THE COURT: Yes, ma'am.

5 JUROR: I contribute to the Troopers Association and
6 the sheriff's, the sheriff's Association.

7 THE COURT: Ma'am, would those two facts affect your
8 ability to be fair and impartial in this trial?

9 JUROR: No, sir.

10 THE COURT: Thank you very much. You can be seated.
11 Anyone else?

12 (No response.)

13 THE COURT: Does any member of the jury panel know of
14 any reason whatsoever why he or she should not serve as a
15 juror in this trial with particular emphasis being placed on
16 your ability to be both fair and impartial to the State and
17 to the defense, if that's true, please stand.

18 (Juror responds.)

19 THE COURT: Yes, sir, I need your name and number.

20 JUROR: 55, Rodrick Patel.

21 THE COURT: Yes, sir.

22 JUROR: I own a mini store and I was in, came in my
23 store and I might have seen some of the people in my store.

24 THE COURT: Sir, I'm gonna ask you to come forward and
25 meet with me down here. I'm not sure I understand what

1 you're saying. If you'll come forward to the, to the court
2 reporter. Ask the attorneys to step forward.

3 (Whereupon, the following takes place out of the
4 hearing of the jury panel.)

5 THE COURT: Yes, sir.

6 JUROR: I own a convenience store and I seen him in my
7 store and maybe other people in my store.

8 THE COURT: Okay. You have seen him in your store?

9 JUROR: Yeah.

10 THE COURT: Where that would---

11 JUROR: Shopping in the store.

12 THE COURT: Would that affect your ability to be fair
13 and impartial---

14 JUROR: Yeah.

15 THE COURT: ---in this trial?

16 JUROR: Yes, sir.

17 THE COURT: Okay. I'm gonna excuse Number 55 from
18 service in this trial. Have a seat out there.

19 (Whereupon, the following takes place within the
20 hearing of the jury panel.)

21 THE COURT: Also the gentleman, I believe he was Number
22 89, if you'll get the gentleman in the blue shirt back there
23 and ask him to step forward please.

24 (Whereupon, the following takes place outside the
25 hearing of the jury panel.)

1 THE COURT: Let's see. You're Number 89, sir?

2 JUROR: Yeah.

3 THE COURT: You had some responses to my questions. I
4 didn't understand what you said.

5 JUROR: My son, I gave him an apartment. He retired.

6 THE COURT: Uh-huh. (Affirmative).

7 Sir, you suffer from some kind of problem with your
8 memory or something?

9 JUROR: Yeah. Yeah.

10 THE COURT: Okay, sir. I'm gonna excuse you from
11 service. Okay, sir. If you'll see the clerk.

12 (Whereupon, the following takes place within the
13 hearing of the jury panel.)

14 THE COURT: Eighty-nine will be excused from service in
15 this case and for the week.

16 All right. Any there any other questions from the
17 State at this time?

18 SOLICITOR MORIN: No, sir.

19 THE COURT: Any other questions from the defense at
20 this time?

21 MR. SHEALY: If, if we may approach?

22 THE COURT: You may approach.

23 (Whereupon, a bench conference was held out of the
24 hearing of the jury at this time.)

25 MR. SHEALY: Not from the defense, Your Honor.

1 THE COURT: All right, sir. All right. Ladies and
2 gentlemen, at this time I am going to qualify the remaining
3 members of the jury panel as qualified to serve in this
4 case. We are now going to begin what we call the jury
5 selection process. In doing so, the Clerk of Court is going
6 to generate a list.

7 We do this a little different. We use to have a little
8 box that we spun everybody's name in and pulled them out
9 individually. This year we've begun doing that now by
10 computer. The computer will make a random selection of
11 individuals that are still on the jury list for this trial.
12 Once that list has been generated, the clerk will share that
13 with me. Then we'll begin to call the names that are on
14 that list in the order that they were placed on the list.

15 If your name is called, I will ask you to pick up any
16 personal belongings you brought into the courtroom, step out
17 into the aisle and come forward to where Mrs. McBee is
18 seated, the center here. At -- when you get there, turn and
19 face the back of the courtroom. At that time the attorneys
20 will be in the position to exercise the strikes that they
21 have concerning the jury panel.

22 In this particular case the State does have five
23 strikes. The defense has ten. We'll also select one
24 alternate to the jury. And for that, the State will have
25 one strike and the defense two.

1 So, as soon as we have that list, we'll begin the jury
2 selection process.

3 All right. Madam Clerk, when you are ready, you can
4 begin to call the names.

5 (Whereupon, the jury panel was selected at this time.)

6 THE COURT: We are now selecting the alternate.

7 You may proceed, Madam Clerk.

8 (Whereupon, an alternate juror was selected at this
9 time.)

10 THE COURT: Any objection to the jury selection process
11 from the State?

12 SOLICITOR MORIN: Sir?

13 THE COURT: Any objection to the jury selection process
14 from the State?

15 SOLICITOR MORIN: No, sir.

16 THE COURT: From the defense, any objection?

17 MR. SHEALY: There's a matter I'd like to take up if we
18 could approach?

19 THE COURT: You can approach the bench, yes, sir.

20 (Whereupon, a bench conference was held out of the
21 hearing of the jury at this time.)

22 THE COURT: Any other objections from the defense?

23 MR. SHEALY: No, Your Honor.

24 THE COURT: All right. The Court will declare the
25 jury, as now constituted, is qualified to serve.

1 (Pause.)

2 THE COURT: All right. For those of you who have been
3 selected to serve on this jury, let me go over just a couple
4 of things with you before I let you go for lunch today.
5 What we're going to do is there are some preliminary matters
6 that I need to go over with the attorneys before we actually
7 begin the trial of the case. So, we'll be doing some things
8 outside of your presence to get the case ready for trial.
9 So, I'm gonna release you at this time for lunch.

10 But in doing so, let me explain a few things to you so
11 that you'll understand what's gonna happen when you come
12 back and what your duties and responsibilities initially are
13 concerning this break.

14 First of all, you've been selected as open minded
15 jurors with no bias or prejudice in favor or against either
16 side in the case. I want you to maintain that status
17 throughout this trial. So, therefore, during our break,
18 please don't attempt to gather any information outside of
19 this courtroom concerning this case. I'll give you that
20 caution every time you leave the courthouse.

21 When you return to this courthouse, you're going to
22 take an oath concerning your service on the jury, and you'll
23 find that that oath is you will be swearing to decide the
24 case solely upon the evidence presented during this trial,
25 and upon the law as I give it to you during the trial.

1 Therefore, it would be very improper for you to try to
2 gather any information concerning this matter outside of the
3 courtroom. For that reason, don't listen to, watch, or read
4 any media reports. Don't attempt to go on the Internet and
5 gather information in that fashion because those sources of
6 information almost invariably contain information which is
7 not admissible into evidence under the rules of evidence
8 that this Court operates under and our justice system
9 operates under, and also contains information you should not
10 consider in reaching a verdict in the case under your oath.

11 So, again, don't attempt to gather any information.
12 And should any be presented to you in the form of some media
13 report, don't listen to, watch, or read that.

14 I'm going to ask you not to discuss this case at all
15 with anyone, even your fellow jurors. Even though you know
16 very little about this case at this time, I hope you can
17 appreciate even the most innocent conversations that you
18 might have with a family member, a friend, or even a fellow
19 juror during our break concerning this case or what it's
20 about or the nature of the charge might begin to color your
21 opinions and your decision in this case.

22 And again, you've been selected as fair and open minded
23 jurors. Keep that open mind until you've heard all of the
24 evidence, you've heard all the arguments of counsel, and
25 I've charged you concerning the law, and then and only then

1 when I tell you to begin your deliberations should you begin
2 to discuss this case, at that time, only among yourselves.

3 So, again, it's okay to tell someone at home you've
4 been selected on a jury. It's okay to tell an employer
5 you've been selected on a jury. But that's where the
6 discussion should end.

7 Once the case is ended, you'll find that I'll tell you
8 you have a right to discuss it with someone. You also have
9 the right not to. But at this time, don't begin the
10 discussion with anyone because again, those conversations
11 might influence your decision and you keep that open mind
12 until you begin your deliberations in this case.

13 Also, should anyone attempt to contact you concerning
14 your service on this jury during our break, please report
15 that upon your return to the courthouse. I can assure you
16 this judge and this Court takes jury tampering very
17 seriously and I'll see that the proper, appropriate
18 authorities are notified and the appropriate investigation
19 is begun.

20 So, if anyone attempts to contact you concerning your
21 service on this jury, report that fact. I'll assure you
22 we'll take care of that in an appropriate fashion.

23 Now, at this point in time I'm going to allow you to
24 leave the courthouse to have lunch. I'm going to ask that
25 you be back in the jury room. And before you leave the

1 courthouse, the bailiff will show you how to get back to
2 that jury room.

3 So, come back to that location. Don't come into the
4 back of the courtroom. You'll be going to your jury room
5 when you return.

6 I'm not sure exactly how long our preliminary matters
7 are gonna take. So, I'm gonna set a little longer period of
8 time than I normally would for lunch just to be sure we've
9 gotten everything done and we're ready to start when you get
10 back. So, for that reason, be back in the jury room at two
11 o'clock in the afternoon. We should be in a position to
12 begin the actual trial of that case.

13 So, at this point in time, Mr. Bailiff, if you'll show
14 the jury out and show them where we need to return.

15 Thank you very much.

16 You're free to go.

17 (Whereupon, the following takes place outside the
18 presence of the jury.)

19 THE COURT: Any objection to my final instruction from
20 the State?

21 SOLICITOR MORIN: No, sir.

22 THE COURT: Any from the defense?

23 MR. SHEALY: No, Your Honor.

24 THE COURT: Mr. Shealy, you indicated you wished to put
25 something on the record concerning jury selection that he

1 heard at the bench and I'll be happy to hear from you at
2 this time.

3 MR. SHEALY: Yes, Your Honor.

4 Your Honor, the defense is concerned that, low number
5 of blacks on the jury. My client is black. And we noted
6 that out of three strikes, the State struck two blacks. One
7 was I think Juror Number 99 and one was Juror 98. And we
8 we, we, we wanted to challenge that, find out what the
9 reason was, and we had a side bar. And I understand that
10 there, there was a basis for those challenges.

11 THE COURT: You having raised that issue, I asked the
12 State to give a, a racially neutral reason for those
13 strikes.

14 And Mr. Morin, if you would place that on the record?

15 SOLICITOR MORIN: Number 99, Your Honor, had a contempt
16 of Court conviction in Magistrate Court to which I relied in
17 striking her. Number 98, I believe his name is Vernon
18 Williams, during the jury qualification, Your Honor, he
19 indicated he was disabled and seemed to struggle with
20 expressing himself or understanding. I had a concern about
21 that. So, that was the reason I struck him.

22 I also want to point out the victim in this case is
23 also African-American.

24 THE COURT: Anything further, Mr. Shealy, you'd like to
25 raise in that regard?

1 MR. SHEALY: No, Your Honor.

2 THE COURT: All right. The court finds that the State
3 has met its burden of giving a, racially neutral reasons for
4 the strikes, and, therefore, I found that the jury was
5 qualified and we'll proceed.

6 All right. Mr. Shealy, at this time you indicated you
7 might have some motions to make pretrial.

8 MR. SHEALY: Yes, Your Honor.

9 May I just have a moment with Mr. Morin?

10 THE COURT: Yes, sir.

11 (Pause.)

12 SOLICITOR MORIN: Can I approach for a moment, Your
13 Honor?

14 THE COURT: Yes, you may.

15 Mr. Shealy, come on up.

16 (Whereupon, a bench conference was held at this time.)

17 THE COURT: Mr. Shealy, now I think we're ready to
18 discuss any motions that you might have.

19 MR. SHEALY: Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 MR. SHEALY: We have three motions in limine. But they
22 or a couple of them consists of several parts.

23 Your Honor, the first motion in limine deals with the
24 victim identifying Travis Parker as being his attacker.

25 The, the statements were made to police officer, to EMS

1 staff, and actually wound up as part of their reports.

2 The -- both the police report and the EMS report.

3 Upon information and belief, Your Honor, we believe
4 that the State intends to introduce these statements by the
5 victim as a dying declaration, an exception to the hearsay
6 rule. We do ask that, that the Court suppress those
7 statements on three grounds.

8 The first ground being that the identification of the
9 defendant by the victim as being the shooter is tainted.
10 That -- he, he told police that he was shot by one of the
11 Parker's from Blacksburg. The dispatcher -- he overheard
12 the dispatcher tell the police officer, ask him if it was
13 Travis Parker at which time Travis -- he latched on to the
14 name of Travis Parker, and said it over and over again that
15 Travis Parker shot him.

16 Your Honor, we, we have a, a witness that will testify
17 that he did not know Travis Parker as Travis Parker. He
18 knew Travis Parker as Dick Parker.

19 Your Honor, the second -- and so, first, we would ask
20 that it be suppressed because the identification was
21 suggested to him. He, he was clearly injured and he seized
22 on that, on that name.

23 Second, Your Honor, we submit that this was not a dying
24 declaration. As you know, Your Honor, for it to be a dying
25 declaration, the statement must be made by declarant while

1 believing that the declarant's death was immanent concerning
2 the cause or circumstances of what the declarant believed to
3 be impending death. Your Honor, the case that I've got on
4 this upheld a dying declaration. I have The State versus
5 W.M. Bethea. It's a Supreme Court case decided in 1962, and
6 it, it states essentially, one, the death must be immanent
7 at the time the declarations in question were made. Two,
8 that the death, the declarant must be fully aware of this
9 to, to be without any hope of life, and third, that the
10 subject of the charge must be the death of the, the
11 declaration, and the circumstances of the death must be the
12 subject of the declarations.

13 In this particular case, the, the victim said Bill shot
14 me. I asked her why he had shot her and she said for no
15 reason at all other than he got mad. I'm going to die and I
16 don't care. I want him to pay. In that statement the Court
17 held that that was a dying declaration because she believed
18 that she was going to die.

19 In this case, my understanding is the closest that
20 Mr. Foote came to anything like that was pleading with the
21 EMS workers not to let him die. But there's no indication
22 that he believed that he was, he was dying.

23 Finally, Your Honor, the third ground of this motion is
24 that because the, of the questionable events surrounding
25 this identification, the, the name was suggested to him, we

1 submit to you that that identification is tenuous and its
2 prejudicial value, we submit, is, is tremendous and that
3 clearly its prejudicial value to the defendant outweighs the
4 probative value to the State in violation of South Carolina
5 Rule of Evidence 403.

6 Thank you, Your Honor.

7 THE COURT: State.

8 SOLICITOR MORIN: I have four witnesses, Your Honor. I
9 think it would be best if we just hear what their testimony
10 is, and then I argue why I think it, what, any exceptions
11 apply.

12 MR. SHEALY: Your Honor, is there any reason the
13 witnesses can't come in?

14 SOLICITOR MORIN: I can bring them in.

15 MR. SHEALY: I don't think they're sequestered.

16 SOLICITOR MORIN: Okay.

17 MR. SHEALY: And we've got family members here too.
18 So --.

19 THE COURT: Bring them in.

20 Mr. Morin, you may call your first witness.

21 SOLICITOR MORIN: Call Ken Taylor.

22 THE COURT: Come forward to be sworn.

23 KEN TAYLOR, being first duly sworn,
24 testified as follows:

25 THE COURT: Sir, have a seat in the witness stand

Ken Taylor - Direct examination
by Solicitor Morin

1 please. I'd ask that you state your name for the record,
2 for the record.

3 WITNESS: Kenneth Taylor.

4 THE COURT: Your witness.

5 DIRECT EXAMINATION

6 BY SOLICITOR MORIN:

7 Q Officer Taylor, you work at the Gaffney City Police
8 Department?

9 A Yes, sir.

10 Q Did you work there on June 22nd, 2007?

11 A Yes, sir.

12 Q Did you have the occasion to be at the, the corner of
13 Sarratt and Marion Street in, over on the West End?

14 A Yes, sir.

15 Q All right. Can you tell us why you went there?

16 A I got a shooting call.

17 Q All right. Over the radio?

18 A Yes, sir.

19 Q From the time that you got the call till the time that
20 you arrived, about how long was that?

21 A Approximately probably around two minutes.

22 Q Two, two minutes?

23 A Maybe somewhere around there. Two or three.

24 Q Okay. So, it's a few minutes?

25 A Yes, sir.

Ken Taylor - Direct examination
by Solicitor Morin

- 1 Q All right. When you arrived, what did you see?
- 2 A I saw a black male victim later identified as Mr. Foote
- 3 coming around the corner of a house.
- 4 Q Uh-huh. (Affirmative).
- 5 A There's other individuals there. Started questioning
- 6 who shot him.
- 7 Q Who did you question?
- 8 A Mr. Foote and bystanders.
- 9 Q All right. And did Mr. Foote say anything?
- 10 A He said help me, I'm dying, and---
- 11 Q Yeah.
- 12 A ---eventually told me a Parker from Blacksburg shot
- 13 him.
- 14 Q All right. After that -- what happened after that?
- 15 A EMS arrived shortly after that along with the fire
- 16 department.
- 17 Q Okay. And there were several other people standing
- 18 around when that---
- 19 A Yes, sir.
- 20 Q ---happened?
- 21 A Yes, sir.
- 22 Q Is that one of the first things you did when you
- 23 arrived on the scene?
- 24 A Yes, sir.
- 25 Q And Mr. Foote, was he sitting down, laying down, what

Ken Taylor - Direct examination
by Solicitor Morin

1 was he doing?

2 A He was on his feet coming around the corner when I
3 first got there. When I was getting out of my car, he went
4 down to the ground and he was trying to sit on the swing
5 set. He had his shirt almost off.

6 Q Uh-huh. (Affirmative).

7 A It was hanging around his neck.

8 Q Uh-huh. (Affirmative).

9 A But eventually he was on the ground on all fours.

10 Q Okay. That's all the questions I have.

11 THE COURT: Mr. Shealy.

12 MR. SHEALY: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. SHEALY:

15 Q Mr. Taylor, I'm sorry, Officer Taylor, Sergeant Taylor,
16 after he stated that a Parker from Blacksburg, burg had shot
17 him, what did you do?

18 A I was on the radio with dispatch, my radio mic, and
19 told them, trying to give information out to the dispatcher
20 for other police units. Told her what information I had,
21 that he stated a Parker from Blacksburg had been the one
22 that shot him.

23 Q And what did dispatch tell you?

24 A She said could it possibly be a Travis Parker. They
25 was chasing him around yesterday.

Kenneth Taylor - Cross-examination
by Mr. Shealy

1 Q And did the victim hear that?

2 A Yes, sir.

3 Q And at that point did he start saying that it was
4 Travis Parker?

5 A He said that's him.

6 Q Okay. And did you ever hear him after that say that,
7 that it was Travis Parker?

8 A No, sir, because EMS was there and they started working
9 on him.

10 MR. SHEALY: Okay. Thank you, Your Honor.

11 THE COURT: Mr. Morin, anything further?

12 SOLICITOR MORIN: No, sir.

13 THE COURT: You may step down, sir.

14 WITNESS: Thank you.

15 THE COURT: You may call your next witness.

16 SOLICITOR MORIN: Sedrick Littlejohn.

17 THE COURT: Come forward to be sworn, sir.

18 SEDRICK LITTLEJOHN, being first duly
19 sworn, testified as follows:

20 THE COURT: Sir, have a seat in the witness stand.
21 Once you're seated, I'd ask you please state your name.

22 WITNESS: Sedrick Littlejohn.

23 THE COURT: Mr. Morin, your witness.

24 DIRECT EXAMINATION

25 BY SOLICITOR MORIN:

Sedrick Littlejohn - Direct examination
by Solicitor Morin

- 1 O Mr. Littlejohn, where do you live?
2 A [REDACTED] Avenue, Gaffney.
3 Q Did you live there on June 22nd, 2007?
4 A Yes, sir.
5 Q Did you know Maraine Foote, Foote?
6 A A little bit. We went to school together.
7 Q Okay. On that day, can you tell me if you remember
8 something happening there at the house?
9 A Yeah, I was sitting on the porch---
10 Q Uh-huh. (Affirmative).
11 A ---on the telephone. I heard a gunshot.
12 Q Okay.
13 A And looked to my right. I seen my nephew and my friend
14 over there or whatever, I seen them like ducking or
15 whatever. And I got up and walked over there to see what
16 was going on. And that's when Mr. Foote started running
17 around the house talking about he needed some help.
18 Q Okay.
19 A He had been shot.
20 Q Okay. Well, let's back up for a minute.
21 Your nephew and your friend, what were their names?
22 A Lyman Tate and Kentrell Jones.
23 Q All right. Which one is your nephew?
24 A Lyman Tate.
25 Q Okay. When -- all right. So, Mr. Foote came around

Sedrick Littlejohn - Direct examination
by Solicitor Morin

1 the side of the house?

2 A Right.

3 Q I want you to tell me what you remember seeing and what
4 you did.

5 A Okay. First thing I did is called 9-1-1. I was
6 talking to them.

7 Q All right. So, you immediately called 9-1-1 when you
8 saw him?

9 A Correct.

10 Q All right.

11 A And he was just saying get me some help, get me some
12 help.

13 Q Who was?

14 A Mr., Mr. Foote.

15 Q All right.

16 A And he was up and down on the ground and throwing
17 around and---

18 Q Which -- go ahead.

19 A And the whole time I was talking to the 9-1-1
20 dispatcher.

21 Q All right.

22 A And---

23 Q Do you remember the officer arriving?

24 A Uh-huh. (Affirmative).

25 Q All right. After Mr., after that officer arrived, do

Sedrick Littlejohn - Direct examination
by Solicitor Morin

1 you remember if Mr. Foote said anything?

2 A I remember the officer saying who shot you, who shot
3 you, and he said Parker or something like that.

4 Q Okay. Now, you know Travis Parker?

5 A No, sir, not really. I know him if I see him around.

6 Q If you see him, do you know him?

7 A I know his face.

8 Q Okay. But you heard him say, in response to the
9 officer's question, he said Parker?

10 A Yeah, that's what he said.

11 Q Okay. Thank you, sir. Nope. He's got questions.

12 THE COURT: Mr. Shealy, any questions?

13 MR. SHEALY: Thank you, Your Honor.

14 THE COURT: Yes, sir.

15 CROSS-EXAMINATION

16 BY MR. SHEALY:

17 Q Mr. Littlejohn, do you recall talking to an
18 investigator about this?

19 A That, that officer that was just up here.

20 Q Well, do you recall talking to a Detective Segina?

21 A No, sir.

22 Q Do you recall being interviewed by anyone?

23 A No, sir.

24 Q Okay. Do you recall telling a police officer that you
25 asked him who shot you?

Sedrick Littlejohn - Cross-examination
By Mr. Shealy

1 A No, sir.

2 Q Do you recall saying that he couldn't talk because he
3 kept spitting up blood?

4 A A little bit.

5 Q Okay. So, he couldn't talk cause he was splitting up
6 blood?

7 A Well, the only thing he was saying was help, I need
8 some help.

9 Q I'm sorry. I can't hear you.

10 A The only thing he was saying, give me some help, give
11 me some help.

12 Q All right. But do you recall telling a police officer
13 you asked him who shot him and he couldn't talk because he
14 was spitting up blood?

15 A No, sir.

16 Q And at that point you called 9-1-1?

17 A No, I called 9-1-1 immediately.

18 Q All right. Where was Lyman Tate at this time?

19 A Behind the swings.

20 Q Was he there the whole time?

21 A Yeah, him and Cantrell.

22 Q Did he talk to the, Mr. Foote?

23 A No.

24 MR. SHEALY: Thank you, Your Honor.

25 THE COURT: Anything further, Mr. Morin, from the

Sedrick Littlejohn - Redirect examination
by Solicitor Morin

1 witness?

2 SOLICITOR MORIN: Just, just one thing.

3 THE COURT: Yes, sir.

4 REDIRECT EXAMINATION

5 BY SOLICITOR MORIN:

6 Q Just a little thing about spitting up blood.

7 From the time you called 9-1-1 till the time the police
8 came, about how long passed that you would estimate?

9 A About three minutes, four minutes.

10 Q All right. During that whole time, was he not able to
11 speak or was there a time when he could and times when he
12 was splitting up blood?

13 A Right.

14 Q Which one?

15 A Kind of both. He was, he was talking seemed like when
16 he wanted to. Some of the time like he was trying to catch
17 his breath---

18 Q Okay.

19 A ---and he would say something.

20 SOLICITOR MORIN: All right. That's all I have, Your
21 Honor.

22 THE COURT: Anything further?

23 MR. SHEALY: No redirect---

24 THE COURT: You may step down. Thank you, sir.

25 MR. SHEALY: ---recross.

David Swank - Direct examination
by Solicitor Morin

1 THE COURT: Mr. Morin, do you wish to call any other
2 witnesses?

3 SOLICITOR MORIN: Yes, sir, David Swank.

4 THE COURT: Come forward, sir, and be sworn.

5 DAVID SWANK, being first duly
6 sworn, testified as follows:

7 THE COURT: Sir, have a seat in the witness stand.
8 Once you're seated, state your name.

9 WITNESS: William David Swank.

10 THE COURT: Mr. Morin, your witness.

11 DIRECT EXAMINATION

12 BY SOLICITOR MORIN:

13 Q Mr. Swank, who do you work for?

14 A I'm a nationally registered paramedic for Upstate
15 Carolina Medical Center.

16 Q Back in June of 2007, June 22nd, 2007, is that where
17 you were employed?

18 A Yes, sir.

19 Q Did you have an occasion to go to Marion and Sarratt
20 Avenue?

21 A Yes, sir, I did.

22 Q Tell us what you saw when you got there.

23 A Referring to my report, a 27 year old black male was
24 found on all fours in the front yard in our arrival with a
25 T-shirt pretty much around his neck---

David Swank - Direct examination
by Solicitor Morin

- 1 Q Okay.
- 2 A ---stating that he couldn't breathe.
- 3 Q All right.
- 4 A He couldn't breathe and he wanted help.
- 5 Q Okay. So, what did -- and were, were you by yourself?
- 6 A No, sir, my partner, Mr. Kenneth Edelmeyer.
- 7 Q Who?
- 8 A Mr. Kenneth Edelmeyer, my partner, was with me.
- 9 Q All right. Now, what did y'all do?
- 10 A We immediately went ahead and placed the patient on a
- 11 long spine board and, and started care for a gunshot wound
- 12 that he had to his right upper quadrant and called for a
- 13 helicopter for transport to Spartanburg Regional Medical
- 14 Center.
- 15 Q Okay. Did Mr. -- was Mr. Foote saying anything at that
- 16 time?
- 17 A He kept saying that he couldn't breathe and he was
- 18 gonna die, he was dying, and he couldn't breathe. We got
- 19 him into the back of the truck and started initial ALS care,
- 20 which is, you know, IV therapy, monitor everything we needed
- 21 to get ready for the helicopter. He kept having repetitive
- 22 statements of he could not breathe, he was going to die,
- 23 questioning, questioning that. And he asked point blank my
- 24 partner, he said I'm going to die, and my partner told him
- 25 it didn't look good, but we were gonna do the best we could.

David Swank - Direct examination
by Solicitor Morin

1 Q Did he make any other statements about the incident---

2 A Yes, he did.

3 Q ---that you were aware of?

4 A Yes, sir, he did. He stated that, that, referring back
5 to my report, that he was going to die and the name of the
6 person that shot him was Travis, Travis Parker.

7 Q Okay.

8 A His initial statement was Parker shot me.

9 Q Okay.

10 A And which, what Parker, who, he said Travis Parker.

11 Q All right.

12 A My partner, my partner said from Blacksburg. He said
13 yeah, it's Open Air Mobile Home Park.

14 Q Please answer any questions Mr. Shealy may have.

15 A Yes, sir.

16 THE COURT: Your witness, Mr. Shealy.

17 MR. SHEALY: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. SHEALY:

20 Q When you say your report, are you talking about this
21 patient care form?

22 A Yes, sir, I am.

23 Q Okay. Now, I -- we need to be precise on this.

24 A Yes, sir.

25 Q When he talked about dying, was he begging you not to

David Swank - Cross-examination
by Mr. Shealy

1 let him die?

2 A No, sir, he just stated that he was dying and he
3 couldn't breathe.

4 Q Okay. Now, when he talked about Travis Parker shooting
5 him, was that after the police officer had arrived?

6 Did y'all arrive before or after the police officer?

7 A After, sir. They have to secure the scene.

8 Q Okay. Did you -- were you there whenever the dispatch
9 mentioned the name of Travis Parker?

10 A I probably was. But I can't, I have no independent
11 recollection of that because they were there prior to us,
12 and it was two separate -- we just wanted to get him and go
13 because of the severity of the situation.

14 Q But these comments happened after you got him on the
15 backboard and y'all were working on his wounds?

16 A Yes, sir.

17 MR. SHEALY: Thank you, Your Honor. That's all I have.

18 THE COURT: Mr. Morin, anything further from this
19 witness?

20 SOLICITOR MORIN: No, sir.

21 THE COURT: Sir, you may step down.

22 You may call your next witness.

23 SOLICITOR MORIN: Ken Edelmeyer.

24 THE COURT: Come forward to be sworn, sir.

25 KEN EDELMAYER, being first duly

Ken Edelmeyer - Direct examination
by Solicitor Morin

1 sworn, testified as follows:

2 THE COURT: State your name for the record, sir.

3 WITNESS: My name is Kenneth F. Edelmeyer.

4 THE COURT: Your witness, Mr. Morin.

5 DIRECT EXAMINATION

6 BY SOLICITOR MORIN:

7 Q Mr. Edelmeyer, where do you work now?

8 A I work for Upstate Carolina Medical Center as a
9 paramedic.

10 Q Okay. And were you working there in June of 2007?

11 A Yes, sir.

12 Q Were you working with Mr. Swank?

13 A Yes.

14 Q And do you recall going to the scene, going to Marion
15 and Sarratt, the corner of Marion and Sarratt in the West
16 End in Gaffney?

17 A Yes, sir.

18 Q All right. Can you tell us what your recollection is
19 of the events when you arrived?

20 A When we pulled up on to the scene, the police were
21 already on the scene. Our patient was on the ground on his
22 hands and knees.

23 Q Uh-huh. (Affirmative).

24 A His shirt was above, around his neck. He did have
25 blood coming from his mouth. Had an apparent gunshot wound

Ken Edelmeyer - Direct examination
by Solicitor Morin

- 1 to the right upper quadrant. He was saying I can't breathe,
2 I can't breathe. We immediately tried to -- well, didn't
3 try, but we immediately got him on a long spine board, put
4 him on to a stretcher, moved him to the ambulance where we
5 could work on him.
- 6 Q Okay.
- 7 A We started our ALS care and that's when he asked -- he,
8 he was saying that he was gonna die.
- 9 Q All right.
- 10 A I'm dying, I can't breathe, and he just came out and
11 asked me or---
- 12 Q Came out and asked you what?
- 13 A Am I gonna die.
- 14 Q And what did you say?
- 15 A I said it does not look good, and---
- 16 Q You told him that?
- 17 A Yes, sir.
- 18 Q Is that standard procedure for you to tell a person
19 that?
- 20 A Well, he had a -- things didn't look good.
- 21 Q Okay.
- 22 A And, and I'm not gonna, to lie to somebody when, tell
23 them, you know, everything's gonna be all right when that
24 might be his last few minutes.
- 25 Q Okay. Did he say anything else?

Ken Edelmeyer - Direct examination
by Solicitor Morin

- 1 A He said -- that's when he made the statement out loud
2 kind of to the both of us---
- 3 Q Uh-huh. (Affirmative).
- 4 A ---that it was Travis Parker that, who shot him.
- 5 Q Okay.
- 6 A He said Parker. I believe it was my partner that said
7 Parker who or who Parker, and he said Travis Parker, and
8 that's when -- I was familiar. I said are you talking about
9 from Blacksburg.
- 10 Q Okay. Now, wait. The Blacksburg part that you just
11 testified to --
- 12 A Uh-huh. (Affirmative).
- 13 Q -- did you get that from law enforcement?
- 14 A No, sir, we don't -- whatever they were talking about
15 on their radio, whatever, we don't copy all that.
- 16 Q Okay.
- 17 A We're on two separate channels.
- 18 Q Okay. You couldn't -- your radio is not connected to
19 the police?
- 20 A Not at all.
- 21 Q And after he said Parker, and something else, Travis
22 Parker?
- 23 A I think my partner said which Parker or who Parker.
- 24 Q All right. And then you asked the victim a question?
- 25 A I said something to the effect of are you talking about

Ken Edelmeyer - Direct examination
by Solicitor Morin

1 blacks, from Blacksburg, and he said yes, from Open Air
2 Mobile Home Park, from Open Air.

3 Q He said from Open Air?

4 A Yes, sir.

5 A And that's where I was familiar with Travis Parker
6 from.

7 Q Okay. Please answer any questions Mr. Shealy may have
8 for you.

9 THE COURT: Mr. Shealy, your witness.

10 SOLICITOR MORIN: Thank you, Your Honor.

11 MR. SHEALY: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. SHEALY:

14 Q Mr. Edelmeyer, did you hear anyone suggest Open Air
15 Trailer Park to him?

16 A No.

17 Q All right. Do you know that -- you said that you do
18 not get the, the radio traffic from the police officer?

19 A No, we don't hear any of that.

20 Q So, you don't know if Open Air Trailer Park was
21 mentioned to Mr. Foote by the police or by the dispatch?

22 A No, sir, I never spoke, that I know of, on the scene --
23 after the helicopter left with, with Foote or Foote, we were
24 back at the scene. That was the first time I spoke with
25 anybody from law enforcement.

Ken Edelmeyer - Cross-examination
by Mr. Shealy

1 MR. SHEALY: Thank you, Your Honor.

2 THE COURT: Anything further of this witness?

3 SOLICITOR MORIN: No, sir.

4 THE COURT: You may step down.

5 WITNESS: Thank you, sir.

6 THE COURT: State have any other witnesses?

7 SOLICITOR MORIN: Those are the State's witnesses, Your
8 Honor.

9 THE COURT: Defense wish to call any witnesses on this
10 point?

11 MR. SHEALY: Your Honor, I may have to go see if she's
12 here. I, I was told she was here. But I don't see her in
13 the courtroom.

14 THE COURT: Ask the bailiff to step outside.
15 Who, who are you looking for, Mr. Shealy?

16 MR. SHEALY: Bridget Foote.

17 THE COURT: Bridget, Bridget Foote or Foote. I've
18 heard it pronounced both ways today.

19 SOLICITOR MORIN: I believe the correct way is Foote.
20 But I believe the more common pronunciation is Foote.

21 THE COURT: Come forward, ma'am, to be sworn over here
22 to my left.

23 BRIDGET FOOTE, being first duly
24 sworn, testified as follows:

25 THE COURT: Ma'am, once you're seated, I'd ask that you

Bridget Foote - Direct examination
by Mr. Shealy

1 state your name for the record please.

2 WITNESS: Bridget Foote.

3 THE COURT: Your witness.

4 MR. SHEALY: Thank you, Your Honor.

5 DIRECT EXAMINATION

6 BY MR. SHEALY:

7 Q Mrs. Foote, what is your marital status at this time?

8 A Widow.

9 Q A widow?

10 A Yeah, I'm widowed now.

11 Q Okay. Who were you married to?

12 A Maraine Foote.

13 Q Okay. At the time of his death, were you separated
14 from him?

15 A Yes, sir.

16 Q Okay. Did you still have a relationship with him?

17 A well, he had moved on and he was dealing with somebody
18 else.

19 Q Okay. Now, do you know Travis Parker?

20 A Yes, I do.

21 Q Do you see Travis Parker here in the courtroom?

22 A Yes, I do.

23 Q Where is he?

24 A (Witness points.)

25 Oh.

Bridget Foote - Direct examination
by Mr. Shealy

1 Q Right there sitting at the table?

2 A Yes, sir.

3 THE COURT: The record will indicate she's pointed
4 toward the defendant.

5 You may proceed.

6 Q Okay. Now, did, at one time, you lived in Blacksburg?

7 A Yes, sir.

8 Q And you, you developed a friendship with Mr. Parker?

9 A Yes, sir.

10 Q All right. Now, did your husband know about Mr.
11 Parker?

12 A Somebody told him. It was about me. Somebody had told
13 him about it and he moved out. When he got out of prison,
14 he left.

15 Q That's when he took up with another lady?

16 A Yes, sir.

17 Q Okay. Now, at the time of this incident, of, of, at
18 the time that your husband was, was shot, were you aware of
19 any bad blood between them?

20 A Not really. Not like that. Not willing to lead to
21 that point.

22 Q Okay. Now, about what -- by what name did your husband
23 know Travis?

24 A By Dick.

25 Q Okay. Did he know him at all by Travis?

Bridget Foote - Direct examination
by Mr. Shealy

1 A I didn't think he knew him at all.

2 Q So, so, if he was going to say Dick -- Travis, Travis
3 killed him, he would of said Dick killed him?

4 A Right.

5 Q And in fact, that's how everybody knows Travis?
6 Nobody knows him as Travis?

7 A Hu huh. (Negative).

8 Just knew him as Dick cause when I met him that's how I
9 knew him as Dick. I didn't know him as Travis at that
10 point.

11 MR. SHEALY: Okay. Thank you, Your Honor.

12 THE COURT: Mr. Morin.

13 CROSS-EXAMINATION

14 BY SOLICITOR MORIN:

15 Q You never knew him as Travis?

16 A At the beginning when I first met him I was introduced
17 as Dick Parker.

18 Q All right.

19 A And then later on I mean like his real name, he was
20 like his real name is Travis, but people call me Dick.

21 Q Right.

22 People called him Dick, but his name was Travis?

23 A Right.

24 Q And some people knew that and some people didn't?

25 A Right.

Bridget Foote - Cross-examination
by Solicitor Morin

1 Q And everybody that knew -- any, anybody who knew both
2 names knew that his real name was Travis and his nickname
3 was Dick, right?

4 A I guess. I don't know. I can't answer that cause I
5 don't know.

6 Q Well, I'm just saying there was people that knew him
7 as, knew that's what you call him and that's what his name
8 was?

9 A Right.

10 Q You're one of them?

11 A Right.

12 Q And then there were probably other people that just
13 knew him as one name?

14 A Right.

15 Q Thank you, ma'am.

16 THE COURT: Anything further?

17 MR. SHEALY: No redirect.

18 THE COURT: You may step down.

19 Any other witnesses from the defense?

20 MR. SHEALY: No, Your Honor.

21 THE COURT: All right. I'll be glad to hear argument
22 on the point.

23 It's his motion.

24 MR. SHEALY: Yes, Your Honor.

25 Your Honor, we submit that the identification is

1 tainted. The name Travis Parker was, was suggested to
2 Mr. Foote. Mr. Foote, in his condition, seized on it and
3 continuously identified him as Mr., as Travis Parker. Once
4 again, it's suggested to him that he was Travis Parker from
5 Blacksburg. We don't know where the Open Air came from.
6 But nevertheless, the---

7 THE COURT: well, would the proof that was presented at
8 Court indicate that your client was, resided in that place,
9 Open Air?

10 MR. SHEALY: would the proof---

11 THE COURT: when, when the proof is presented to the
12 Court, is, can we agree between counsel that the proof will
13 indicate that your client, in fact, resided at the Open Air,
14 whatever the Open Air is?

15 MR. SHEALY: Yes, Your Honor.

16 THE COURT: Okay. Go ahead.

17 MR. SHEALY: The -- and because of that tainted
18 identification, we would submit that this identification
19 should be suppressed.

20 The second grounds as to it being a dying declaration,
21 Your Honor, the -- I was surprised at, at, obviously at the
22 testimony that he said he was going to die. I was -- I
23 thought -- I did have the report. I was under the
24 impression, as I stated to Court earlier, that it was don't
25 let me die. But nevertheless.

1 And finally, Your Honor, we submit that the prejudicial
2 value is just overwhelming. Greatly outweighs the probative
3 value for the State and we ask that it be suppressed for
4 that reason as well.

5 THE COURT: Mr. Morin.

6 SOLICITOR MORIN: Your Honor, to begin with, nobody
7 suggested the name. The name was -- there was a question
8 was asked. But I'd also like to say, to begin with as well,
9 there's two exceptions that we believe apply here.

10 The first one is excited utterance. The testimony is
11 within two or three minutes of him calling 9-1-1 the police
12 were there. So, he certainly was, was under the condition
13 of a startling event. I don't think there's any dispute
14 getting shot is, is a startling event. It was made by the
15 declarant while he was under the stress of that, of that
16 condition, and it was relating to that condition, who shot
17 you, Parker.

18 So, with regard to Mr. Littlejohn and Officer Taylor,
19 certainly I believe excited utterance would apply. I think
20 them asking him is it or could it be Travis Parker is simply
21 asking him a question. It's not suggesting the answer. And
22 he, he affirmed that.

23 When you get into the ambulance, I think both of those
24 two exceptions apply. Still -- we're still within minutes.
25 He's still under, certainly under the stress of it. But to

1 go on -- and I would agree with Mr. Shealy that we're
2 talking about the Bethea case. He's, he believes that, that
3 death is immanent. We're prosecuting for homicide. That's
4 another one of the things. And the circumstances of the
5 death were the subject of the declaration. He's saying this
6 is the guy who shot me.

7 In addition, you have the identification or the officer
8 asked about Open Air or I, to be honest with you, Open Air
9 is brought up. The defendant, I'm sorry, says he's from
10 Open Air. Mr. Parker, Travis Parker, also known as Dick
11 Parker, lived, and the evidence will show or we believe the
12 evidence will show, that that is where he lives to
13 additionally identify him.

14 So, for that, for those two exceptions, the excited
15 utterance and dying declaration, we believe that the
16 identification of Mr. Parker should be allowed in. It, it
17 not only goes to his last name. It goes to his first name.
18 It also goes to his address. They came from the victim.
19 The only thing that came was the officer asking could it be
20 this particular person.

21 So, for that reason, we believe that we should, it
22 should be allowed.

23 MR. SHEALY: Your Honor, the, the objections for dying
24 declaration would be the same objection -- the same
25 objections for dying declaration would apply to excited

1 utterance, that the name was suggested to him. I asked him
2 if it's Tyrone, I'm sorry, Travis Parker. He could of just
3 of easily have been asking if it's Tyrone, Travis' brother,
4 who at the time, we believe the evidence will show, also
5 lived at Open Air Market. A large number of Parker's lived
6 at Open Air Market. The---

7 THE COURT: You mean Open Air Trailer Park, don't you?

8 MR. SHEALY: Open Air Trailer Park, yes, Your Honor.
9 Everybody just calls it Open Air. The -- and so, we would
10 still argue the, the, the grounds that we've presented to
11 the Court.

12 THE COURT: All right. I'm gonna deny the motion.
13 I'll allow it to come in.

14 MR. SHEALY: Your Honor, our second motion in limine is
15 to the effect that at least in the discovery there's
16 information, statements from an investigator or witness and
17 others to the effect that the defendant, Travis Parker, was
18 chased by the victim, Mr. Foote, with a gun in Blacksburg
19 the day before the victim's shooting. We submit that's
20 false. That did not happen. That, in fact, that was, that
21 was an altercation between Travis and Tyrone Parker, that---

22 THE COURT: That was an altercation you're saying
23 between the two brothers?

24 MR. SHEALY: The two brothers, yes, Your Honor.

25 THE COURT: Go ahead.

1 MR. SHEALY: That the statements themselves are all
2 based upon hearsay and, and are, confuse the facts. That we
3 believe the State intends to introduce these statements. We
4 ask that the statements be barred as being hearsay.

5 THE COURT: Well, let's find out what the State wants
6 to do.

7 SOLICITOR MORIN: Don't intend to use them at this
8 time.

9 THE COURT: Don't intend to use it. So, it will be --
10 if he, if they attempt to bring it up, you can renew your
11 objection and take it up at that time. But they've
12 indicated they do not wish to use that information.

13 MR. SHEALY: Thank you, Your Honor.

14 The third motion in limine, Your Honor, this involves
15 State versus Colt. Judge, if you'd look, read my third
16 motion in limine, that would be my, my argument.

17 THE COURT: Just one second. Let me see. When you say
18 third, I'm looking at one that has -- I got a motion in
19 limine, second motion in limine, third.

20 Okay. I'm at the third.

21 MR. SHEALY: Essentially, Your Honor --.

22 THE COURT: This is his prior offense?

23 MR. SHEALY: Yes, Your Honor.

24 THE COURT: How does the State wish to use that?

25 MR. SHEALY: If the defendant intends to testify, the

1 State would ask him if he has a prior felony conviction.

2 MR. SHEALY: To which my client will, will testify that
3 he does have a, felony convictions.

4 THE COURT: So, you don't intend to, to place in the
5 nature of the crime or the offense for which he was
6 convicted?

7 SOLICITOR MORIN: Not when he testifies. However, I
8 must state this, judge, there are family members on his
9 witness list. And should they get to the point where they
10 make statements of he wouldn't do this, he's not like this,
11 or those type of things, then I would approach the bench and
12 indicate that I may want to go into the details. That's
13 only the difference. But as far as Mr. Parker goes, the
14 only thing I'd ask him is does he have any felony
15 convictions.

16 THE COURT: Does the defense intend to place character
17 into evidence?

18 MR. SHEALY: Your Honor, that's not our intent. But
19 there's certainly, you know, getting into the, the moment,
20 you never know what a witness is gonna say.

21 THE COURT: Well, I would hope that you might want to
22 discuss that with them.

23 MR. SHEALY: That -- I was gonna ask for permission,
24 Your Honor, since the case has started, I didn't want to
25 be---

1 THE COURT: Before you start calling your witnesses,
2 you'll have a chance to talk to them.

3 MR. SHEALY: And I'd also discuss it with the client.

4 THE COURT: Certainly.

5 MR. SHEALY: Thank you.

6 THE COURT: All right. But I will allow the State to
7 ask if he has a prior felony conviction. I will not allow
8 them to use the nature of the conviction or the nature of
9 the offense.

10 Anything further, Mr. Shealy?

11 MR. SHEALY: That's all we have, Your Honor.

12 THE COURT: Anything further from the State at this
13 time?

14 SOLICITOR MORIN: No, sir.

15 THE COURT: All right. Court will be in recess until
16 two o'clock.

17 Defendant remains in custody.

18 Thank you very much.

19 (Whereupon, Court was in recess for the lunch break.)

20 THE COURT: All right. Is there anything further from
21 the State before we begin the trial of the case?

22 SOLICITOR MORIN: No, sir.

23 THE COURT: Anything further from the defense?

24 MR. SHEALY: No, Your Honor.

25 THE COURT: I do want to make a statement from the

1 bench. I -- while we welcome people in the gallery who
2 visit and observe the trial, and all of you are welcome, I
3 will explain that the Court does not, this Court does not
4 tolerate any type of disruptions from those who are viewing
5 the trial of the case. Should that occur, I will take the
6 appropriate action. That will include either expulsion from
7 the courtroom or a citation for contempt.

8 Contempt, in South Carolina, carries a potential
9 sentence of up to one year in prison. I hope we don't get
10 to that stage. I hope everybody who's present, who's able
11 to view the trial without disrupting the proceedings, and
12 we'll proceed in that fashion. I hope that's what occurs.

13 All right. At this point in time I'll ask you to bring
14 the jury back.

15 (Whereupon, the following takes place within the
16 presence of the jury.)

17 THE COURT: You can be seated. Just fill all the way
18 in. You don't have to sit in any particular seat. Just the
19 alternate has to sit in that one. Thank you, ma'am.

20 All right. The record will reflect that all jurors
21 have returned to the courtroom. And I indicated to you that
22 when you came back to the courtroom it would be, the Court
23 would be swearing you concerning your duties as jurors. I
24 know you've taken a couple of oaths already. But this one
25 has to do with your duties and responsibilities as jurors in

1 this trial.

2 Madam Clerk, please swear the jury panel for me.,

3 (Whereupon, the jury panel was placed under oath at
4 this time.)

5 THE COURT: Now, if any of the jurors either failed or
6 refused to take the oath just administered by the clerk, I'd
7 ask that you now please stand.

8 (No response.)

9 THE COURT: The record will reflect that all jurors
10 have been sworn for purposes of our trial.

11 Now, before we begin the trial I want to go over some
12 matters with you and give you some idea of what you might
13 expect as the trial goes along. Also, I will cover the
14 duties and responsibilities that the various people who will
15 be participating in the trial have including your duties and
16 responsibilities as jurors in this case.

17 Probably, for most of you, this is your first
18 experience in actually serving on a jury in the actual trial
19 of a case. And for those of you who have never been on a
20 jury before, probably most of what you know about our jury
21 system and how it functions would come from such things as
22 books that you've read, TV shows that you've watched, movies
23 that you've seen, perhaps from your schooling. And while
24 such things as television shows, and movies, and books are
25 full of high drama and interesting story lines, and in the

1 case of television and the movies, they begin at a certain
2 time, they end at a certain time, and, of course, they even
3 have time to stop for commercials in the case of television.

4 Those sources of information are interesting, but quite
5 often they don't follow the rules of evidence and the rules
6 of procedure that actually exist in the actual trial of a
7 case. Those particular forms of information are intended
8 primarily for your entertainment. Now, this trial, I can
9 assure you, is intended for anything but your entertainment.

10 what you're engaged in is a fundamental part of our
11 democracy. I hope you appreciate the fact that in our
12 judicial system and under the system created in our country
13 and in our state, we allow the direct participation by
14 citizens in the judicial process that goes on and in the
15 important decisions that are made in this courtroom between
16 the State and a citizen that's been charged with the
17 commission of a crime.

18 And again, while those are intended for your
19 entertainment, what this trial is about is a search for the
20 truth. It's an effort to see that justice is done between
21 the parties that are before this Court. The State of South
22 Carolina on one hand, and a citizen, again, who has been
23 charged with a commission of a crime.

24 A search for the truth is an effort to see that justice
25 is done between the parties before this Court. Searching

.1 for the truth is sometimes slow, it's sometimes repetitive
2 as I'm sure you're gonna find out as this trial goes along.
3 But I would expect that that's what you would expect from a
4 search for the truth, that it be slow, and that, that it be
5 repetitive, and that it go over the details that are
6 involved in the case.

7 This courtroom is a place of honor. It's dedicated to
8 the preservation of citizen's rights through our justice
9 system that some believe is one of the greatest ever formed
10 on this, on the face of this earth. I didn't say a perfect
11 system because nothing instituted by man or created by man
12 is ever perfect. But again, it is an effort to see that
13 justice is done between the parties that are in the
14 courtroom today.

15 The attorneys that are going to appear before you are
16 hear to represent their clients. They're here as advocates
17 for their clients. But first and foremost, those attorneys
18 also appeared before some tribunal in this state and took an
19 oath to assist you in your search for the truth. You can
20 expect from the attorneys that they act in an ethical,
21 reasonable, and professional manner in the presentation of
22 their client's cases before this Court, and I'm going to
23 remind you too now you've come before this Court too.
24 You've taken an oath. You're expected to act in a
25 reasonable, professional, and ethical manner in the

1 discharge of your duties and responsibilities as jurors in
2 this courtroom today.

3 I want to thank you very much for your willingness to
4 come forward and serve as I've indicated. If it were not
5 for good citizens such as yourselves who are willing to come
6 forward and serve on juries our system of justice couldn't
7 function as it was designed under our Constitution both of
8 the State and of the United States of America. So, again,
9 thank you very much for your willingness to come forward and
10 serve. It's my personal belief that service on a jury is
11 the second highest service that a citizen can render to your
12 government. Of course, the first being participation in the
13 active military service. So, again, thank you very much for
14 your willingness to step forward and serve.

15 What I'm telling you now is not intended to serve as a,
16 as a charge concerning the law in this case. It's an
17 introduction to you to the trial and the process that we're
18 going to go through. You'll find, at the close of the case,
19 once all the evidence has been presented and all the
20 arguments have been made, at that time I will instruct you
21 concerning the law that's to be applied in this case. I am
22 going to go over the procedure and the responsibilities of
23 those who are before this Court.

24 Now, when we started this process a little earlier,
25 when we began the jury selection, I went over with you the

1 indictment in this case and I explained to you that an
2 indictment is simply the legal document. It's the written
3 document that brings this case before this Court. It is
4 issued by the Grand Jury. But an indictment can not be
5 issued as a, evidence in any case. It can not be used
6 directly by you in determining the guilt or innocence of
7 anyone who is charged with a crime. But it does bring the
8 case before the Court and informs the defendant of the
9 charge lodged against him and informs this Court of the, of
10 the case to be tried or the issue to be tried. It informs
11 you of that same information as well.

12 The indictment in this case is for the, the offense of
13 murder as I indicated earlier, and I'm going to go over that
14 indictment with you one more time so that you'll understand
15 the charge that you are to try in this case.

16 The indictment states that the defendant, Travis
17 Sentell Parker, did in Cherokee County, on or about June the
18 22nd of 2007, feloniously, willfully, and with malice
19 aforethought, kill one Maraine Charles Edward, I've heard it
20 pronounced Foote and Foote, F-O-O-T-E, by shooting the
21 victim and that the victim died as a proximate result
22 thereof all in violation of Code section 16-3-10 and 16-3-20
23 of the Code of Laws of South Carolina, 1976 as amended,
24 against the peace and dignity of the State and contrary to
25 the statute in such case made and provided.

1 That is the body of the indictment and I will tell you
2 now the defendant has pled not guilty to that indictment.

3 Now, the Constitution and the laws of this state, by
4 that, and by that plea, places the burden upon the State to
5 prove the allegations contained in the indictment by proof
6 beyond a reasonable doubt. And at the close of the trial, I
7 will go over with you that burden of proof and what those
8 phrases mean when I charge you concerning the law. But
9 suffice it to say that, at this point in time, the burden of
10 proof lies upon the State to prove the allegations that are
11 contained in the indictment.

12 It will be your duty, ladies and gentlemen, at the
13 close of the trial, to decide whether or not the State has
14 met it's burden of proof in this case. It's your purpose,
15 as jurors, to find and determine the facts in this case and
16 I will tell you now and I'll tell you, at the close of the
17 trial, you are the sole judges of the facts in this case.
18 It will be your duty, from the evidence that you hear in
19 this case and from the testimony that you hear, it's up to
20 you to determine what inferences you feel might be drawn
21 from that, that testimony and evidence. It's especially
22 important, therefore, that you perform your duty of
23 determining the facts in a diligent and conscientious manner
24 because, at the close of the trial, it will be your solemn
25 responsibility to determine the guilt or the innocence of

1 the defendant in this case and whether the State has met
2 that burden of proof that we just discussed, discussed.

3 I will tell you that ordinarily, under the law of this
4 state, there is no means by which an erroneous determination
5 of facts made by a jury can be corrected. So, pay close
6 attention to what goes on in the trial. Listen carefully to
7 what goes on so that you'll be in a position to make that
8 important decision at the close of the trial.

9 Now, the same law that makes you the sole judges of the
10 facts in this case makes me the sole judge of the law in
11 this case. If you came into this courtroom with any idea or
12 any notion as to what the law is or what the law ought to
13 be, I will tell you to leave that notion outside of the jury
14 room before you begin your deliberations. It -- you are the
15 sole judges of the facts and the law does not allow me to
16 disagree with you or have any opinion concerning how you
17 determine the facts in this case. That same law does not
18 allow you to disagree with me concerning the law that's to
19 be applied to the facts as you find them to be.

20 It's your job to take the law as I give it to you at
21 the close of the trial, apply it to the facts as you find
22 them to be, and you should be in a position at that time to
23 reach a just and a true verdict between the parties that are
24 before this Court.

25 Now, as I told you before our break and I'll tell you

1 every time you leave the courtroom, you should not begin any
2 deliberations or discussions with anyone concerning the
3 matters going up, that are on trial in this case until such
4 time as I have instructed you to begin your deliberations.
5 Keep an open mind on the subject, all the issues in the case
6 until you've heard all the evidence, all the arguments of
7 counsel, and I've charged you concerning the law that's to
8 be applied at the close of the trial.

9 Now -- and I'll tell you now at this time, as I told
10 you at the break, don't attempt to gather any information
11 outside the courtroom because, from the oath you've taken,
12 you've taken an oath to decide the case solely upon the
13 evidence presented in this trial. The only evidence that
14 you're going to hear during this trial is the testimony
15 given by witnesses who've been sworn to tell the truth who
16 will testify for this witness stand and whatever evidence or
17 documents or other items come into evidence through that
18 testimony.

19 So, don't consider or don't attempt to consider
20 anything other than what's in the record of this case, the
21 evidence that's introduced during the trial, and whatever
22 comes in through that testimony.

23 Now, in a few minutes I'm going to allow the attorneys
24 to make an opening statement and I will tell you now
25 statements made by attorneys during a trial are not

1 evidence. They can be used by you in various fashions. The
2 opening statements made by the attorneys will introduce you
3 to the case. They'll explain to you what they expect the
4 evidence to show and also set forth what they think the case
5 will reveal as the case goes on.

6 At the close of the trial, we'll allow the attorneys to
7 make a final statement or a closing argument. At that point
8 in time they sum up the evidence from their client's
9 prospective, give you their inferences that they think you
10 should draw from the evidence. But again, the statements
11 made by attorneys are not evidence. The only evidence in
12 the case is the testimony of the witnesses who testify
13 during the trial under oath. The statements by attorneys
14 should be helpful then and should be used by you only in the
15 fashion that they're intended, to help you at the beginning
16 of the trial and also to explain their client's position at
17 the close of the trial.

18 Now, the evidence presented to you by the testimony of
19 sworn, witnesses sworn to tell the truth will be the
20 evidence that you will hear. During that testimony it's my
21 responsibility, as the presiding officer of this trial, to
22 rule on the admissibility of some of that evidence and also
23 to rule on the appropriateness of questions that might be
24 asked during the trial.

25 Please don't take from anything that I do in the

1 discharge of my duties that, that I have any opinion as to
2 how you should determine the facts in this case. The law
3 doesn't allow me an opinion on that subject. I can assure
4 you I have no opinion as to how you determine the facts in
5 the case. It is simply me doing my job to see to it that
6 only properly admitted evidence, under the rules of this
7 court, are considered by you in reaching your verdict and
8 it's my job to rule on those questions and preside over the
9 trial as it goes along.

10 Also, if there's some objection or some point of
11 evidence that comes up that I believe the discussion on that
12 issue might involve a discussion of some matter that's not
13 admissible and shouldn't be considered by you, at that time
14 I may ask you to step outside of the courtroom while I
15 consider that particular issue. Again, it's me doing my job
16 to see to it that you only consider properly admissible
17 evidence in reaching your verdict.

18 Don't take from the fact that I've excused you from the
19 courtroom again that I have any opinion as to how you
20 determine the facts in this case. As I have told you, the
21 law doesn't allow me an opinion on that subject, and I do
22 not have one. So, don't draw any inference from me doing my
23 job and seeing to it that proper evidence is considered by
24 you in reaching your verdict.

25 Now, in determining -- I've told you you're the sole

1 judges of facts in this case, and in determining what the
2 facts are, it will be necessary for you to make a
3 determination of which witnesses are deserving of a finding
4 of credibility. Credibility simply means believability,
5 which witnesses you choose to believe.

6 I will tell you, in reaching a determination as to the
7 credibility or the believability of each witness who
8 testifies, to use your own good common sense that you
9 brought into this courtroom. You make decisions concerning
10 credibility and believability of persons you encounter each
11 and every day. You have the right, in making that decision
12 before the Court, to consider such factors as to whether or
13 not the witness has a stake in the outcome of a trial,
14 whether or not the witness has a bias or prejudice either
15 for or against the State or the defendant, whether or not
16 the witness actually had the ability to know the things
17 about which that witness is testifying, and perhaps, most
18 importantly of all, the, the witness stand is always
19 directly in front of the jury box so that you can observe
20 the witnesses as they speak, the way they testify, the way
21 they deliver their testimony.

22 Take all of those factors into consideration if you
23 choose, use your own good common sense, and reach a
24 determination of which witnesses you believe are deserving
25 of a finding of credibility. You're the sole judge of the

1 facts in this case. That means that you can believe all of
2 what a witness tells you, part of what a witness tells you,
3 or none of what a witness tells you.

4 You, as the sole judges of the facts, have the right to
5 believe one witness against all the others that testify or
6 all the other witnesses against one. You're the sole judges
7 of facts. Therefore, you're the sole judges of the
8 credibility. You're also the sole judges of what weight you
9 choose to assign to each witness' testimony.

10 So, again, pay close attention to the testimony as it
11 goes on. Pay close attention to what goes on in the
12 courtroom as the case proceeds. Again, use your own good
13 common sense in reaching a determination as to what
14 witnesses you believe and which ones are worthy of a finding
15 of credibility by you at the close of the trial.

16 You have the right to consider any matter that's in the
17 record of this case in reaching a verdict in this case. I
18 will tell you now if there's any matter that's, during the
19 trial that I ordered stricken from the record or, or taken,
20 or disqualified, you should not consider that matter at all
21 during your deliberations, and I'll explain that more to you
22 at the close of the trial.

23 Now, please do not think that because I have not
24 appointed a foreperson of your jury that I have forgotten
25 that point. It's my practice simply to appoint the

1 foreperson of the jury at the close of the trial during my
2 charge on the law. So, I'll make that appointment at that
3 time.

4 I will tell you now that when I do make that
5 appointment that person has no greater say in the outcome of
6 the case than any other juror. Each and every juror is just
7 as important as the other jurors in deciding this case.
8 Because at the close of the trial, before the jury can reach
9 a verdict, your verdict must be unanimous. Each and every
10 one of you must agree upon it. The foreperson is simply the
11 person that presides over your deliberations, communicates
12 with the Court if that's necessary during deliberations, and
13 writes a verdict once it has been reached.

14 So, again, I'll make that appointment at the close of
15 the trial. I have not forgotten that point and we'll go
16 over that before I send you back for your deliberations at
17 the close of the trial.

18 Now, in order to be sure that I've not violated
19 anyone's rights in my opening comments to you, is there any
20 objection to those comments from the State?

21 SOLICITOR MORIN: No, sir.

22 THE COURT: Any from the defense?

23 MR. SHEALY: No, Your Honor.

24 THE COURT: All right. Ladies and gentlemen, I
25 indicated to you that we're going to let the attorneys begin

1 with an opening statement or argument. I've also told you
2 the State has the burden of proof in this case. For that
3 reason, the State's allowed to go first with its opening
4 statement followed by the defense. Then, in the
5 presentation of the proof, the calling of witnesses, the
6 State again will be allowed to go first followed by any
7 witnesses the defense chooses to call.

8 Once all the testimony is in the record, then we'll do
9 the closing statements or arguments made by counsel followed
10 by my charge on the law. And at that point in time, once
11 that's completed, I'll turn the case over to you for your
12 deliberations.

13 So, that's the process of the procedure that we'll
14 follow during the trial of this case. As I indicated, the
15 State is allowed to go forward with its opening statement
16 first.

17 Mr. Morin, you may proceed for the State.

18 SOLICITOR MORIN: On June 22nd, 2007, some time
19 between 6:30 and seven o'clock, Charles Maraine or Maraine
20 Charles Foote, and as the judge said some people say Foote
21 and some say Foote, I've been advised it's Foote, died of a
22 bullet shot, a bullet wound. Twenty-seven years old. He
23 died.

24 Now, my job, as the solicitor, is to prove to you,
25 beyond a reasonable doubt, each and every element of the

1 crime of murder, which is the killing, unlawful killing of
2 another human being with malice aforethought, and malice
3 aforethought is something I'll get to when I come up and go
4 through the evidence with you in the end.

5 I don't know that, during the course of this case,
6 there's gonna be a lot of dispute about the manner in which
7 Mr. Foote died. This case is gonna be about who fired the
8 shot that killed him and what are you gonna and how, where
9 we're going from here. And I'm just trying to give you a
10 little trailer or a little view of where we're going.

11 Two witness are gonna say that man, Travis Parker, shot
12 the fatal shot. They're also gonna hear evidence as to what
13 the victim said prior to his death as to who shot him.
14 There's other evidence that's gonna come in and I appreciate
15 you and the family appreciates your close attention to these
16 witnesses.

17 But in the end of the day, the question's gonna be who
18 fired the shot that killed Maraine Foote, and the answer, I
19 believe you will be convinced beyond a reasonable doubt, is
20 Travis Parker.

21 Thank you.

22 THE COURT: Mr. Shealy, for the defense.

23 MR. SHEALY: Thank you, Your Honor.

24 THE COURT: Yes, sir.

25 MR. SHEALY: As I told you earlier, I'm Tommy Shealy.

1 I'm one of the public defender's here in Cherokee County.
2 We've got two public defenders. Don Thompson is my, my
3 boss.

4 My client here is Travis Parker. Travis is known as
5 Dick. He's not known as Travis. He's known as Dick. He's
6 from, he's from Blacksburg. You're going to hear a lot
7 about, about that as the evidence comes out.

8 Now, they say he committed the crime of murder. He
9 says he didn't. He says he wasn't there. There's not gonna
10 be any denying that Mr. Foote was killed on June 22nd of
11 last year. There's no doubt about that. There's, there's
12 not gonna be any doubt about the medical evidence that, that
13 you're going to see. I don't know if the State's gonna
14 introduce any kind of, of bullets or any of that stuff, but
15 I don't think you're gonna hear much of a disagreement about
16 that.

17 What you're gonna hear from are two people that were
18 there, that were in the car. They're not charged with a
19 thing. They say that Dick was in the car with them and Dick
20 denies that. So, then the question becomes who fired the
21 bullet, who, who shot Mr. Foote.

22 Dick says it wasn't him. Right now sitting in front of
23 you is Dick Parker. He's innocent. Right now completely he
24 is innocent. That's a fact you have to accept. He is
25 innocent and he remains innocent throughout this trial till

1 the last witness, witness testifies. He will remain
2 innocent until you hear closing arguments, you get
3 instructions from the judge, and you go out to deliberate.
4 He will remain innocent throughout your deliberations. And
5 the only way that that status will change is if you should
6 determine that the State has proven his guilt beyond a
7 reasonable doubt.

8 Now, that's gonna take -- it's gonna -- well, it's your
9 duty to require that status of beyond a reasonable doubt.
10 It's gonna be very easy to, to say no, I think you might, it
11 probably did this. I'm not gonna take the risk and, and
12 convict him. If you do that, you violate your duty. It's
13 beyond a reasonable doubt. And the judge will, will talk to
14 you about beyond a reasonable doubt.

15 What we do ask is -- we have an idea of what everybody
16 is going to testify to. Okay. But you heard a whole long
17 list of names. Both a long list for the State and a long
18 list for, for the defense. I don't know that you're going
19 to hear all those witnesses, but we have to be careful in
20 case an issue comes up that we need to talk about.

21 But you are gonna hear a number of witnesses and every
22 one of those witnesses, regardless of their status, is going
23 to have not only a story to tell, but he's gonna have an
24 interest in you believing him. If it's just a police
25 officer, his professionalism, of his performance of his

1 duty, trying to impress you with that, or someone else
2 trying to, trying to convince you that they're the ones
3 telling the truth.

4 So, that's why we've got you here. That's why the
5 State initially approved you, and that's why the defense
6 also accepted you as jurors today because we heard your
7 qualifications. We know about your background. We want you
8 to use your collective background and speak as one as a
9 jury. We want you to watch the witnesses. We want you to
10 listen to the testimony.

11 In your experiences, you know when somebody's lying to
12 you. You know if they're telling the truth. You know if
13 part of what they're saying is true and part of what, what
14 they're saying is not true. And that's, that's your
15 function. You get to decide what you believe or what you
16 don't believe. We ask that you look at what we call indicia
17 of truthfulness cause the person -- how does the person
18 behave up there on the stand?

19 Is he believable?

20 We ask that you be skeptical, that, that you examine,
21 with a close eye, all the testimony that's given to you.
22 And then we ask that you apply whether or not you're
23 convinced, beyond a reasonable doubt, of his guilt and I
24 submit to you that beyond a reasonable doubt means something
25 that they should hesitate to act. It's like going and

1 buying a package of hamburger that was dated yesterday.

2 Do you buy it?

3 Even though they marked it down, do you buy it or do
4 you not?

5 That hesitation, that's reasonable doubt. The fact
6 that you bought it doesn't matter. You had reasonable
7 doubt. So, in this case, you would not be able to convict
8 if you have reasonable doubt.

9 We ask that you listen to it all and Dick and I both
10 are confident that once you hear all the testimony that you
11 will go back and that you will find reasonable doubt and
12 return a verdict of not guilty.

13 Thank you.

14 THE COURT: Mr. Morin, the state may call its first
15 witness.

16 SOLICITOR MORIN: The first witness, Your Honor, would
17 be Nicole Thompson.

18 THE COURT: Ma'am, ma'am, come forward to my left to be
19 sworn.

20 NICOLE THOMPSON, being first duly
21 sworn, testified as follows:

22 THE COURT: Ma'am, have a seat in the witness stand
23 please. Once you're seated, I would ask that you state your
24 name for the jury please.

25 WITNESS: Nicole Thompson.

Nicole Thompson - Direct examination
by Solicitor Morin

1 THE COURT: Mr. Morin, your witness.

2 DIRECT EXAMINATION

3 BY SOLICITOR MORIN:

4 Q Mrs. Thompson, do you know this gentleman sitting at
5 the table over here?

6 A Yes, sir.

7 Q Who is that?

8 A Travis Parker.

9 Q All right. Do you call him Travis?

10 A I call him Dick.

11 Q Okay. How long have you known Mr. Parker?

12 A We was raised up in the same town for many years.

13 Q Since you were kids?

14 A Yeah.

15 Q Okay. Now, back on June 22nd, 2007, did you see
16 Mr. Parker?

17 A Yes, sir.

18 Q Where did you see him?

19 Where did you first see him at that day?

20 A I seen him at Open Air Apartments, Trailer Park.

21 Q All right. Open Air Trailer Park?

22 A Yes, sir.

23 Q Where, where is that?

24 Is it in Gaffney?

25 A That's in Blacksburg.

Nicole Thompson = Direct examination
by Solicitor Morin

- 1 Q All right. And why did you go there?
- 2 A He wanted to catch a, a ride with me to, to the barber
3 shop as I was coming to Gaffney to the cleaners.
- 4 Q All right. So, where did you pick him up at?
- 5 A At the top of Open Air Trailer Park.
- 6 Q Was he alone?
- 7 A No, he was with someone. Jarvis.
- 8 Q Do you know him?
- 9 A Jarvis Thompson.
- 10 Q And your name is?
- 11 A Nicole Thompson.
- 12 Q How are you related to Jarvis?
- 13 A I'm not related to him.
- 14 Q Prior to that day have you ever seen Jarvis Thompson?
- 15 A No.
- 16 Q What kind of car were you driving?
- 17 A A 2004 Chrysler Sebring silver in color.
- 18 Q Okay. How about the windows?
- 19 Were they tinted?
- 20 A Yes, sir.
- 21 Q All right. When you got in, who -- were you driving?
- 22 A Yes, sir.
- 23 Q Where did Mr. Parker sit?
- 24 A In the front seat. In the passenger seat.
- 25 Q How about Mr. Jarvis Thompson?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A In the back seat right behind Jarvis, Travis.
- 2 Q Okay. After they got in, about what time -- do you
- 3 remember about what time it was?
- 4 A About maybe four, four o'clock, 4:15.
- 5 Q Okay. In the morning or---
- 6 A Afternoon.
- 7 Q ---afternoon?
- 8 where did y'all go?
- 9 A We went to Gaffney to the Petty Street Barber Shop.
- 10 Q The one that's right---
- 11 A Right down the street.
- 12 Q Right over here?
- 13 A Yes, sir.
- 14 Q Okay. When you got there, who got -- did you get out?
- 15 A No, I didn't.
- 16 Q who got out?
- 17 A Jarvis did. Jarvis, Jarvis and Travis did.
- 18 Q Okay. Where did you go?
- 19 A To the cleaners, Quick As A Wink, Wink, right up the
- 20 street.
- 21 Q Okay. Did you see Travis again after that?
- 22 A Yes, sir.
- 23 Q where?
- 24 A He called my cell phone for me to come back and pick
- 25 him up at the barber shop.

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 Q All right. Did you go back there and do that?
- 2 A Yes, sir, I did.
- 3 Q Was Jarvis with him?
- 4 A Yes, sir.
- 5 Q What was the seating arrangement in the car then?
- 6 A Same as it was before. He was sitting right, Travis in
- 7 the front and Jarvis in the back right behind Travis.
- 8 Q And you were driving?
- 9 A Yes, sir.
- 10 Q Okay. Where did you go next?
- 11 A I went back up towards the Family Dollar and went on
- 12 West End on Kendrick Street.
- 13 Q West End on Kendrick Street?
- 14 A Yes, sir.
- 15 Q Why did you go there?
- 16 A He told me that he wouldn't need me to take him all the
- 17 way back to Blacksburg, that he had somebody to take him
- 18 there, take him home. Just drop him off there because I
- 19 told him I had to get home.
- 20 Q He being?
- 21 A Travis Parker.
- 22 Q All right. All right. So, you went there?
- 23 A (Witness nods affirmatively.)
- 24 Q And then he got out?
- 25 A Yes, sir.

Nicole Thompson - Direct examination
by Solicitor Morin

1 Q How about Jarvis, did he stay with you?

2 A Yes, he stayed with me.

3 Q All right. And then what happened?

4 A When Travis got out, he said he was gonna make sure
5 that he did have a ride back home. Travis said -- I mean
6 Jarvis stayed in the car with me. He took a little while.
7 So, I sent Jarvis in and told him that I would be leaving.
8 I had to get home to my child.

9 Q Okay.

10 A As I was, as I was, as Jarvis was going in the house, I
11 turned around in that yard to be leaving. That's when he
12 come back out. Jarvis come back out and said that Travis
13 would be on.

14 Q Okay.

15 A Travis later come out to the car and got inside and
16 said that he wouldn't be able to take him home. He'll go
17 ahead and catch a ride back with me.

18 Q Okay. Travis is sitting where now?

19 A In the passenger seat.

20 Q Front?

21 A Yes, sir.

22 Q And Jarvis is back in the car?

23 A Yes, sir.

24 Q Back seat?

25 A Yes, sir.

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 Q Okay. Where did you go?
- 2 A We went on Marion Avenue.
- 3 Q And why did you go that way?
- 4 A Because he said that would be quicker to Open Air.
- 5 Q Okay.
- 6 A Since I was in a hurry.
- 7 Q All right. So, you're going down Marion Avenue?
- 8 A Yes, sir.
- 9 Q What happens when you get, as you're going down on
10 Marion?
- 11 A First of all, we left Kendrick Street. He told me to
12 go this way because it would be quicker. He told me to make
13 a right. I made that right. Once I come to a stop sign --
14 once we got on, turned on to Marion Street, we made that,
15 made that left. Once we come to that stop sign, I was
16 passing traffic. As I was looking out on the left, as I
17 turned to make that turn that he told me to make, he was
18 hanging out the window with a gun.
- 19 Q Hanging out the window?
- 20 A Uh-huh. (Affirmative).
- 21 Q Show me what you mean by hanging out the window.
- 22 A This is the window.
- 23 Q Uh-huh. (Affirmative).
- 24 A He was hanging out like this.
- 25 Q Okay. And what did -- what happened next?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A Shots were fired.
- 2 Q All right. Did you see anybody in the yard?
- 3 A It was a few boys out there.
- 4 Q You say boys, approximately how old do you mean?
- 5 A Guys.
- 6 Q Adults?
- 7 A I would, I would say about 25, 26.
- 8 Q Okay. So then what did you do?
- 9 A As we was turning that corner, he was shooting. I
- 10 slammed on breaks and said did you shoot somebody. And he
- 11 said if I didn't I'll be back. And I just start cursing
- 12 about my kids. And he said why are you going on about your
- 13 kids. Your kids are not even in this car.
- 14 Q All right. So, you're stopped at that point?
- 15 A Yeah.
- 16 Q So, did you stay there?
- 17 A No.
- 18 Q Why not?
- 19 A Because he, he grabbed me around the neck and said
- 20 sweet pea, you need to drive and you need, you need to drive
- 21 now. At that time, that's when I seen the gun laying on
- 22 his, on his lap.
- 23 Q That was the first time you saw the gun?
- 24 A Yeah.
- 25 Q So, when he leaned out the window, you couldn't see it?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A No, I couldn't. I see it, but I heard it.
- 2 Q Okay. So, you're driving away.
- 3 A Uh-huh. (Affirmative).
- 4 Q Which way did you go?
- 5 A He told me to make the first right, but I didn't. I
- 6 went on towards the post office to get on eighty, on 85.
- 7 Q Okay.
- 8 A The reason that I done that because I knew if I was
- 9 going fast the police would stop me.
- 10 Q You didn't want the police to stop you?
- 11 A I did.
- 12 Q You did?
- 13 A That's why I went that way.
- 14 Q Oh, that's why you went that way?
- 15 A Yeah.
- 16 Q Okay. So, where did you go?
- 17 Well, tell us how you went first.
- 18 You went out Floyd Baker Boulevard?
- 19 A Yes, sir.
- 20 Q Were you going pretty fast?
- 21 A Yeah, pretty fast.
- 22 Q All right. And then what did you do?
- 23 You're on Floyd Baker?
- 24 A Then we got on 85 to go back to Blacksburg.
- 25 Q All right. Did you take him back to Open Air?

Nicole Thompson - Direct examination
by Solicitor Morin

1 A At first he wanted to go to Open Air. But we passed
2 Open Air and we went to another trailer right down the
3 street from Open Air.

4 Q All right. Who got out?

5 A Travis got out first.

6 Q Travis was the only one who got out?

7 A First.

8 Q Okay. And so he gets out.

9 A Uh-huh. (Affirmative).

10 Q So, did he say anything to you on the way?

11 A Yes.

12 Q What did he say?

13 A From the time that he shot, as we was coming from the
14 post office, he was asking me was I, was I gonna tell it.

15 Q Okay. What were you saying?

16 A I said no, I wasn't gonna tell it.

17 Q Okay.

18 A Cause I was frightened the time I seen that gun.

19 Q All right. So, he gets out somewhere in Blacksburg at
20 a trailer?

21 A Uh-huh. (Affirmative).

22 Q And where did you go?

23 A When he got out of the car, he went to knock on the
24 door to see if anybody was there.

25 Q Okay.

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A He came back and he got back in the car.
- 2 Q okay.
- 3 A And he asked Jarvis to step out while he talked to me.
- 4 Q okay. Did Jarvis get out?
- 5 A Yes, he did.
- 6 Q All right. What did Mr. Parker say?
- 7 A Once again, he asked me was I, was I gonna tell on him,
- 8 and that he didn't mean to get me in any type of trouble.
- 9 Q All right.
- 10 A And that he lived by a code and nobody was gonna chase
- 11 him with a firearm.
- 12 Q okay. Then what did Jarvis do?
- 13 A Once he got out, he -- once Travis got out, he had, he
- 14 talked with Jarvis. He told Jarvis to get back in the car.
- 15 Q okay.
- 16 A And Jarvis, Travis went behind that house.
- 17 Q okay.
- 18 A And me and Jarvis left.
- 19 Q where did you and Jarvis go?
- 20 A He wanted me to take him back to Open Air.
- 21 Q All right. How far from where you dropped off Travis
- 22 to where Open Air was?
- 23 was it far?
- 24 A No, maybe a block.
- 25 Q Did you take Jarvis all the way to a house in Open Air?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A No.
- 2 Q Where did you go?
- 3 A I was going -- I was entering, I was entering into the
- 4 Open Air, and he wanted to get out right there when you,
- 5 right when you get into Open Air. Some blue building.
- 6 Q Okay. So, he got out?
- 7 A Uh-huh. (Affirmative).
- 8 Q Where -- what did you do?
- 9 He's out now and you're in the car by yourself, right?
- 10 A Right.
- 11 Q What did you do?
- 12 A I took off and went straight to my mother's and
- 13 blowed -- she was -- blowed the horn. She was sitting on
- 14 the porch. I said get my child and follow me to the police
- 15 station.
- 16 Q Which police station did you go to?
- 17 A Blacksburg.
- 18 Q All right. So, you go straight to Blacksburg Police
- 19 Station?
- 20 A Uh-huh. (Affirmative).
- 21 Q When you got there, what did you do?
- 22 A I went straight and to see a police officer to tell him
- 23 what had happened.
- 24 Q You went in, into---
- 25 A Yes, sir.

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 Q ---the Blacksburg Police Department?
- 2 A Yes, sir.
- 3 Q And what did you tell them?
- 4 A That I was just in a car with Travis Parker and he shot
- 5 someone.
- 6 Q You say Travis or did you say Dick or do you remember?
- 7 A I don't remember.
- 8 Q Did you know him by both names?
- 9 A I think Dick cause I didn't know Travis until later.
- 10 Q Okay.
- 11 A Dick.
- 12 Q Okay. All right. And so now you're at the Blacksburg
- 13 Police Department.
- 14 A Right.
- 15 Q From the time that you left, from the time you saw him
- 16 hanging out the window and you heard the shot---
- 17 A Yes, sir.
- 18 Q ---till the time you got to Blacksburg Police Station,
- 19 about how much time passed?
- 20 A From the time he shot till we got to Blacksburg?
- 21 Q Uh-huh. (Affirmative).
- 22 A Maybe 20 minutes. Twenty minutes, yeah.
- 23 Q Now, didn't make any other -- you sure you didn't make
- 24 any other stops along the way?
- 25 You dropped off Travis in Blacksburg?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A No.
- 2 Q And then you dropped off Jarvis?
- 3 A No.
- 4 Q When you went -- where did your mom live?
- 5 A My mom lived on █ Spring Street.
- 6 Q Is that on the way to Blacksburg Police Department?
- 7 A Yes, it is.
- 8 Q And you told the police there what again?
- 9 A That I was just in a car with Dick Parker and he shot
10 someone.
- 11 Q And did you tell them where?
- 12 A Yes.
- 13 Q Where?
- 14 What did you tell them?
- 15 A On -- in Gaffney.
- 16 Q Okay.
- 17 A I didn't tell no specific words. I said in Gaffney.
- 18 Q Okay. After that, what happened?
- 19 A I sit there until the police from Gaffney came by.
- 20 Q All right. Did you stay there in Blacksburg or did you
21 come to Gaffney?
- 22 A The police officer from Gaffney brung me here.
- 23 Q You came in a police car to Gaffney?
- 24 A Yes, sir.
- 25 Q While you were -- do you know what happened to your

Nicole Thompson - Direct examination
by Solicitor Morin

1 car?

2 A I surrendered it over to the police.

3 (Whereupon, four photographs were marked as State's
4 Exhibit Nos. 1 through 4 for identification purposes only at
5 this time.)

6 Q Okay. I'm gonna show you what's been marked as State's
7 Exhibit No. 4 and ask if you can tell me what that is.

8 A That's my car.

9 Q And where is it located?

10 A In front of Blacksburg Police Apartment.

11 Q Is this where you parked it when you went there?

12 A Yes, sir.

13 SOLICITOR MORIN: Your Honor, I move State's Exhibit
14 No. 4 into evidence.

15 THE COURT: Any objection?

16 MR. SHEALY: I would ask if, if that picture was taken
17 at the time that she went to the Blacksburg Police
18 Department or if that's a reenactment.

19 THE COURT: See if you can establish when the photo is
20 taken. She's already testified it does depict the scene.
21 But I'll ask her to tell you, to answer that question.

22 Q You -- do you know who took that photograph?

23 A Yes, sir.

24 Q Who?

25 A I think it was that guy right there.

Nicole Thompson - Direct examination
by Solicitor Morin

1 Q This guy right here?

2 A I think so.

3 Q All right. You were present when it was taken?

4 A Yeah.

5 Q And it was before or after you went to Blacksburg,

6 Black, came back to Gaffney?

7 A That was before.

8 Q Is this the officer you came back to Gaffney with?

9 A No, I think I came back with him.

10 Q This one over here?

11 A Yes, sir.

12 SOLICITOR MORIN: Okay. We move it into evidence at

13 this time, Your Honor.

14 THE COURT: Any objection, Mr. Shealy?

15 MR. SHEALY: No, Your Honor.

16 THE COURT: It will be admitted as marked.

17 (Whereupon, State's Exhibit No. 4 was received into
18 evidence at this time.)

19 THE COURT: You may proceed, Mr. Morin.

20 Q Now, let's go back over a few things.

21 After the shooting, did Mr. Parker ask you for anything
22 other than not or asking you -- other than asking you to,
23 are you gonna tell, did he ask you for anything else?

24 A He asked me for lotion and napkins.

25 Q He asked for?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A Lotion, napkins, or any type of towel, or anything.
2 That's what he asked for.
3 Q And what did you say?
4 A I said I don't have any. I said the last time I looked
5 it was in the dashboard, in the dashboard.
6 Q You said what was in the dashboard?
7 A The lotion.
8 Q All right. And did he get it?
9 A Yes, he did.
10 Q What did he do with it?
11 A He rubbed it all over his hands and all over the door,
12 outside door of my car.
13 Q The window was still open?
14 A Excuse me?
15 Q The window on his side was still open?
16 A He opened it, rolled down his window, and start wiping
17 his hands down like this.
18 Q Right. I'm just -- he rolled down the window one time
19 and his hand hung out.
20 A No, he rolled it back up.
21 Q He rolled it back up?
22 A We was on 85.
23 Q Then he got the lotion?
24 A Yes, sir.
25 Q And then he rolled it back down?

Nicole Thompson - Direct examination
by Solicitor Morin

- 1 A Uh-huh. (Affirmative).
- 2 Q And rubbed it on the outside?
- 3 A Rubbed the door handle.
- 4 Q Okay. I show you what's been marked as State's Exhibit
- 5 No. 1 and ask you if you recognize that.
- 6 A Yes, sir.
- 7 Q What is that?
- 8 A That's oil in my car.
- 9 Q Is this what you've referred to?
- 10 A Uh-huh. (Affirmative).
- 11 Q You were present when this photograph was taken?
- 12 A No, I don't think.
- 13 Q Not this one?
- 14 A I don't remember that.
- 15 Q Okay.
- 16 THE COURT: And that's marked for identification
- 17 purposes.
- 18 SOLICITOR MORIN: That---
- 19 What, what number is that?
- 20 SOLICITOR MORIN: That is No. 1, Your Honor.
- 21 THE COURT: For ID purposes?
- 22 SOLICITOR MORIN: Yes, sir.
- 23 THE COURT: All right. You may proceed.
- 24 Q You say that you started to make that turn. You saw
- 25 him hanging out the window and you heard a shot.

Nicole Thompson - Direct examination
by Solicitor Morin

1 A Yes, sir.

2 Q You slammed on the brakes?

3 A Uh-huh. (Affirmative).

4 Q And your question to him was?

5 A Have you shot someone.

6 Q And his answer was?

7 A If I didn't I'll be back.

8 Q Please answer any questions Mr. Shealy may have.

9 THE COURT: Mr. Shealy, your witness.

10 MR. SHEALY: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SHEALY:

13 Q So, Mrs. Thompson, you call Mr. Parker Dick?

14 A Yes, sir.

15 Q Is that correct?

16 And what was y'all's relationship back then?

17 A He was my brother's friend.

18 Q Okay.

19 A We was just friends.

20 Q And when you called him -- all right. When he called
21 you that afternoon, what were you doing?

22 A Washing my car.

23 Q And who did he speak to?

24 A He spoke to -- he called my house and he talked to my
25 son first, and then he called my cell phone and spoke with

Nicole Thompson - Cross-examination
by Mr. Shealy

1 me.

2 Q Okay. So, you washed your car?

3 A Uh-huh. (Affirmative).

4 Q Tell me what all you did when you washed your car.

5 Did you just clean the outside of it?

6 A I cleaned the outside and inside.

7 Q So, you, you -- and when you cleaned the inside, you,
8 you wiped everything down on the inside?

9 A No, not really. I don't never really do that.

10 THE COURT: Excuse me.

11 Can you hear the testimony, sir?

12 (Juror nods affirmatively.)

13 THE COURT: Okay. Just wanted to be sure you can hear
14 okay.

15 Go ahead.

16 Q Okay. Now -- and your -- you were planning to go to
17 Gaffney anyway, is that correct?

18 A Right.

19 Q And that -- you wanted to go pick up some laundry?

20 A Yes, at Quick As A Wink.

21 Q Okay. And where did you pick Dick up at?

22 A Pick up my clothes?

23 Q No.

24 Where did you pick Dick up?

25 A Open Air.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 Q At the -- when you say top of Open Air, what are you
2 talking about there?

3 A When you enter into Open Air---

4 Q Uh-huh. (Affirmative).

5 A ---right when you're entering in, he was walking up to
6 the, wherever you go out at.

7 Q Right there at the entrance?

8 A Well, a little bit far on down. He was almost at the
9 entrance.

10 Q And, and where did you wind up taking him?

11 A To the barber shop right here on Petty Street.

12 Q Right.

13 Now, does Dick cut hair?

14 A I don't know.

15 Q You don't know?

16 A No.

17 Q All right. You described Jarvis as a little boy he
18 calls his own?

19 A That's what he told me.

20 Q Okay. When did he tell you that?

21 A When he got ready to get in my car cause I asked who it
22 was.

23 Q You never seen Jarvis Thompson before this---

24 A No.

25 Q ---this time?

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 And you lived in Blacksburg?
- 2 A Right.
- 3 Q And Jarvis lives in Blacksburg?
- 4 A I guess he live in Blacksburg.
- 5 Q Okay. Now, is your windshield tilted, tinted as well?
- 6 A I didn't have it tinted.
- 7 Q All right. Here's what's been entered as State's
- 8 Exhibit 4.
- 9 You remember that?
- 10 A Uh-huh. (Affirmative).
- 11 Yes, I remember this.
- 12 Q And those windows there, those, those -- they're
- 13 tinted, aren't they?
- 14 A Yes, the side windows are. The front is not tinted.
- 15 Q Now, when you roll down your front window, passenger
- 16 side window, does the light come on inside the house, inside
- 17 the car?
- 18 A No. If you're in the dark it might glow up.
- 19 Q But we weren't in the dark at this time?
- 20 A No, we were not.
- 21 Q Okay. All right. After you dropped him off at the
- 22 barber shop here on Petty Street---
- 23 A Uh-huh. (Affirmative).
- 24 Q ---where did you go?
- 25 A Quick As A Wink and Family Dollar.

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 Q And how did you come to go, to go back by the barber
2 shop?
- 3 A He called my---
- 4 Q Was that prearranged?
- 5 A No, he called my phone and asked me where was I at.
- 6 Q Were you---
- 7 A Pulling out of Quick As A Wink.
- 8 Q Okay. And so you went on to the barber shop?
- 9 A Yes.
- 10 Q Okay.
- 11 A And he told me it didn't take him long to get his hair
12 cut. So, he'd catch that ride back.
- 13 Q He said it did not take him long to get his hair cut?
- 14 A Right.
- 15 Q Jarvis get his hair, hair cut too?
- 16 A I don't know.
- 17 Q Okay. And so now you, you're going -- let's see.
18 Quick As A, Quick As A Wink is right over here, is that
19 correct?
- 20 A Yes, sir.
- 21 Q And so, you're, you're going from there to this corner
22 right here---
- 23 A Yes, sir.
- 24 Q ---at the barber shop?
- 25 And then where did he want you to take him?

Nicole Thompson - Cross-examination
by Mr. Shealy

1 A West End on Kendrick Street.

2 Q And how far away is West End on Kendrick Street?

3 A From where?

4 Q From here.

5 A From here?

6 Q From the barber shop.

7 A Maybe a mile and a half maybe.

8 Q Okay. Now, you testified that he told you to turn
9 right and then left and then right again, is that right?

10 A Yes.

11 Q Now, do you remember giving a, a voluntary statement?

12 A Yes, I do.

13 MR. SHEALY: Okay. Have the Court's indulgence, Your
14 Honor. I'm trying to see if I can find a clean copy of the
15 statement.

16 THE COURT: Yes, sir.

17 (Pause.)

18 MR. SHEALY: Your Honor, the statement's not clean, but
19 it's all I've got.

20 SOLICITOR MORIN: How about this one?

21 Q All right. I'm handing out to you something called a
22 witness interview form.

23 A Uh-huh. (Affirmative).

24 Q Is that your name at the top?

25 A Yes, sir. Yes, sir.

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 Q Is that your handwriting?
- 2 A Yes, sir.
- 3 Q Is that a statement that you gave?
- 4 A Yes, sir.
- 5 Q Okay. Now, if I -- if you would, turn to -- I'm sorry,
- 6 Your Honor. I lost my place.
- 7 THE COURT: That's okay.
- 8 Q All right. Turn to Page 3 of 4.
- 9 A (Witness complies.)
- 10 Q Now, isn't it true that in your statement he never
- 11 tells you to take a right turn?
- 12 A Say what?
- 13 Q Read your statement to yourself.
- 14 A (Witness complies.)
- 15 Q And isn't it true that in your written statement he
- 16 never tells you to take a right turn?
- 17 A No, it does not say that in my statement.
- 18 Q It says he says take this left and next time he says
- 19 take this left.
- 20 A Yes.
- 21 Q But you never mentioned him telling you to take a
- 22 right?
- 23 A I couldn't, I could of got my life, left and right
- 24 wrong. I must admit that.
- 25 Q Okay.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 THE COURT: Just a moment, Mr. Shealy. We'll let the
2 train get past and then we'll resume.

3 (Pause.)

4 THE COURT: All right. Mr. Shealy, you may proceed.

5 MR. SHEALY: Thank you, Your Honor.

6 Q Now, where on Kendrick Street did you go?

7 Do you know the address?

8 A No.

9 Q All right. The, the -- are you familiar with the
10 streets of Gaffney?

11 A Not really.

12 Q Okay. I need to know where Marion Street is.

13 A I just said I wasn't familiar with the streets. So,
14 how could I tell you?

15 Q Okay. Well, you said that he shot as you turned a
16 corner.

17 A Right.

18 Q What corner did you turn that he shot at?

19 A I was on Marion Street and I took that right to
20 whatever street that may be.

21 Q You were on Marion and you took a right and he took a
22 shot?

23 A That's right.

24 MR. SHEALY: Okay. If I may, Your Honor?

25 THE COURT: You may.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 Q Now, when you took a right, was there a house in --
2 where, where these boys were---

3 A Uh-huh. (Affirmative).

4 Q ---was the house in front of you that, so that when
5 you, you took a right off of Marion, and you took a right
6 off of Marion, Marion, was there a house here to your left
7 or did you take a right this way or tell me how you, how you
8 proceeded?

9 A I took, I took that road this way.

10 Q You took the road towards the post office?

11 A Right.

12 Q Okay. Now, when you turned right off of the road
13 towards the post office---

14 A Uh-huh. (Affirmative).

15 Q ---were, were the people that you said were in the
16 yard---

17 A Uh-huh. (Affirmative).

18 Q ---were they here so that they stayed on your right or
19 were they here so that they were on your left?

20 A You're confusing me.

21 where the post office at right there?

22 what way is the post office?

23 Q Well, I can't, I can't answer that.

24 SOLICITOR MORIN: Your Honor, he's drawing the picture.

25 He's, he's making the landmarks. She's testified she

Nicole Thompson - Cross-examination
by Mr. Shealy

1 doesn't know the street names. If he wants to---

2 Q The post office is this way.

3 THE COURT: Thank you.

4 Q When you took a right off of Marion, were the people to
5 your left or to your right?

6 A If that's Marion coming right here, I was facing this
7 road right here. They on that side.

8 Q They're on this side?

9 A No, that side.

10 Q This side?

11 THE COURT: Ma'am, you may step down---

12 MR. SHEALY: Yes, sir.

13 WITNESS: And show him?

14 THE COURT: ---and indicate -- you may step down and
15 indicate it.

16 WITNESS: Okay. Thank you. Thank you very much.

17 MR. SHEALY: Your Honor, if I could just redraw this so
18 it's a little cleaner cause I---

19 A It's fine.

20 Q Okay.

21 THE COURT: Well, actually, Mr. Shealy, there's not
22 been an objection. But she is -- if she can draw a map she
23 can. Now, you're not suppose to be testifying for the
24 witness even though you're on cross.

25 MR. SHEALY: Thank you, Your Honor.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 THE COURT: So, ma'am, if you need to redraw
2 something---

3 WITNESS: No, that's fine.

4 THE COURT: ---you certainly can do that.

5 (Witness comes down from the stand.)

6 A This is Marion Street as I was coming down. That sign
7 up there says Marion Street. As I was turning right here,
8 this is going right here.

9 See what I'm saying?

10 This would be my right.

11 Q Okay. Now, you're, you, you were traveling away from
12 the post office?

13 A The post office -- I don't look at it right there.
14 That's over here to me. I'm coming down this road from
15 Kendrick Street coming down here. I'm at the stop sign.
16 I'm looking here and check traffic, and he's saying turn to
17 the, my right. And as I turn around, he hanging out the
18 window.

19 (Witness returns to the stand.)

20 Q Now, when Travis got into your car, what was he
21 wearing?

22 The first time in Blacksburg, what was he hearing?

23 A If I'm not mistaken, I think it was a white T-shirt and
24 khaki cargo looking pants. I think he had a hat too.

25 Q Khaki colored pants?

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 A I think so. I know the hat and the pants matched.
- 2 Q Okay. Let's go back to the -- I'm a little confused.
- 3 I'd like to readdress this. Okay.
- 4 A (Witness comes down from the stand.)
- 5 Q All right. There's Marion Street.
- 6 Do you know any other streets?
- 7 Do you know what the name of these streets are?
- 8 A No, sir.
- 9 Q And -- okay. On Marion Street, were you going towards
- 10 the post office or away from the post office?
- 11 A As I'm turning to leave?
- 12 Q Right before you make your right turn, were you going
- 13 towards the post office?
- 14 A When he shot, which way I was going?
- 15 Q Right.
- 16 A Towards the, the post office.
- 17 Q Okay. So, as you turn on to Marion to, towards the
- 18 post office, where were they at?
- 19 A The guys?
- 20 Q Uh-huh. (Affirmative).
- 21 A Right here in this, in this house in the yard.
- 22 Q Okay. And where's the street that you're turning on?
- 23 Is this the street that you're turning on?
- 24 A No, this is the street I was coming down. This is --
- 25 only reason why I know that street cause I have a babysitter

Nicole Thompson - Cross-examination
by Mr. Shealy

1 up here. I don't know nothing about them streets. I know I
2 was coming down this road, whatever this street may be,
3 going to the post office, they was in that yard right in
4 front of him right here where the swing was at. It's
5 another house right here. So, I don't know.

6 (Witness returns to the stand.)

7 MR. SHEALY: Excuse me, Your Honor.

8 THE COURT: Yes, sir.

9 (Pause.)

10 Q Okay. So, it's your testimony he fired into a group of
11 guys, is that right?

12 A Yes, sir.

13 Q And that Mr. Foote was with those guys?

14 A That's the guy that got shot. I don't know Mr. Foote.
15 I guess he was in that crowd.

16 Q Okay. So, the person that got shot was in the crowd?

17 A Yeah.

18 Q When was the first time you saw the gun?

19 A When he laid it down on his lap when he told me to
20 drive.

21 Q Now, wasn't the gun already in the car?

22 A When?

23 when he got in there?

24 Q During this whole episode, the gun was already in the
25 car before he even got into your car?

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 A No, it was not.
- 2 Q Okay.
- 3 A I'm not licensed to have a gun.
- 4 Q All right. When you, when you testified when you
- 5 picked him up, you, there's no mention of any gun.
- 6 A Say what?
- 7 Q There's no mention of any gun.
- 8 A When?
- 9 Q When you picked him up at, at Open Air Trailer Park.
- 10 A Why would we, why would we talk about a gun?
- 11 Q Huh?
- 12 A Me and him was having a conversation about a gun?
- 13 Q When you testified you did not say that he was carrying
- 14 a gun when he got in your car.
- 15 A No, I, I did not. I did not see a gun then.
- 16 Q Okay. So, you didn't see a gun then?
- 17 A No, I did not.
- 18 Q And then whenever he got, he got out of your car to go
- 19 to the barber shop, did you see a gun then?
- 20 A Hu huh. (Negative).
- 21 No, I did not.
- 22 Q And when he got back into your car, did you see a gun
- 23 then?
- 24 A No, the first time I seen the gun is when he laid it
- 25 down and told me to drive.

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 Q And, and you say he was wearing shorts?
- 2 A No, I did not. I said khaki like pants---
- 3 Q You said khaki?
- 4 A ---with a hat that matched. I'm not sure of the color.
- 5 But I knew it matched cause I say it looked nice.
- 6 Q So, they were long pants?
- 7 A I guess they was.
- 8 Q Well, was they short pants or long pants?
- 9 A Long. To be honest with you, I wasn't really checking
- 10 him out like that. I was just giving him a ride.
- 11 Q Now, when you were going down the street and this
- 12 shooting took place, you said you saw a car approaching?
- 13 A When?
- 14 Q When you were driving to make---
- 15 A No, I said I was looking to check for ongoing traffic.
- 16 Q Did you see -- you said you saw a car coming?
- 17 A No, I did not say -- I was looking for ongoing traffic.
- 18 Q You still got your statement. Look on Page 3 of 4.
- 19 A Oh, I'm sorry.
- 20 Q That's all right. At the, about the one, two, three,
- 21 four, about the sixth line down at the very far right. You
- 22 said I screamed. A car was coming. I slammed on brakes.
- 23 A There was a car coming.
- 24 Q Okay. So, there was a car coming?
- 25 A Yes, it was.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 Q And here you say you turned to the right, is that
2 right?

3 At the time he shot you---

4 A At the---

5 Q ---took, you turned to the right, is that correct?

6 A I turned going back towards the post office.

7 Q All right. But you, you stated in your testimony you
8 turned to the right?

9 A Yes, I, I admit it's, it's, it's some things in here
10 that may not be like this. But when you got all them men
11 right there in your face, and you got a bad situation,
12 trying to do the right thing, you get, put a lot of stuff on
13 there too.

14 Q Okay.

15 A And I don't know the left and right when I was talking
16 there.

17 MR. SHEALY: Your Honor, we ask that she be responsive
18 to the question.

19 WITNESS: I'm sorry.

20 THE COURT: Ma'am, please, please respond to the
21 question. But in doing so, if you wish to explain your
22 answer, I'll give you an opportunity---

23 WITNESS: All right. Thank you.

24 THE COURT: ---to do that.

25 You may proceed, Mr. Shealy.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 Q All right. Now, in your statement, didn't you state
2 that he says take this left, he motioned me to take the
3 left, he then pulled out a gun and shot. I screamed. A car
4 was coming.

5 A Uh-huh. (Affirmative).

6 Q So, you didn't turn right. You turned left.

7 A I think the way it was worded, the way you read it out,
8 it running into each other. I screamed. A car was coming.
9 I wasn't screaming cause the car was coming. I was just
10 screaming and there was a car coming.

11 Q But you were making a left turn, not a right turn?

12 A Are you saying it was in my statement?

13 Q Yes.

14 A Okay. That could be incorrect with the left and
15 rights---

16 Q Okay. But could you---

17 A ---at that time.

18 Q Could your testimony at this time be incorrect?

19 A No, it's not.

20 Q How come you know things better now---

21 A The only thing I can follow up with that is left and
22 right at this time.

23 Q Let me ask the question.

24 THE COURT: I'll instruct the witness.

25 MR. SHEALY: Thank you.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 THE COURT: Ma'am, allow him to finish the question
2 before you begin your answers.

3 Mr. Shealy.

4 MR. SHEALY: Thank you, Your Honor.

5 Q How -- did you have plenty of time to write this
6 statement?

7 A Not really.

8 Q They rushed you?

9 A No, they all wanted certain things at one time.

10 Q Did they give you all the time you needed to write the
11 statement out?

12 A No, not really.

13 Q So, the police rushed you?

14 A It wasn't they rushed me. They said write your
15 statement down. Two police, city police saying write your
16 statement down. One saying he don't want that. He, all he
17 want is what, what I was driving. Then I'm dialing from
18 another number trying to call him. Then he called me from
19 another phone, trying to answer that phone. I think, no, hu
20 huh. (Negative).

21 Q So, did you have plenty of time to write the statement?

22 A No, not really.

23 Q And so, you, you know what happened now better than you
24 knew what happened then?

25 A Yeah.

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 Q We're talking about over a year ago?
- 2 A Yeah.
- 3 Q Now, when you went to the barber shop, isn't it true
- 4 that Dick had not had his haircut yet---
- 5 A Say what?
- 6 Q ---but Jarvis had?
- 7 A Say what now?
- 8 Q When you went to the barber shop, isn't it true that
- 9 Dick had not, had not had his haircut yet, but Jarvis did,
- 10 and Jarvis say---
- 11 A You saying did I see if they have their hair cut?
- 12 You saying did I see that?
- 13 Q Did Jarvis wait for you outside the barber shop?
- 14 A I don't know if they had their hair cut or not.
- 15 Q Jarvis wait with you outside the barber shot by himself
- 16 when you drove up?
- 17 A They both was out there.
- 18 Q Isn't it true that just Jarvis got in the car and got
- 19 into the passenger's, front passenger side of the car?
- 20 A No.
- 21 Q And that it was you and Jarvis together that y'all
- 22 went, went---
- 23 A No.
- 24 Q ---to West End?
- 25 A No.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 Q And that Jarvis is the one that actually shot him?

2 A No, Travis Parker shot.

3 Q You saw a car coming and you didn't know if that car
4 recognized you or not, did you?

5 A I don't know if he recognized me or not.

6 Q Yeah.

7 You, you don't know if, if that car could identify you
8 or not?

9 A No, I don't.

10 Q And that's the reason you went to the police?

11 A No, it's not.

12 Q After you made good your getaway, you went and picked
13 up Travis at the barber shop?

14 SOLICITOR MORIN: Your Honor, I'm gonna object at this
15 point. This is speculation. He's leading. He's, he's
16 testifying for her.

17 MR. SHEALY: Your Honor?

18 THE COURT: Mr. Shealy, the last couple of inquiries,
19 I'll put it, were not actually questions. I'll ask you
20 frame your questions in the form of a question. To that
21 extent, I'll sustain the objection. You're on
22 cross-examination, examination.

23 MR. SHEALY: All right.

24 THE COURT: I'll allow you lead way. But don't make
25 statements. Ask questions.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 MR. SHEALY: Thank you. Thank you, Your Honor.

2 Q After you saw the car, did you go back to the barber
3 shop?

4 A No.

5 Q Did you pick up Travis Parker or Dick Parker?

6 A When?

7 Q After the shooting.

8 A No.

9 Q Did you take him to the fire department in Blacksburg
10 and throw him out of your car?

11 A No.

12 Q And then take Jarvis home?

13 A No.

14 Q And when you took Jarvis.-- and you admit you took
15 Jarvis home after you took, dropped off, Dick off, is that
16 correct?

17 A I didn't take Jarvis home. I took him up to Open Air
18 and he jumped out.

19 Q Okay. So, you admit you were with Jarvis after you
20 were with Dick?

21 A Right.

22 Q And at that point, that's when y'all came up with this
23 story, is that correct?

24 A No, sir.

25 MR. SHEALY: If I may just have a moment for my client?

Nicole Thompson - Cross-examination
by Mr. Shealy

- 1 THE COURT: Yes, sir.
- 2 (Pause.)
- 3 Q Now, right before you dropped Jarvis off, you asked him
- 4 what was he gonna do, is that correct?
- 5 A I asked Jarvis that?
- 6 Q Yes.
- 7 A Correct.
- 8 Q I'm asking you did you?
- 9 A Yes, sir, I did.
- 10 Q And what did he say?
- 11 A He don't know nothing.
- 12 Q You went to your mother's house?
- 13 A Right.
- 14 Q And you told your mother to follow you to the police
- 15 department?
- 16 A Right.
- 17 Q Okay. Now, in your car, did you have, did you have any
- 18 illegal drugs?
- 19 A No.
- 20 Q All right. Are you sure of that?
- 21 A I'm positive.
- 22 Q You sure you didn't dispose of these illegal drugs?
- 23 A I don't have drugs in my car.
- 24 Q Did you then?
- 25 A No.

Nicole Thompson - Cross-examination
by Mr. Shealy

1 Q Specifically crack and meth.

2 SOLICITOR MORIN: Objection. It's not a question and
3 he's fishing. He has no basis---

4 THE COURT: I'll sustain that it's not a question.

5 MR. SHEALY: Thank you, Your Honor.

6 Q Did you have meth and crack in your car at the time you
7 dropped Jarvis off?

8 A No, sir.

9 MR. SHEALY: Thank you, Your Honor.

10 THE COURT: Redirect.

11 REDIRECT EXAMINATION

12 BY SOLICITOR MORIN:

13 Q Ma'am, could you step down for a moment right here?

14 A (Witness comes down from the stand.)

15 Q Got a pen right there. Show us where the post office
16 is. Let's start out with the map. Show us where, where the
17 post office is.

18 A Right here.

19 Q All right. Now, after the shooting, where did you
20 drive?

21 Don't draw it. Tell me please.

22 A After the shooting, I took, I went towards the post
23 office.

24 Q You were already facing the post office?

25 A Yes.

Nicole Thompson - Redirect examination
by Solicitor Morin

- 1 Q Did you make any rights or left or did you go straight
2 up behind---
- 3 A Straight.
- 4 Q ---behind the post office?
- 5 A Straight up to the post office.
- 6 Q Okay. Now, if you'll draw that street behind the post
7 office to where you were.
- 8 A This is Marion Street.
- 9 Q Whatever street it is. I'm not familiar with the
10 street names either.
- 11 A This is Marion Street.
- 12 Q All right. So now, if I understand correctly, you're
13 on this street---
- 14 A Uh-huh. (Affirmative).
- 15 Q ---going this way towards the post office?
- 16 A No, I'm going this way.
- 17 Q You're going this way?
- 18 A Yes, sir.
- 19 Q Away from the post office?
- 20 A Right.
- 21 Q All right. And where did you turn?
- 22 A I'd be in here. I turned and made a right here.
- 23 Q All right. Made a right there?
- 24 A Uh-huh. (Affirmative).
- 25 Q So now -- is that before or after the shooting?

Nicole Thompson - Redirect examination
by Solicitor Morin

- 1 A This is during the shooting.
- 2 Q All right. You were going down the road?
- 3 A Uh-huh. (Affirmative).
- 4 Q You came to a stop sign?
- 5 A Right.
- 6 Q Let's do it this way.
- 7 You came to a stop sign?
- 8 A Yes, sir.
- 9 Q You could turn right or left?
- 10 A Right.
- 11 Q Which way did you turn?
- 12 A Right.
- 13 Q You turned right?
- 14 A Yes, sir.
- 15 Q Right?
- 16 A Uh-huh. (Affirmative).
- 17 Q The house and the guys that you saw, now you've turned
- 18 right---
- 19 A Uh-huh. (Affirmative).
- 20 Q ---are they on the right or are they on the left?
- 21 A They're on the right.
- 22 Q So, he didn't shoot across the top of the car?
- 23 A No.
- 24 Q The guys that he shot at were on the passenger side of
- 25 the car?

Nicole Thompson - Redirect examination
by Solicitor Morin

- 1 A Right.
- 2 Q Have a seat please.
- 3 A (Witness returns to the stand.)
- 4 Q Are you certain they were on the passenger side of the
- 5 car?
- 6 A Yes, sir, I'm certain.
- 7 Q And that was after you turned right?
- 8 A Right.
- 9 Q Now, after you turned right and they were over here and
- 10 he shot, and he shot -- just like if this gentleman right
- 11 here was like that---
- 12 A Right.
- 13 Q ---they were over there where the jury is.
- 14 A Uh-huh. (Affirmative).
- 15 Q You're facing this way?
- 16 A Yes, sir.
- 17 Q You drove this way?
- 18 A Yes, sir.
- 19 Q Did you turn around and come back and front of the---
- 20 A No, sir.
- 21 Q Kept going the way you were going?
- 22 A Yes, sir.
- 23 Q And when you went down that road, did you eventually
- 24 run into the post office?
- 25 A Yes, sir.

Nicole Thompson - Redirect examination
by Solicitor Morin

1 Q Thank you, ma'am.

2 THE COURT: Recross?

3 MR. SHEALY: Thank you, Your Honor.

4 RECROSS EXAMINATION

5 BY MR. SHEALY:

6 Q You immediately, prior to the shooting, you're driving
7 away from the post office?

8 A Say what?

9 Say what?

10 Say that again.

11 Q Immediately prior to the shooting, you were---

12 A Uh-huh. (Affirmative).

13 Q ---driving away from the post office?

14 A Right.

15 Q Okay. And the people that you saw were on the right
16 side of the vehicle?

17 A Right.

18 Q And after the shooting, you made a right turn and
19 somehow rode by the post office?

20 A Right.

21 MR. SHEALY: Thank you, Your Honor. I have nothing
22 further.

23 THE COURT: You may step down, ma'am.

24 SOLICITOR MORIN: Jarvis Thompson.

25 Ask that this witness be excused, Your Honor.

Jarvis Thompson - Direct examination
by Solicitor Morin

1 THE COURT: Any objection to this witness being
2 excused?

3 MR. SHEALY: No, Your Honor.

4 THE COURT: Ma'am, you're free to go. Thank you for
5 coming today.

6 THE COURT: Sir, come forward to my left to be sworn.

7 JARVIS THOMPSON, being first duly
8 sworn, testified as follows:

9 THE COURT: State your name for the record please, sir.

10 WITNESS: Jarvis Thompson.

11 THE COURT: Mr. Morin, your witness.

12 DIRECT EXAMINATION

13 BY SOLICITOR MORIN:

14 Q Mr. Thompson, the gentleman, the African-American
15 sitting at this table, can you tell me what his name is?

16 A Travis Parker.

17 Q Is that what you call him?

18 A No, sir, I call him Dick.

19 Q Okay. How long have you known him?

20 A About two and a half years.

21 Q Okay. Back on June 22nd, 2007, did you see him?

22 A Yes, sir, he came up where I was.

23 Q Where were you?

24 A Up the street.

25 Q Up the street where?

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 A At Bridget Foote's house.
- 2 Q You were at Bridget Foote's house?
- 3 A Yes, sir.
- 4 Q And where did Bridget Foote at that time live?
- 5 A In the Open Air.
- 6 Q And what is that?
- 7 A Trailer park.
- 8 Q And is it located --?
- 9 A In Blacksburg.
- 10 Q Okay. Did you and Mr. Parker stay there?
- 11 A No, sir.
- 12 Q where did you go?
- 13 A Are you talking about the trailer park?
- 14 Q Yeah.
- 15 You---
- 16 A Yeah.
- 17 Q So, you and Mrs. Foote and Mr. Parker are at her
- 18 trailer at Open Air Trailer Park?
- 19 A Yes, but she wasn't there at the time.
- 20 Q All right. Did y'all stay there?
- 21 A No, sir.
- 22 Q where did you go?
- 23 A we walked up the street to Mrs., to meet Mrs. Nicki.
- 24 Q Mrs. Nicki, who's Mrs. Nicki?
- 25 A The lady that drive the silver car.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q You don't know Mrs. Thompson?
- 2 A No, sir.
- 3 Q You've never seen her before?
- 4 A I've seen her.
- 5 Q Where?
- 6 A In the trailer park.
- 7 Q Okay. Are you related to her?
- 8 A No, sir.
- 9 Q All right. Did she pick you up?
- 10 A Yes, sir, she came and picked up---
- 11 Q Where?
- 12 A ---picked up both of us.
- 13 Q Where did she pick you up at?
- 14 A In the trailer park.
- 15 Q All right. And she was driving a what?
- 16 A A silver car.
- 17 Q Okay. You and Travis got in the car?
- 18 A Yes, sir.
- 19 Q Where did you sit?
- 20 Where did you sit in the car?
- 21 A In the back seat.
- 22 Q Where did Travis sit?
- 23 A In the front seat.
- 24 Q Was he driving?
- 25 A No, sir.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q Passenger seat?
- 2 A Yes, sir.
- 3 Q where did you go?
- 4 A To the barber shop.
- 5 Q which barber shop?
- 6 A The one down the street, Correy's.
- 7 Q It's right here near the courthouse?
- 8 A Yes, sir.
- 9 Q When you got there, did all three of you get out?
- 10 A No, sir.
- 11 Q Who got out?
- 12 A Me and Mr. Parker.
- 13 Q what did y'all do?
- 14 A went and out, got our hair cut.
- 15 Q Okay. Did both of you get your hair cut or just you or
- 16 just him?
- 17 A Both of us.
- 18 Q Okay. Now, what did y'all do then?
- 19 Did you stay there the rest of the day?
- 20 A No, sir, we was waiting on Mrs. Nicki to come pick us
- 21 back up.
- 22 Q Okay. How did she know to come pick you up?
- 23 A He called her.
- 24 Q All right. So, when she came back, what did y'all do?
- 25 A We rode through went, and went to West End.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q All right. What were the seating arrangements there in
2 the car then?
- 3 A I was still in the back seat.
- 4 Q He was still in the front passenger?
- 5 A Yes, sir.
- 6 Q Okay. And you went to West End.
7 Is that here in Gaffney?
- 8 A Yes, sir.
- 9 Q What did you do in the West End?
- 10 A Nothing. Sat there and talked.
- 11 Q Who sat there and talked, what did y'all do, what did
12 you do, get out of the car, that kind of stuff?
- 13 A Me and Mr. Parker got out the car and we sat over there
14 where a group of guys was.
- 15 Q All right. What did Mrs., Mrs. Thompson do?
- 16 A She stayed in the car.
- 17 Q Why?
- 18 A I don't know.
- 19 Q Okay. Did you stay there?
20 How long did you stay there?
- 21 A About five to seven minutes.
- 22 Q Did you and Mr. Parker get back in the car together?
- 23 A No, sir, I got in the car first.
- 24 Q Where was he?
- 25 A He was still out on his way to the car.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q Okay. All right. After you got in the car, where did
2 you go?
- 3 A Well, I got in the back seat and put on my seat, my
4 head phones.
- 5 Q Okay.
- 6 A So, we went down the street and he start pointing to
7 her directions where to go.
- 8 Q Okay. Did you hear what he was saying or---
- 9 A No, sir, he was just pointing.
- 10 Q All right. What happened next?
- 11 A After that, we went over the speed bumps.
- 12 Q Speed bumps?
- 13 A Yes, sir.
- 14 Q Okay. After the speed bumps, what happened?
- 15 A We came to a stop sign on the right. I seen a couple
16 fellows outside. Also Foote.
- 17 Q You know Mr. Foote?
- 18 A Yes, sir.
- 19 Q How did you know him?
- 20 A I met him through my friend, Josh.
- 21 Q Okay. Did you recognize him?
- 22 Did you recognize anybody else out there?
- 23 A Lyman Tate.
- 24 Q Lyman?
- 25 A Tate.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q And who else?
- 2 A Sid.
- 3 Q Do you know Sid's name?
- 4 A No, sir.
- 5 Q Okay. So, you're at a stop sign?
- 6 A Yes, sir.
- 7 Q The house there in front of you, is it on a corner or
- 8 is it just in the middle of the block?
- 9 A It's on the corner.
- 10 Q All right. So, when you're sitting at the stop sign,
- 11 is the house facing you or is it, are you on -- you know
- 12 what I mean?
- 13 A well, we stopped at the stop sign.
- 14 Q All right.
- 15 A The house is like right across from me.
- 16 Q Okay. Cause you're sitting in the back on the
- 17 passenger side?
- 18 A Yes, sir.
- 19 Q You turned right or left?
- 20 A Right.
- 21 Q All right. What happened next?
- 22 A Mr. Parker start taking off his hat and his shirt,
- 23 rolled down the window, and he shot out.
- 24 Q You saw him do that?
- 25 A Yes, sir.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q When's the first time you saw the gun?
- 2 A When he pulled it out the window, hands out the window.
- 3 Q Okay. Did you say anything?
- 4 A I yelled his name and I ducked down in the floorboard.
- 5 Q You yelled whose name?
- 6 A Mr. Parker.
- 7 Q So, what did you yell exactly?
- 8 A Dick.
- 9 Q And then you did what?
- 10 A Ducked down in the floorboard.
- 11 Q All right. So, you didn't see him shoot?
- 12 A No, sir, not really. I just seen him hanging out the
- 13 window.
- 14 Q Did you hear the shot?
- 15 A Yes, sir.
- 16 Q Now, you had your head phones on?
- 17 A Yes, sir.
- 18 Q You still could hear it?
- 19 A Yes, sir.
- 20 Q What did the car do after he shot?
- 21 A Mrs. Nicki took off. She started panicking and stuff.
- 22 She took off.
- 23 Q How was she?
- 24 Was he yelling?
- 25 Was she quiet?

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 A She was panicking.
- 2 Q What did Mr. Parker say?
- 3 A He said if Foote wasn't dead, he was gonna turn around
- 4 and make sure he was dead.
- 5 Q Then where did you go?
- 6 A We went on 85. Went all the way to Blacksburg.
- 7 Q All right. Now, let me ask you this.
- 8 After you made the right---
- 9 A Yes, sir.
- 10 Q --you're saying he made, he shot before or after?
- 11 where in there do you know?
- 12 A Like at the stop sign.
- 13 Q Okay. And then he's making the right?
- 14 A Yes, sir.
- 15 Q All right. Mrs. Nicki, as you call her, was panicking
- 16 and she's driving which way?
- 17 A Going towards like 85 or by the road, that road, that
- 18 the street you get on with Bi-Lo.
- 19 Q Floyd Baker Boulevard?
- 20 A Floyd Baker Boulevard.
- 21 Q All right. Do you know where the post office is?
- 22 A Yes, sir.
- 23 Q And after the shooting, were you traveling towards the
- 24 post office or away?
- 25 A We was traveling towards the post office.

Jarvis Thompson - Direct examination
by Solicitor Morin

1 Q I'm gonna show you what's been marked as State's
2 Exhibit, Exhibits No. 2 and 3 and ask if you can tell me or
3 recognize what these photographs are of.

4 A The side of the house.

5 Q The side of which house?

6 A The house that Foote was shot at.

7 Q Is this, is this where you saw him?

8 A Yes, sir.

9 Q This one?

10 A On that side right there.

11 SOLICITOR MORIN: Your Honor, at this time we move
12 State's Exhibits 2 and 3 in evidence and he's testified
13 these are the pictures of the, of the house where he saw
14 him.

15 THE COURT: Any objection?

16 MR. SHEALY: No objection, Your Honor.

17 THE COURT: Without objection, they'll be admitted as
18 marked.

19 (Whereupon, State's Exhibit Nos. 2 and 3 were received
20 into evidence at this time.)

21 SOLICITOR MORIN: I'd ask if he could step down, Your
22 Honor.

23 THE COURT: He may do so.

24 (Witness comes down from the stand.)

25 Q This is State's Exhibit No. 3.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Okay. You see that?
- 2 A (Witness nods affirmatively.)
- 3 Q Now, here's a house right here.
- 4 See this house?
- 5 A (Witness nods affirmatively.)
- 6 Q This road that you go in front of, which way are you
- 7 going before you come to the stop sign?
- 8 where is the stop sign in this picture, if you could
- 9 tell me, or about where?
- 10 A Over down at the bottom.
- 11 Q way down here?
- 12 A By the sidewalk in the yard.
- 13 Q All right. And after you turned right, which way were
- 14 you going?
- 15 A Up the---
- 16 Q This is State's Exhibit No. 2.
- 17 A We were going up this street and this is on the side of
- 18 the house.
- 19 Q All right. So, we got to the side of the house and
- 20 this street.
- 21 If I keep going down this street, am I gonna get to the
- 22 post office?
- 23 A You keep straight, straight on out.
- 24 Q Okay. And where did you see the guys in this picture?
- 25 A I seen Foote standing right on the side of the house.

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Q Right on the side of the house?
- 2 A Yes, sir.
- 3 Q It's on the right side of the road, right?
- 4 A Yes, sir.
- 5 Q From where, the direction you were traveling?
- 6 A Yes, sir.
- 7 Q If you'll have a seat up there.
- 8 A (Witness returns to the stand.)
- 9 Q Now, he didn't shoot across the top of the car, did he?
- 10 A No, sir.
- 11 Q When you looked out your window, could you see the
- 12 guys?
- 13 A Yes, sir.
- 14 Q Were you sitting directly behind Mr. Parker?
- 15 A Yes, sir.
- 16 Q All right. Now, after she took off down Floyd Baker
- 17 Boulevard, where did you go next?
- 18 A We got on 85 towards Blacksburg.
- 19 Q Okay. Where did you go?
- 20 A On the road where the fire department is.
- 21 Q Okay. Did you get out there?
- 22 A No, sir, I didn't.
- 23 Q Who got out there?
- 24 A Mr. Parker.
- 25 Q Okay. And was there any -- what did, what did

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 Mr. Parker do?
- 2 What did Mr. Parker do there?
- 3 A He got out and Mrs. Nicki took me on to my house.
- 4 Q Okay. She took you all the way to your house?
- 5 A No, sir, she dropped me off down the street.
- 6 Q Down the street?
- 7 A Yes, sir.
- 8 Q Where was your house?
- 9 A Up the street.
- 10 Q Where did you live?
- 11 A Up at the top of the circle in Open Air.
- 12 Q Top of the circle in Open Air?
- 13 A Yes, sir.
- 14 Q Did you turn into Open Air Trailer Park or did you get
- 15 out on that road where she picked you up?
- 16 A She turned, she turned in Open Air, Open Air Trailer
- 17 Park and then she went down the street.
- 18 Q Okay. And you got out?
- 19 A Yes, sir.
- 20 Q And---
- 21 A I went to my friend's house.
- 22 Q Okay. So, you went to your house?
- 23 A Went down the street to my friend's house. Then I went
- 24 to my house.
- 25 Q All right. Did you see the police?

Jarvis Thompson - Direct examination
by Solicitor Morin

- 1 A Yes, sir.
- 2 Q When is the first time you saw the police?
- 3 A Like 15 minutes after it happened.
- 4 Q Oh, yeah.
- 5 Where did you see them at?
- 6 A In the trailer park, Open Air.
- 7 Q And what did they say to you?
- 8 Anything?
- 9 A They didn't say nothing to me.
- 10 Q Okay. Those police -- all right. After that, what did
- 11 you do?
- 12 A I went home.
- 13 Q Did you see the police any more after that?
- 14 A No, not, sir -- not really.
- 15 Q The next day?
- 16 A No, sir.
- 17 Q Two days?
- 18 You never saw---
- 19 A Two days -- probably about two days, three days after.
- 20 Q All right. What happened two or three days after?
- 21 A Ramsey and Westgate had picked me up.
- 22 Q Officer Ramsey then picked you up?
- 23 A Yes, sir.
- 24 Q And what did you do then?
- 25 A I went into custody and went downtown.

Jarvis Thompson - Direct examination
by Solicitor Morin

1 Q All right. Now, after the shooting, before Detective
2 Ramsey picked you up, you didn't tell anybody what had
3 happened in the west End?

4 A No, sir, I was scared.

5 Q Did Nicole ask you if you were gonna do something?

6 A No, sir.

7 Q All right. Did you see the gun at anytime prior to
8 what you say you saw when he pulled it out?

9 A No, sir.

10 Q You didn't see it?

11 A I'm, I'm saying I seen it when he pulled it out the
12 window. That's the only time I seen it.

13 Q All right. Please answer any questions that Mr. Shealy
14 may have.

15 THE COURT: Mr. Shealy, your witness.

16 MR. SHEALY: Thank you, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. SHEALY:

19 Q Now, let's talk about Open Air Trailer Park.

20 Did you say that you were left, you were let out at the
21 top of the circle at Open Air?

22 A No, sir, I lived at the top of the circle.

23 Q Okay. Where were you let out?

24 A Down at the bottom towards -- it's like a blue 18
25 wheeler right down there.

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 Q Okay. Now, when you -- what is the top of the road at,
2 at Open Air Trailer Park?
- 3 A Are you familiar with that?
- 4 Q The top of the road?
- 5 Q Yeah.
- 6 A It's like a circle where I stayed at. It was a circle.
- 7 Q So, that's close to where you stay at?
- 8 A Yes, sir.
- 9 Q But you were left, let out down below?
- 10 A Yes, sir.
- 11 Q Now, you were -- how long were you and Travis together
12 before Nicole came---
- 13 A Before?
- 14 Q ---to pick y'all up?
- 15 A I'd say 15, 20 minutes probably.
- 16 Q And y'all were at Bridget's house?
- 17 A No, at first I had went down to his house to ask him
18 could he cut my hair. But he said he was going to the
19 barber shop. So, I told him whenever he get ready to go to
20 the barber shop I'd be up the street.
- 21 Q So, you asked Travis to cut your hair?
- 22 A Yes, sir.
- 23 Q And how much were you gonna pay him to cut, cut your
24 hair?
- 25 A Usually he wouldn't charge but probably five.

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 Q Okay. All right. And when you went to the, when you
2 went to the barber shop, did Travis cut your hair then?
- 3 A No, sir.
- 4 Q Are you sure about that?
- 5 A Yes, sir.
- 6 Q Who cut your hair?
- 7 A Tony Young.
- 8 Q And where's Trailer 47?
- 9 A Down the street by the, by the blue camper.
- 10 Q Okay. Is that where, is that where Mrs. Thompson
11 picked you up?
- 12 A No, sir.
- 13 Q You don't recall telling Officer Segina that y'all were
14 picked up in front of Trailer Number 47?
- 15 A No, we was picked up in front of this girl named Cierra
16 trailer.
- 17 Q Okay. And where in West End did y'all go after the
18 barber shop?
- 19 A Sir?
- 20 Q Where did you go after the, after the barber shop?
- 21 A West End.
- 22 Q Yeah.
- 23 Do you have an address?
- 24 A No, sir.
- 25 Q Did you tell, give an address to, to Officer segina?

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 A The address to West End?
- 2 Q On Broad Street.
- 3 Did you give an address on Broad Street to Officer
- 4 Segina?
- 5 A I didn't know the address. I don't know the address.
- 6 Q Did he take you out for a ride and you show him the
- 7 house?
- 8 A Oh, yes, sir, I showed him the house.
- 9 Q Okay. He got the address that way?
- 10 A I believe so, yes, sir.
- 11 Q Okay. And you, you showed him the route that the---
- 12 A Yes, sir.
- 13 Q ---or did you show him the route that the---
- 14 A Yes, sir.
- 15 Q Okay. Do you remember what the route was?
- 16 A Yes, sir.
- 17 Q Okay. All right. We're gonna -- if you would, step
- 18 down and grab you a pen.
- 19 A (witness comes down from the stand.)
- 20 Q All right. This is State's Exhibit No. 3.
- 21 Okay. You said you were on the road here going across
- 22 the front of the house?
- 23 A Right.
- 24 Q Is that correct?
- 25 A Yes, sir.

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 Q Okay. Would you draw that road for me?
- 2 A (Witness complies.)
- 3 Q Okay. And that's the stop sign?
- 4 well, tell me -- you drew a something here.
- 5 what is that?
- 6 A That's the house.
- 7 Q That's the house.
- 8 And this little square thing with the---
- 9 A And that's a stop sign.
- 10 Q That's the stop sign.
- 11 okay. Y'all got to the stop sign, and which way did
- 12 you turn?
- 13 A Right.
- 14 Q Okay. Would you draw that?
- 15 A Okay.
- 16 Q And this road comes on down this way too, is that
- 17 right?
- 18 A Yes, sir.
- 19 Q Okay. Now, where did you -- how many people did you
- 20 see in the front yard?
- 21 A I seen two on the front and four on the side.
- 22 Q Okay. How far down the side was it?
- 23 A He was like, he was like where the air unit is.
- 24 Q At the air unit?
- 25 A Yes, sir.

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 Q Yes, sir.
- 2 Show me, show the air unit.
- 3 A Right there.
- 4 Q Okay. All right. So, you -- if you would, show the,
- 5 the arrow just showing where you turned.
- 6 A (Witness complies.)
- 7 Q Okay. And where's the post office?
- 8 A On down -- up the street.
- 9 Q Right. I understand. Just put it up there somewhere.
- 10 A (Witness complies.)
- 11 This is the park and then you go across to get to the
- 12 post office on up here.
- 13 Q Okay. Just put the initials P.O.
- 14 A (Witness complies.)
- 15 Q And that eventually curves and empties into, onto the
- 16 boulevard?
- 17 A Yes, sir.
- 18 Q Okay. Now, you stated that, that Dick then shot.
- 19 where was, where was the car in relation to the
- 20 house -- well, in the road, where was the car at when the
- 21 shot was taken?
- 22 A Right here.
- 23 Q Okay. So, here's where the shot took place?
- 24 A Right. Turning -- the shot took place up here.
- 25 Q All right. Now, what's the name of this street here?

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 A I don't know. I think it's Sarratt.
- 2 Q All right. well, I tell you what, would it help -- let
3 me see if it's in your statement. Look at -- please have a
4 seat just for a second.
- 5 A (Witness returns to the stand.)
- 6 Q All right. I'm gonna show you a witness interview
7 form.
- 8 Do you recognize that?
- 9 A Yes, sir.
- 10 Q Is that your statement?
- 11 A Yes, sir.
- 12 Q Okay. Now, in this statement, would you read starting
13 here where it says took a right at Sarratt?
- 14 A Took right at Sarratt where Foote was standing outside
15 the residence.
- 16 Q And then, and then -- keep on going.
- 17 A As we turned right on Marion, Parker rode, rolled, no,
18 Marion, Parker rolled down his window and shot out the
19 passenger window.
- 20 Q Okay. So, back then you said that, as y'all were
21 turning onto Marion, that's when the shot took place?
- 22 A Yes, sir.
- 23 Q So, show me again where Marion would be.
- 24 A (Witness comes down from the stand.)
25 Right here.

Jarvis Thompson - Cross-examination
by Mr. Shealy

1 Q Be there.

2 okay. If you would, just write the word Marion.

3 A (Witness complies.)

4 Q And Sarratt.

5 A (Witness complies.)

6 Q All right. Are you familiar with any street called
7 Peachtree Street?

8 A (Witness returns to the stand.)

9 No, sir.

10 Q Okay. Now, where, where was Dick let out of the car?

11 A Down by, past the fire department in Blacksburg.

12 Q Okay. Now, is it -- how, how did she make Dick get out
13 of the car?

14 A She dropped him off.

15 Q All right. Once again, I'm gonna ask you if you would,
16 starting right there, read your sentence.

17 A When she throwed Parker out down the street by the fire
18 department.

19 Q Okay. So, she threw him out of the car---

20 A I didn't---

21 Q ---or ordered, ordered him to get out of the car?

22 A She dropped him off, sir.

23 Q And is it your testimony that Parker took off his hat
24 and shirt.

25 what did he do with his hat and shirt?

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 A It was in the back seat.
- 2 Q He, he took off his hat and shirt.
- 3 And how did it get in the back seat?
- 4 A He throwed it in the back seat.
- 5 Q Before or after he shot?
- 6 A Before.
- 7 Q And at what point did you see a gun?
- 8 A when he pulled it out and put it out the window.
- 9 Q All right. What was he wearing?
- 10 A A white T-shirt and a, a white kangaroo hat or
- 11 something like that.
- 12 Q I'm sorry.
- 13 A white T-shirt and a what?
- 14 A Kangaroo hat.
- 15 Q Kangaroo hat?
- 16 A Yes, sir.
- 17 Q What about his pants, what was he wearing?
- 18 A I believe shorts.
- 19 Q Do you remember what kind of shorts?
- 20 A No, sir.
- 21 Q Would you remember if they were dark or light?
- 22 A No, sir.
- 23 Q All right. Once again, I'm gonna give you your witness
- 24 interview form and feel free to read over it.
- 25 At anytime when you made that, that statement, did you

Jarvis Thompson - Cross-examination
by Mr. Shealy

1 say anything about Dick saying that Foote wasn't dead, that
2 he'd make sure he was?

3 A No, sir, but the next time I came I, I told them.

4 Q Did you make any other statements?

5 A No, sir.

6 Q Okay. And so, right after the event, you didn't
7 mention that at all?

8 A No, sir.

9 Q When you saw the police right after you got home, why
10 didn't you say anything to them?

11 A I was scared.

12 Q Well, Dick wasn't around you then, was he?

13 A No, sir, I was just scared.

14 Q Could you tell if Foote, and the other two guys you
15 saw, if they were together or was one just passing by?

16 Was Foote just passing by?

17 A Foote was over by the tree on his cell phone.

18 Q Okay. And so, you were with Dick?

19 A Yes, sir.

20 Q Twenty minutes before you were picked up in Blacksburg,
21 is that correct?

22 A No, sir, not 20 minutes. He came and picked me up from
23 where I was.

24 Q Okay. So, let's, let's ask -- before Nicole came and
25 picked you up, how long were you and Dick together?

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 A About five minutes.
- 2 Q And do you know how Nicole knew to pick you up from
- 3 Blacksburg?
- 4 A I think he called her.
- 5 Q Huh?
- 6 A I believe he called her.
- 7 Q Okay. Now -- and so, you were in the car with him?
- 8 A Yes, sir.
- 9 Q And you got out at, at the barber shop with him?
- 10 A Yes, sir.
- 11 Q So where was the gun?
- 12 A I don't know.
- 13 Q You never saw a gun?
- 14 A No, sir.
- 15 Q Until after the shooting?
- 16 A Yes, sir.
- 17 Q And when you did see the gun, what did it look like?
- 18 A I really can't remember.
- 19 Q Now, do you recall, at the barber shop, getting your
- 20 hair cut, and done first because Dick had to wait for his
- 21 barber?
- 22 A No, I had to wait on mine.
- 23 Q Did Dick get done, get done before you did?
- 24 A Yes, sir.
- 25 Q He did?

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 A Yes, sir.
- 2 Q You sure you didn't get done before he did?
- 3 A I'm positive.
- 4 Q The, the street, the, the address over on West End that
5 you showed the police officer, who lives there?
- 6 A D.C. and them.
- 7 Q Who is D.C. and them?
- 8 A Some people I know.
- 9 Q Well, is that Travis Colston?
- 10 A Yes, sir.
- 11 Q Okay. So, why did you go there?
- 12 A Sir?
- 13 Q Why did you go there?
- 14 A Oh, Nicki, Nicki stopped there.
- 15 Q Because what?
- 16 A I said Mrs. Nicki had stopped there.
- 17 Q And it's your testimony you were riding in the back
18 seat passenger side?
- 19 A Yes, sir.
- 20 Q And that Dick was riding in the front seat passenger
21 side?
- 22 A Yes, sir.
- 23 Q Do you have any idea, based on conversations with
24 Jarvis, I mean, I'm sorry, with, conversations with Dick as
25 to why he would take his shirt and hat off before he shot a

Jarvis Thompson - Cross-examination
by Mr. Shealy

- 1 pistol?
- 2 A No, sir.
- 3 Q So, it wasn't to muffle the shot?
- 4 A Sir?
- 5 Q He didn't wrap, wrap it around the pistol?
- 6 A Oh, no, sir.
- 7 Q All right.
- 8 A He just took the shirts and stuff off and throw them in
- 9 the back seat.
- 10 Q Were you actually in the front seat of this car?
- 11 A No, sir.
- 12 Q Was Dick actually still at the barber shop when this
- 13 happened?
- 14 A No, sir.
- 15 Q Did you shoot Mr. Foote?
- 16 A No, sir.
- 17 Q And yet Mr. Foote was the first one let out of the car
- 18 when y'all got to Blacksburg?
- 19 A Who?
- 20 Excuse me.
- 21 Q Mr. Foote -- I'm sorry. Dick was the first one let out
- 22 of the car?
- 23 A Yes, sir.
- 24 Q And you were the, the second one let out of the car?
- 25 A Yes, sir.

Jarvis Thompson - Cross-examination
by Mr. Shealy

1 Q Okay. Now, did y'all have drugs in the car?

2 A Some marijuana.

3 Q Did you have any meth?

4 A No, sir.

5 Q Did Nicole or, or Dick have any meth in the car?

6 A No, sir.

7 Q How about crack cocaine?

8 A No, sir.

9 MR. SHEALY: Excuse me just for a moment, Your Honor.

10 THE COURT: Yes, sir.

11 (Pause.)

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

13 THE COURT: Mr. Morin, your witness. Recross,
14 redirect.

15 SOLICITOR MORIN: I don't have any other questions for
16 him?

17 THE COURT: Sir, you may step down. Thank you very
18 much.

19 SOLICITOR MORIN: Ask this witness be excused.

20 THE COURT: Any objection?

21 MR. SHEALY: No objection, Your Honor.

22 THE COURT: Sir, you're free to go. Thank you for
23 coming today.

24 Ladies and gentlemen of the jury, at this point in time
25 we're gonna take a brief recess. I'm gonna allow you to

1 stretch your legs and gather yourselves. If any of you are
2 smokers, the bailiff will accompany you outside for a brief
3 smoke. So, we'll take a break for about ten minutes.

4 As I'm gonna tell you each time you leave the
5 courtroom, don't begin any discussions concerning this case
6 until I've advised you to begin your deliberations.

7 You may retire to the jury room.

8 Thank you very much.

9 (Whereupon, the following takes place outside the
10 presence of the jury.)

11 THE COURT: Thank you.

12 Court's in recess.

13 (Whereupon, a short recess was taken at this time.)

14 THE COURT: State ready?

15 SOLICITOR MORIN: State's ready.

16 THE COURT: Defense ready?

17 MR. SHEALY: Yes, Your Honor.

18 THE COURT: Bring the jury in.

19 (Whereupon, the following takes place within the
20 presence of the jury.)

21 THE COURT: The record will reflect that all jurors
22 have returned to the courtroom. When we broke earlier the
23 State was in the process of calling its witnesses.

24 Mr. Morin, you may call your next witness.

25 SOLICITOR MORIN: Reggie Petty.

Reggie Petty - Direct examination
by Solicitor Morin

1 THE COURT: Come forward, sir, to my left to be sworn.

2 REGGIE PETTY, being first duly
3 sworn, testified as follows:

4 THE COURT: Sir, have a seat in the witness stand.
5 Once seated, state your name for the record please.

6 WITNESS: Reggie Petty.

7 THE COURT: Your witness, Mr. Morin.

8 DIRECT EXAMINATION

9 BY SOLICITOR MORIN:

10 Q Mr. Petty, where do you work?

11 A Cherokee County 9-1-1.

12 (Whereupon, the 9-1-1 tape was marked as State's
13 Exhibit No. 5 for identification purposes only at this
14 time.)

15 Q I'm gonna show you what's been marked for
16 identification as State's Exhibit No. 5 and ask you if you
17 can tell me what's in that envelope.

18 A It's -- our standard procedure for when somebody
19 requests the tape.

20 Q A tape from what?

21 A A tape from the call that we did.

22 Q At 9-1-1?

23 A 9-1-1.

24 Q Okay. Go ahead.

25 A Okay. What it's, what it's showing is the person that

Reggie Petty - Direct examination
by Solicitor Morin

1 requested this tape, the case number, the daily call, and
2 the day the tape was made.

3 Q Okay.

4 A And who made it.

5 Q And what's inside?

6 Can you look inside and tell me what's in there?

7 A This is the tape that was made and it's got a C.A.D.
8 sheet in it inside the box.

9 Q Take the C.A.D. sheet out please.

10 A (Witness complies.)

11 Q If you would, look at that document.

12 A Okay. This is the, this is a C.A.D. sheet showing---

13 Q What does it show?

14 A It shows the address, and date, and time, and time
15 officers went in route when, when we created the call.

16 Q Okay. This is the general -- this record is created at
17 your business there at 9-1-1 on a regular basis?

18 A Right. Every time a call is made and, and we make a
19 call, we put it -- and, and the C.A.D. sheet is created at
20 that time.

21 Q All right. And this call was -- this recording is a
22 call from when?

23 A It was showing it was June the 22nd of '07.

24 SOLICITOR MORIN: Okay. Your Honor, at this time we'd
25 move these items into evidence. This is the 9-1-1 tape

Reggie Petty - Direct examination
by Solicitor Morin

1 along with the accompanying C.A.D. sheet.

2 THE COURT: Any objection?

3 MR. SHEALY: Your Honor, I have a matter I'd like to
4 take up with the Court.

5 THE COURT: On the record?

6 MR. SHEALY: On the record, yes, sir.

7 THE COURT: All right. Ladies and gentlemen of the
8 jury, I'm gonna have to ask you to step back to the jury
9 room. Don't begin any discussions while I take this matter
10 up with the attorneys.

11 You may step back.

12 (Whereupon, the following takes place outside the
13 presence of the jury.)

14 THE COURT: Yes, Mr. Shealy.

15 MR. SHEALY: Thank you, Your Honor.

16 Your Honor, we object to the C.A.D. sheet. We submit
17 that it is not a business record. That it's, it's creation,
18 one of the motivating factors is, is for the prosecution of,
19 of criminal cases just as it's being used here today to show
20 the sequence of events. So, we would object to the
21 entrance.

22 THE COURT: I -- can, can somebody make me aware of
23 what's on that or what the document or what it is?

24 SOLICITOR MORIN: Yes, sir, I apologize.

25 THE COURT: All right. So, it's my understanding, Mr.

Reggie Petty - Direct examination
by Solicitor Morin

1 shealy, you're not objecting to the introduction of the
2 tape?

3 You just are in a, objecting to the introduction of
4 what it says, it's entitled at the top detailed report of
5 responses?

6 MR. SHEALY: Yes, sir.

7 THE COURT: Mr. Morin.

8 SOLICITOR MORIN: Well, Your Honor, the, Mr. Petty
9 testified this is a standard business record that they
10 created with every one of their 9-1-1 tapes that are
11 recorded. It basically is, is, shows what the 9-1-1
12 operator did during the course of this time. We believe
13 that it, it is, it goes along in conjunction with the, the
14 9-1-1 tape we intend to produce.

15 THE COURT: What, in, in particular, is objectionable?

16 MR. SHEALY: Your Honor, we, we -- what's objectionable
17 is that, that this, this document is created -- one of the
18 reasons it's, it's created is for use at criminal
19 prosecutions. Just, just as a investigative report, it's
20 not admissible into evidence except for under extenuating
21 circumstances.

22 THE COURT: Well, I'm looking at it and it does appear
23 that in the body of looking -- I'm looking at it now, at
24 page I guess number three of five, it says dates, times, it
25 has notes in reference to 27 year old male. Next one is

Reggie Petty - Direct examination
by Solicitor Morin

1 shot in the stomach, brick house. I'm not sure what those
2 notes -- those notes are just notes of what's on the tape?

3 SOLICITOR MORIN: Those are the notes of what's on the
4 tape I believe, but they're also notes, some of them are
5 notes that the 9-1-1 operators are making as they're taking
6 the call. So, there's some things that are on there that
7 they typed in because it was calls coming in from different
8 places. The 9-1-1 tape that's here is the 9-1-1 tape that
9 came in---

10 THE COURT: Isn't, isn't the tape of the conversation
11 the best evidence of what, what came in?

12 SOLICITOR MORIN: Yes, sir, there's some things that
13 they created as part of that document that are not on the
14 tape.

15 THE COURT: Well, is the person then who created the
16 document going to be here to testify about that?

17 SOLICITOR MORIN: Well, that's why I have Mr. Petty to
18 testify that they create, they create this document as a
19 business, as a, as a normal course, in the normal course of
20 business to -- I mean he didn't create the document. That
21 document comes from what they create as the 9-1-1 call is
22 coming in. More than one operator that's entering in
23 information because they're different ones talking to
24 different people about different things. I believe I've
25 stated that correctly.

Reggie Petty - Direct examination
by Solicitor Morin

1 So, in other words, when you're in the 9-1-1 call
2 center, you might have, you might have one operator talking
3 to an officer. You might have one operator talking to the
4 person that's calling in. You might have another person
5 call in with other information about the case. And what
6 they do is, is after, after, as they're taking that in,
7 cause it could be three or four different people, they enter
8 into it this, into the computer and it produces this
9 document that they keep as a general business document.

10 THE COURT: So, this entire document was created
11 contemporaneously with the calls coming in?

12 SOLICITOR MORIN: Yes. And it, and it was entered
13 into, and I don't, want to make sure -- I don't want to
14 speak for Mr. Petty. But that's the way I understand it.

15 Is, is it correct, Mr. Petty---

16 THE COURT: Well, you don't -- don't ask him
17 questions---

18 SOLICITOR MORIN: My understanding---

19 THE COURT: ---during this.

20 SOLICITOR MORIN: All right. I don't want---

21 THE COURT: You tell me---

22 SOLICITOR MORIN: My understanding---

23 THE COURT: ---what your understanding is.

24 SOLICITOR MORIN: My understanding is that document is
25 as the calls were coming in and the operators are typing in

Reggie Pétty - Direct examination
by Solicitor Morin

1 information, it produces that document.

2 THE COURT: All right. And your objection is exactly
3 what?

4 MR. SHEALY: That this is not a business record, Your
5 Honor. It's -- 9-1-1 is not a business. And it, it's
6 created -- one of the reasons it's created is for
7 prosecutorial purposes, and that, you know, it doesn't --
8 it's not limited to just one tape. And so, the report's
9 gonna have, however, I, I, from what I've heard up to now,
10 however the, the operator decides to phrase whatever it is
11 he wishes to put in it, into the report. For instance, I
12 think one of the entries I heard was shot, shot, being shot
13 in the stomach. Well, that, this shouldn't be evidence of a
14 man shot in the stomach. I'm sure there's gonna be other
15 evidence of the man shot in the stomach.

16 THE COURT: Well, no, I think it's being offered, from
17 what I understand of Mr. Morin, as the record made as the
18 calls were coming in by the operators and I don't think he's
19 offering it as evidence of the events that occurred. But I
20 think, from what I'm hearing, he's offering it as evidence
21 of what was recorded at 9-1-1 as the calls came in.

22 MR. SHEALY: Which I, I believe the jury would take to
23 mean the events---

24 THE COURT: I'm looking at, at, at Rule 105.

25 Have you had a chance to look at that, Mr. Shealy?

Reggie Petty - Direct examination
by Solicitor Morin

1 MR. SHEALY: I'm almost done, Your Honor.

2 (Pause.)

3 MR. SHEALY: Yes, Your Honor. What I was looking at,
4 Your Honor, is Rule 803 subsection 6, the records of
5 regularly conducted activity. Our position, our position
6 was, was, they were not a business. This isn't a business.

7 THE COURT: How about Number 8?

8 MR. SHEALY: It says excluding, however, in criminal
9 cases matters observed by police officers and other law
10 enforcement personnel provided however that the
11 investigative notes involving opinions, judgments, or
12 conclusions are not admissible. And accident reports --
13 well, it goes on, Your Honor. But we would submit that
14 9-1-1, in this case, is a, a law enforcement personnel.

15 THE COURT: Mr. Morin.

16 SOLICITOR MORIN: I don't think 9-1-1 is a law
17 enforcement agency. I think if they, if the court finds
18 that they are---

19 THE COURT: Well, it's not -- it's a public office or
20 agency though. It's run by the government.

21 SOLICITOR MORIN: Yes, sir. But I mean the Clerk of
22 Court's a government.

23 THE COURT: Yes, sir.

24 SOLICITOR MORIN: There's other, there's other
25 documents and other things that are produced by government

Reggie Petty - Direct examination
by Solicitor Morin

1 officers, they're not law enforcement agencies. . So, I guess
2 the question comes if 9-1-1 is a law enforcement agency,
3 then I have to agree with Mr. Shealy that it does apply.
4 However, I submit that 9-1-1 is not a law enforcement
5 agency. Their job is---

6 THE COURT: Well, now. Time out. What it says -- let
7 me read Number 8 to you.

8 SOLICITOR MORIN: Okay.

9 THE COURT: Record, reports, statements, or daily
10 compilations in any form of a public office or agency
11 setting forth A, the activities of the office or agency, or
12 B, matters observed pursuant to duty, duty to duly imposed
13 by law as to which matters there was a duty to report.
14 However, in criminal cases, matters observed by police
15 officers and other law enforcement personnel.

16 SOLICITOR MORIN: That's correct.

17 THE COURT: Well, that -- they talk about other law
18 enforcement personnel.

19 SOLICITOR MORIN: I understand that. And if 9-1-1 is
20 other law enforcement personnel, then the, then he, then
21 I'll agree with Mr. Shealy. But I'll submit that 9-1-1 is
22 not other law enforcement personnel.

23 THE COURT: But the---

24 SOLICITOR MORIN: Their job is not to enforce laws.

25 THE COURT: ---information that's in here being

Reggie Petty - Direct examination
by Solicitor Morin

1 transmitted by law enforcement personnel?

2 SOLICITOR MORIN: Some of it is. Some of it's being
3 transmitted by---

4 THE COURT: I'm gonna sustain the objection.

5 SOLICITOR MORIN: Yes, sir.

6 MR. SHEALY: Thank you, Your Honor.

7 THE COURT: Get this back.

8 (Whereupon, the C.A.D. sheet was marked as Court's
9 Exhibit No. 1 for identification purposes only at this
10 time.)

11 Now, as to the tape itself?

12 MR. SHEALY: Your Honor, I don't know of any objection
13 I can make.

14 THE COURT: I would probably agree with that. I just
15 wanted to be sure, before I bring the jury back, that we
16 don't need to discuss something outside of their hearing.

17 Is there gonna be an objection to anything else---

18 MR. SHEALY: No, Your Honor.

19 THE COURT: ---as far as this?

20 MR. SHEALY: No, Your Honor.

21 THE COURT: All right. Let's bring the jury back.

22 (Whereupon, the following takes place within the
23 presence of the jury.)

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, I have sustained a defense objection.

Reggie Petty - Direct examination
by Solicitor Morin

1 You may proceed, Mr. Morin.

2 SOLICITOR MORIN: Your Honor, at this time we, I
3 believe, with regard to the 9-1-1 tape, we move that into
4 evidence at State's Exhibit No. 5.

5 THE COURT: Any objection, Mr. Shealy?

6 MR. SHEALY: No, Your Honor.

7 THE COURT: All right. It will be received as marked.

8 (Whereupon, State's Exhibit No. 5 was received into
9 evidence at this time.)

10 SOLICITOR MORIN: Your Honor, at this time we'd like to
11 publish.

12 THE COURT: It can be published.

13 Ladies and gentlemen of the jury, by publishing, that
14 means I'm going to allow the solicitor to play the tape for
15 you so that you can listen to it.

16 You may proceed.

17 (Whereupon, State's Exhibit No. 5 was published to the
18 jury at this time.)

19 THE COURT: Turn it down some.

20 SOLICITOR MORIN: That's all the questions I have of
21 this witness, Your Honor.

22 THE COURT: Mr. Shealy, your witness.

23 MR. SHEALY: No questions, Your Honor.

24 THE COURT: Sir, you may step down. Thank you very
25 much.

Sedrick Littlejohn - Direct examination
by Solicitor Morin

1 Any objection to this witness being excused, State?

2 SOLICITOR MORIN: None from the State.

3 THE COURT: Defense?

4 MR. SHEALY: Not from the defense.

5 THE COURT: You're free to go, sir.

6 Ask the attorneys to approach.

7 (Whereupon, a bench conference was held out of the
8 hearing of the jury at this time.)

9 THE COURT: You may call your next witness.

10 SOLICITOR MORIN: Sedrick Littlejohn.

11 THE COURT: Mr. Littlejohn, come forward and be sworn.

12 SEDRICK LITTLEJOHN, being first
13 duly sworn, testified as follows:

14 THE COURT: Sir, have a seat in the witness stand.
15 Once you're seated, please state your name.

16 WITNESS: Sedrick Littlejohn.

17 THE COURT: Mr. Morin, it's your witness.

18 DIRECT EXAMINATION

19 BY SOLICITOR MORIN:

20 Q Mr. Littlejohn, do you know Mr. Parker?

21 A No, not really.

22 Q All right. Where do you live now?

23 A At [REDACTED] Avenue.

24 Q [REDACTED] Avenue.

25 I'm gonna show you -- can you, you see that screen?

Sedrick Littlejohn - Direct examination
by Solicitor Morin

- 1 A (Witness nods affirmatively.)
- 2 Q I'm gonna show you what's been marked as State's
- 3 Exhibit No. 2 and State's Exhibit No. 3. There.
- 4 Can you see those photographs?
- 5 A (Witness nods affirmatively.)
- 6 Q Can you tell what the photograph's of?
- 7 A My yard. My yard.
- 8 Q Your yard.
- 9 Now, the top one -- let's see if I can get this to
- 10 point down.
- 11 The top one, this one right here, this is the side of
- 12 your house, is that correct?
- 13 A Correct.
- 14 Q And without a lot of conversation, what's the name of
- 15 this street right here?
- 16 A Marion Avenue.
- 17 Q All right. And the street that runs in front of your
- 18 house?
- 19 A Sarratt Avenue.
- 20 Q All right. Now, you were home on June 22nd, 2007?
- 21 A Correct.
- 22 Q You, you were in the courtroom and you heard that phone
- 23 conversation, that tape we just played?
- 24 A Correct.
- 25 Q Is that you?

Sedrick Littlejohn - Direct examination
by Solicitor Morin

- 1 A Correct.
- 2 Q All right. Where were you when -- first of all, did
3 you see the shot?
- 4 A No.
- 5 Q Did you see a car?
- 6 A No.
- 7 Q What were you doing -- did you hear a shot?
- 8 A Yeah.
- 9 Q What were you doing when you heard the shot?
- 10 A On the telephone.
- 11 Q In the house or outside?
- 12 A Outside on the porch.
- 13 Q Outside on the porch.
- 14 (Whereupon, a photograph was marked as State's Exhibit
15 No. 6 for identification purposes only at this time.)
- 16 Q I'm gonna show you what's been marked as State's
17 Exhibit, Exhibit No. 6 and ask if you can tell me what that
18 is.
- 19 A My house.
- 20 Q Is this the front of the house?
- 21 A Correct.
- 22 SOLICITOR MORIN: Move No. 6 into evidence.
- 23 MR. SHEALY: No objection, Your Honor.
- 24 THE COURT: Without objection it will be received into
25 evidence as marked.

Sedrick Littlejohn - Direct examination
by Solicitor Morin

1 (whereupon, State's Exhibit No. 6 was received into
2 evidence at this time.)

3 Q All right. Now, on the bottom I got No. 6.

4 Your house is facing -- this is showing it facing---

5 A Sarratt.

6 Q And you were on these steps here.

7 Is that what your testimony is?

8 A Yeah.

9 Q Now, you don't recall any car or, or you didn't see a
10 shot?

11 A No, sir.

12 Q What did you hear?

13 A A shot.

14 Q Where did it come from?

15 A Side of the road.

16 Q The side of---

17 A On, on Marion.

18 Q All right. So, you're saying the shot came from
19 somewhere over here?

20 A Exactly.

21 Q Okay. Who was in the yard at the time that you heard
22 the shot?

23 A Me, Lyman Tate, and Kentrell Jones.

24 Q All right. Where were they?

25 A Right behind the swing set right there.

Sedrick Littlejohn - Direct examination
by Solicitor Morin

- 1 Q well, what did I just do with it anyway.
2 okay. State's Exhibit No. 3, talking about that swing
3 set?
4 A Correct.
5 Q All right. They were behind that.
6 Do you remember when you first saw Mr. Foote?
7 A Yes.
8 Q When did you see him?
9 A I seen him earlier before I had sat down on the steps
10 or whatever and got on the phone beside of the house.
11 Q So, how -- had he been at your house for a while?
12 A I guess so. He was there when I pulled up. So, I
13 don't exactly know how long he was there before I got there.
14 Q All right.
15 A I was there probably about 15 minutes.
16 Q All right. So, you'd been there about 15 minutes?
17 A (Witness nods affirmatively.)
18 Q Any trouble out there?
19 A No, sir.
20 Q Now, after the shot, when's the next time you saw
21 Mr. Foote?
22 A He come running around the house telling me to call
23 9-1-1 to get some help.
24 Q Running around this corner?
25 A Correct.

Sedrick Littlejohn - Direct examination
by Solicitor Morin

- 1 Q What did you do?
2 A Called 9-1-1.
3 Q Right then?
4 A Right then.
5 Q Now, you were talking to somebody else, right?
6 A (Witness nods affirmatively.)
7 Q What did you, just---
8 A Hung up on them.
9 Q Just hung right up on them?
10 A Yes, sir.
11 Q Okay. What was Mr. Foote doing?
12 A On all fours, he'd get back up, sit in the swing,
13 talking about he couldn't breath, spitting up blood. Just
14 moving around.
15 Q Okay. Now, you were pretty excited it sounds like on
16 the, on the tape.
17 Is that fair to say?
18 A (Witness nods affirmatively.)
19 Q Anybody -- you ever had anybody like that come around
20 the house?
21 A No, sir.
22 Q All right. Now, do you remember when the police got
23 there?
24 A Right.
25 Q Do you?

Sedrick Littlejohn - Direct examination
by Solicitor Morin

1 A Yes, sir.

2 Q Okay. Do you see the police officer -- you remember --
3 you see the police officer that came in here?

4 A Right there.

5 Q This one right here?

6 A Yes, sir.

7 Q All right. And what happened when he got there?

8 A He was asking Mr. Foote who shot him. Mr. Foote was
9 saying Dick Parker, Dick Parker shot him.

10 Q Okay. After that, do you remember if EMS -- what
11 happened next?

12 A The ambulance came, fire trucks. whole bunch of noise
13 and stuff.

14 Q All right. Now, I hear you -- I hear you at one point
15 on the 9-1-1 tape talking to the people.

16 You remember that?

17 A Right.

18 Q who, who were you talking to?

19 A I believe my mother.

20 Q Okay. And there's one time when you said I don't know
21 and then you said I'm not talking to you. You were -- not
22 to 9-1-1 because initially they said who shot him, and then
23 you said something and then you said---

24 MR. SHEALY: Objection, Your Honor. The solicitor is
25 testifying.

Sedrick Littlejohn - Direct examination
by Solicitor Morin

1 THE COURT: I'll sustain the objection. He's on
2 direct.

3 Q All right. You were talking to your mother at one
4 point while you were on 9-1-1?

5 A Right.

6 Q Anybody else you remember?

7 A No, sir.

8 Q Okay. Please answer any questions Mr. Shealy may have.

9 THE COURT: Mr. Shealy, your witness.

10 MR. SHEALY: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. SHEALY:

13 Q Mr. Littlejohn, do you recall telling the police that
14 Mr. Foote doesn't normally hang around, around here?

15 A Yes, sir.

16 Q So, he, he wasn't normally at your house?

17 A No, sir.

18 Q This is an unusual occurrence?

19 A Yes, sir.

20 Q Now, as to Mr. Foote, was he -- you said there were two
21 other people in your yard?

22 A Correct.

23 Q And you on the cell phone?

24 A Correct.

25 Q All right. Was Mr. Foote with y'all in the front yard?

Sedrick Littlejohn - Cross-examination
by Mr. Shealy

- 1 A No, he was with the other two. They was on the side of
2 the house.
- 3 Q There were two---
- 4 A I was on the front porch.
- 5 Q Right.
- 6 There are two, two other people or the, the first two
7 people you just mentioned?
- 8 A The first two people I mentioned.
- 9 Q Okay. And you said you heard a shot.
- 10 A Correct.
- 11 Q All right. Would you step down here?
- 12 A (Witness comes down from the stand.)
- 13 Q All right. Can you -- we established that, that
14 Sarratt Street goes in front of your house.
- 15 A Uh-huh. (Affirmative).
- 16 Q There's a stop sign there.
- 17 A Right.
- 18 Q And Marion Street goes up towards the post office.
- 19 A Uh-huh. (Affirmative).
- 20 Q And I assume there's another street here.
- 21 A Right, Peachtree.
- 22 Q Peachtree Street.
- 23 Okay. The -- where did the -- show the jury where you
24 thought the, the sound of the shot came from.
- 25 A Up in that area.

Sedrick Littlejohn - Cross-examination
by Mr. Shealy

- 1 Q Okay. Beyond this corner behind the house?
- 2 A No.
- 3 Q Beside the house?
- 4 A Up in that area.
- 5 Q Beside the house then?
- 6 A Right.
- 7 Q Okay.
- 8 A (Witness returns to the stand.)
- 9 Q And you didn't hear a car?
- 10 A No, sir.
- 11 Q All right. Now, when you, when this officer arrived,
- 12 you said that Mr. Foote said Dick Parker, Parker shot him?
- 13 A Correct.
- 14 Q Were you still on the phone to 9-1-1?
- 15 A Yes, sir.
- 16 Q Okay. So, if -- there's a chance that if he said that,
- 17 it would be on that, on a tape of your telephone
- 18 conversation?
- 19 A Correct.
- 20 Q Okay. And this officer would know about that as well?
- 21 A Correct.
- 22 Q And, at the time, was Mr. Foote able to speak clearly?
- 23 A Yes, sir.
- 24 Q Well, think about that.
- 25 Do you remember what you told the police officers?

Sedrick Littlejohn - Cross-examination
by Mr. Shealy

1 A Hu huh. (Negative).

2 Q Do you recall telling that he couldn't talk, that he
3 kept spitting up blood?

4 A Yeah, something like that. He was talking sometimes
5 and sometime he'll just sit there.

6 Q So, he had, he had difficulty talking, talking?

7 A Sometimes.

8 Q Okay. And I, I don't recall if I asked you this or
9 not.

10 Do you recall if he had a cell phone on him?

11 A I don't even know.

12 Q Okay. Did you see him talking to anybody with the cell
13 phone?

14 A No, sir.

15 MR. SHEALY: Thank you, Your Honor. That's all the
16 questions I have.

17 THE COURT: Redirect?

18 SOLICITOR MORIN: That's all. I have no further
19 questions, Your Honor.

20 THE COURT: All right, sir. You may step down.

21 Any objection to this witness being excused, the State?

22 SOLICITOR MORIN: None from the State.

23 THE COURT: Defense?

24 MR. SHEALY: Just one second, Mr. Littlejohn.

25 MR. SHEALY: Excuse me, Your Honor.

1 THE COURT: One second.

2 (Pause.)

3 MR. SHEALY: Your Honor, can we take -- this doesn't
4 have to be done in front of the jury.

5 THE COURT: Well, answer my question now.

6 Do you object to this witness being excused, yes or no?

7 MR. SHEALY: No, Your Honor.

8 THE COURT: All right. You're free to go, sir. Thank
9 you very much.

10 All right. Ladies and gentlemen of the jury, at this
11 point in time, we're about three or four minutes from five
12 o'clock, and I told you I'd try to stop as close to 5:00 as
13 I can. So, we're gonna stop for the afternoon.

14 I'm gonna give you the same instruction I gave when we
15 broke for lunch today. That is don't listen to, watch, or
16 read any media reports concerning this case. Don't attempt
17 to gather any information outside of the courtroom
18 concerning the matter. Don't allow anyone to discuss this
19 matter with you. If they do, report that to me. Also,
20 please do not discuss the case with anyone outside including
21 your fellow jurors or family members.

22 I'm going to ask that you be back in the jury room at
23 nine o'clock in the morning. We should be in a position to
24 resume the case at that point in time.

25 I'll ask that everyone remain seated while the jury

1 retires.

2 You're free to go for the evening.

3 Thank you very much.

4 (Whereupon, the following takes place outside the
5 presence of the jury.)

6 THE COURT: All right. Mr. Shealy, is there something
7 you want to take up with the court outside of the jury's
8 hearing?

9 MR. SHEALY: Your Honor, there, there is something that
10 I need to take up with, with you and Mr. Morin.

11 THE COURT: You want to do that in chambers?

12 MR. SHEALY: Yes, sir.

13 THE COURT: Do you want that, put that on the record?

14 MR. SHEALY: Yes, Your Honor.

15 THE COURT: All right.

16 MR. SHEALY: The, the stutter step just a moment ago
17 was I, my client had a---

18 THE COURT: Oh, I don't need to know. I'm just trying
19 to find out whether we can adjourn at this point in time and
20 I'll see you in chambers.

21 MR. SHEALY: Yes, Your Honor.

22 THE COURT: Is that where we are?

23 MR. SHEALY: Yes.

24 THE COURT: All right. You -- any, anything further
25 before we adjourn, Mr. Morin?

1 SOLICITOR MORIN: No, sir.

2 THE COURT: All right. Court is adjourned until nine
3 o'clock in the morning. The defendant remains in custody.
4 I'll see you in chambers.

5

6 (Whereupon, Court was in recess for the evening.)

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1 Tuesday, August 12th, 2008

2

3 THE COURT: All right. Mr. Morin, is the State ready
4 to proceed?

5 SOLICITOR MORIN: The State is ready.

6 THE COURT: Defense ready to proceed?

7 MR. SHEALY: Yes, Your Honor.

8 THE COURT: Bring the jury in.

9 (Whereupon, the following takes place within the
10 presence of the jury.)

11 THE COURT: Good morning.

12 The record will reflect that all jurors have returned
13 to the courtroom this morning, and I hope everyone's had a
14 good evening and you're ready to begin again the trial of
15 this case.

16 When we broke yesterday afternoon the State had
17 presented a portion of its case. It was in the process of
18 calling its witnesses.

19 And at this point in time, the State may call its next
20 witness.

21 SOLICITOR MORIN: The State calls Ken Taylor.

22 THE COURT: Sir, come forward and be sworn.

23 KEN TAYLOR, being first duly sworn,
24 testified as follows:

25 THE COURT: Sir, have a seat in the witness stand.

Ken Taylor - Direct examination
by Solicitor Morin

1 Once you are seated, I'd ask that you state your name for
2 the record.

3 WITNESS: My name is Kenneth Taylor.

4 THE COURT: Your witness, Mr. Morin.

5 DIRECT EXAMINATION

6 BY SOLICITOR MORIN:

7 Q Mr. Taylor, do you work for the Gaffney City Police
8 Department?

9 A Yes, sir.

10 Q Did you work there in June of 2007?

11 A Yes, sir.

12 Q Did you have the occasion to go to [REDACTED] Street?

13 A Yes, sir, I got a shooting call over there that day.

14 Q All right. About what time was it that you got that
15 call?

16 A It's approximately 5:30.

17 Q Okay. And---

18 A In the, the evening.

19 Q All right. And from the time that you got the call
20 till the time that you arrived there, about how much time
21 passed?

22 A Two to three minutes. Somewhere in there.

23 Q All right. When you drove up to the scene, what did
24 you see?

25 A Pulling up, I pulled on Sarratt, saw several black

Ken Taylor - Direct examination
by Solicitor Morin

1 males, saw the victim. He's coming around the corner of the
2 house stumbling, fell down, tried to stand up. The time I
3 got to my car, he's trying to sit in the swing on all fours.

4 Q All right. what -- you say you called him the victim.
5 what did you observe about his condition?

6 A what I noticed about him, he had his shirt around his
7 neck---

8 Q Uh-huh. (Affirmative).

9 A ---which stood out to me.

10 Q All right.

11 A It wasn't a lot of blood. I just saw that he hit the
12 ground. I figured he was probably the shooting victim.

13 Q All right. You said there was some other males there.

14 A I'd say approximately five to seven.

15 Q Okay. Did you approach the person with the shirt
16 around his neck?

17 A Eventually. Yeah, I was -- there was a shooting call.
18 I didn't know if the shooter was still on the scene.

19 Q Okay.

20 A I was out asking who shot him.

21 Q All right. You were saying who shot him?

22 A Yes, sir.

23 Q Did he say anything?

24 A I didn't hear him right at that point. I don't know if
25 I was right up on him.

Ken Taylor - Direct examination
by Solicitor Morin

- 1 Q Okay. Did, did he say anything to you?
- 2 A Eventually, when I got up, he told me Parker and I kept
3 asking do you, where he's at. He said Parker from
4 Blacksburg. That's when I relayed over the radio that it
5 would be a Parker subject saying, saying he's from
6 Blacksburg.
- 7 Q Okay. What happened next?
- 8 A EMS and fire department arrived shortly after that.
- 9 Q All right. Now, you were standing right next to Mr. --
10 did you ascertain who the victim was?
- 11 A Yes, sir.
- 12 Q Who was it?
- 13 A Mr. Foote.
- 14 Q Okay. At the time that you called in and said Parker
15 from Blacksburg, how close were you standing to Mr. Foote?
- 16 A Within two feet.
- 17 Q All right.
- 18 A I was right up on him.
- 19 Q Could he hear the conversation you were having over
20 your radio?
- 21 A Yes, sir.
- 22 Q What came back over the radio or did you have any --
23 was there any conversation that he overheard?
- 24 A Yes, sir.
- 25 Q What?

Ken Taylor - Direct examination
by Solicitor Morin

- 1 A Dispatcher come back and say could it possibly be a
2 Travis Parker, they was chasing him around yes -- oh.
3 Q So, he came back and said it could be Travis?
4 A The female dispatcher.
5 Q All right.
6 A Dispatcher.
7 Q Did Mr. Foote respond to that?
8 A Said yes, that's him.
9 Q Now, after EMS arrived, what did you do?
10 I mean I assume you -- well---
11 A We tried to -- there's a couple other officers there.
12 We tried to secure the scene up. Everybody was trying to
13 see if there was any witnesses to the event.
14 Q Uh-huh. (Affirmative).
15 A And roping it off so we could get a detective in there
16 to start processing it.
17 Q Okay. Where did you -- did you, did you eventually
18 leave that scene?
19 A Yes, sir, I went to Blacksburg.
20 Q All right. How long were you on scene before you went
21 to Blacksburg?
22 A I'm gonna say approximately 20 to 30 minutes.
23 Q Okay. Within 20 or 30 minutes you left---
24 A Yes, sir.
25 Q ---Sarratt and drove to Blacksburg?

Ken Taylor - Direct examination
by Solicitor Morin

- 1 A Yes, sir.
- 2 Q Where in Blacksburg did you drive?
- 3 A To the police department.
- 4 Q All right. And when you got there, did you see
- 5 anybody?
- 6 A There's a couple Blacksburg officers and a black female
- 7 who said that she was the driver of the car during the
- 8 incident.
- 9 Q All right. And then what did you do?
- 10 A I notified Mike Segina, detective, over the Nextel,
- 11 asking me, asking him what he wanted me to do.
- 12 Q Don't tell me what he said. Just tell me what you did.
- 13 A Okay. He told me to try to---
- 14 Q No, don't tell me what he said. Just tell me what you
- 15 did.
- 16 A Okay. I asked her where the car was.
- 17 Q Right.
- 18 A Secured the car.
- 19 Q Okay.
- 20 A Called a tow truck to have it towed back to Gaffney.
- 21 Q All right.
- 22 A Gave her some Miranda warnings.
- 23 Q Okay.
- 24 A Asked her to give me a statement.
- 25 Q All right.

Ken Taylor - Direct examination
by Solicitor Morin

- 1 A And I asked her if she'd come back to Gaffney with me.
2 Q So, what did she say to that?
3 A Yes, sir.
4 Q All right. You transported her?
5 A Yes, sir.
6 Q To where in Gaffney?
7 A To the police station in Gaffney.
8 Q Okay. Do you know what her name was?
9 A I can't remember. It just, from yesterday, seeing her.
10 Q Okay. Now, have you had the opportunity to hear the
11 9-1-1 tape?
12 A Yes, sir.
13 Q And have -- do you recognize any of the voices on that
14 tape?
15 A At the end of it that's, that's my voice.
16 Q What is your voice saying?
17 A Who shot him.
18 Q Okay. Please answer any questions Mr. Shealy may have.
19 A Yes, sir.
20 THE COURT: Mr. Shealy, it's your witness.
21 CROSS-EXAMINATION
22 BY MR. SHEALY:
23 Q Officer Taylor, as I understand it, Sergeant Taylor,
24 excuse me, as I understand it, you arrived at the same time
25 Mr. Foote was coming around the corner of the house?

Ken Taylor - Cross-examination
By Mr. Shealy

1 A I was observed him, yeah, yes, sir, before I got out of
2 my car.

3 Q Okay. Did you see anybody call 9-1-1 as he came around
4 the house?

5 A I didn't notice anybody on the cell phone or anything.

6 Q Okay. And did you see him sit in the swing?

7 A When I say sit in the swing, he kind of fell back into
8 it and then falling on the ground. He was trying to stay
9 up---

10 Q Okay.

11 A ---at which point I just told him to lay down, the
12 ambulance was on the way.

13 Q Was he in front of the swing, beside the swing?

14 A He was in front of the swing.

15 Q Okay. And -- well, just say again what happened after
16 he said a Parker from Black, from Blacksburg.

17 A On the radio I reached up, I was telling dispatch,
18 calling my number out to dispatch, 412, stating a Parker
19 subject from Blacksburg is the one was the shooter, and she
20 came back could it possibly be a Travis Parker, they was
21 chasing him around all day yesterday.

22 Q Okay. Now, do you know, of your own personal
23 knowledge, whether there's a number of Parker's in
24 Blacksburg?

25 A I -- there's probably a few, yes, sir.

Ken Taylor - Cross-examination
By Mr. Shealy

1 Q Okay. Now, up until then, had anybody used the word,
2 the term Travis Parker?

3 A No, sir, just the dispatcher. That's the first time I
4 heard it.

5 Q And did Mr. Foote, did he hear the, the words Travis
6 Parker?

7 A Yes, sir.

8 Q Okay. And at that point he started saying Travis
9 Parker?

10 A He said yeah, that's him.

11 Q Okay.

12 A He never said Travis. He said yeah, that's him.

13 Q The -- now, y'all were trying to figure out who did the
14 shooting, is that correct?

15 A Yes, sir, I -- my main concern, when I got out before I
16 could clear the scene for EMS or the fire department to come
17 in, make sure the shooter still wasn't there.

18 Q Now, did Sedrick Littlejohn ever tell you that Mr.
19 Foote said Travis, Dick Parker shot him?

20 A No, sir, I don't recall if he did.

21 Q Did he ever tell you that he kept saying Dick Parker
22 did it, Dick Parker shot me?

23 A I didn't hear that.

24 Q All right. Now, at anytime did you hear Mr. Foote say
25 Dick Parker shot me?

Ken Taylor - Cross-examination
By Mr. Shealy

1 A He just said Parker from Blacksburg. That's all he
2 told me.

3 Q All right. And in fact, he never said Travis to you?
4 You, you overheard Travis being said to you, but he
5 never actually used the word Travis Parker --

6 A No, sir.

7 Q -- at that point?

8 Now, I believe this is already been introduced into
9 evidence as State Exhibit 4.

10 Do you recognize this picture?

11 A Yes, sir, that looks like the car that I had towed from
12 Blacksburg back to Gaffney---

13 Q Okay.

14 A ---on that date.

15 Q I just -- I'm just curious.

16 Did you take that picture or do you know who did take
17 that picture?

18 A No, Mike Segina took it.

19 Q Okay. Thank you.

20 And as I understand it, you took a, a statement from
21 Nicole Thompson?

22 A I know I gave her Miranda warnings. I got them on -- I
23 got a copy from Blacksburg Police Department. I don't know
24 if she actually wrote the statement there or when she got
25 back to Gaffney.

Ken Taylor - Cross-examination
By Mr. Shealy

- 1 Q Okay.
- 2 A I believe it's when we got back to Gaffney.
- 3 Q All right. Just to, just to clarify your memory, I'm
- 4 going to show you something.
- 5 A Okay.
- 6 Q Witness interview form, Nicole C. Thompson.
- 7 A Okay.
- 8 Q Did you take that statement?
- 9 I believe there's some signatures at the bottom.
- 10 A No, I didn't witness it.
- 11 Q Okay. So, you didn't actually take any statements from
- 12 her?
- 13 A No, sir. No, sir.
- 14 Q So, this is the form you filled out, is that correct?
- 15 A Yes, sir, that's what I did at the Blacksburg Police
- 16 Department.
- 17 Q I'm just trying to make sure there's not any other
- 18 written documents out there.
- 19 A No, not as far as -- I just did a Miranda warning in
- 20 case she said something incriminating.
- 21 Q By Miranda warnings, you mean the pre-interrogation
- 22 waiver form?
- 23 A Yes, sir.
- 24 Q Now, what time did you arrive there?
- 25 A It's approximately around 5:30 I believe by the

Ken Taylor - Cross-examination
By Mr. Shealy

1 dispatch time. I looked later. It was 5:29. Somewhere in
2 there.

3 MR. SHEALY: If I may have a moment, Your Honor?

4 THE COURT: Yes, you may.

5 (Pause.)

6 MR. SHEALY: Thank you, Your Honor. That's all I have.

7 THE COURT: Redirect, Mr. Morin?

8 SOLICITOR MORIN: No, sir. No further questions.

9 THE COURT: You may step down. Thank you, sir.
10 State may call its next witness.

11 SOLICITOR MORIN: David Swank.

12 THE COURT: Come forward to be sworn, sir.

13 DAVID SWANK, being first duly
14 sworn, testified as follows:

15 THE COURT: Have a seat in the witness stand please.
16 Please state your name for the record.

17 WITNESS: William David Swank.

18 THE COURT: Your witness, Mr. Morin.

19 DIRECT EXAMINATION

20 BY SOLICITOR MORIN:

21 Q Mr. Swank, where do you work?

22 A Upstate Carolina Medical Center.

23 Q And what do you do at Upstate Carolina Medical Center?

24 A I'm a paramedic.

25 Q Okay. And were you employed as a paramedic back in

David Swank - Direct examination
by Solicitor Morin

1 June of 2007?

2 A Yes, sir, I was.

3 Q Did you have the occasion to go to [REDACTED] Street?

4 A Yes, sir.

5 Q Who -- were you alone when you went there or did you go
6 with someone else?

7 A My partner, Kenneth Edelmeyer, was with me, sir.

8 Q Okay. Tell me what you found when you got to [REDACTED]

9 [REDACTED] Street.

10 A Excuse me. When we arrived on the scene, we found a 27
11 year old male on all fours stating he'd been shot, T-shirt,
12 a black T-shirt was around his neck. Found a gunshot wound
13 to the right upper quadrant of the abdomen. Since he was a
14 little confused and upset, we went ahead and got him on the
15 backboard and got him in the truck and called for a
16 helicopter to fly him to Spartanburg. Did our, all of our
17 ALS care in the trunk---

18 Q Okay.

19 A ---on the way to the L.Z.

20 Q Let's start with the T-shirt.

21 what -- did y'all keep that?

22 what did you do with it?

23 A I went ahead. And since it was already around his
24 neck, I went ahead and slipped it over his head and left it
25 there in the yard. I knew it was gonna be evidence.

David Swank - Direct examination
by Solicitor Morin

1 Q Okay. What was his general condition?

2 You said he was upset. I understand that. Just tell
3 me about confused.

4 A He kept stating that he couldn't breathe, just that he
5 was, he was critical status.

6 Q All right. He said he couldn't breathe?

7 A Yes, sir.

8 Q How -- at, at the time that you -- well, at the time
9 that you and I guess your partner were also, was working on
10 him?

11 A Yes, sir.

12 Q Did you see any police officers around you?

13 A Yes, sir, there were, there were a number of officers.
14 A couple of them cleared the scene prior to us getting
15 there.

16 Q Okay.

17 A Make sure the scene is safe for us to enter.

18 Q Right.

19 But were there any up near where you were working by
20 the time you got to Mr.---

21 A No, sir.

22 Q ---Foote?

23 Okay. Tell me if, to your recollection, what Mr. --
24 you said Mr. Foote said I can't breathe.

25 Did he say anything else?

David Swank - Direct examination
by Solicitor Morin

1 A It was pretty hectic right there for a minute. We're
2 getting him on the stretcher and packaging him for
3 transport. We got him into the back of the truck, outside
4 the truck. All he was saying is that he couldn't breathe.
5 Once we were going in the truck, that he was, he was dying,
6 he was gonna die, he couldn't breathe.

7 Q Okay.

8 A Got into the back of the truck and started our care.
9 He just kept repetitively saying that he was gonna die and
10 that he couldn't breathe. Wasn't very cooperative with,
11 with our care simply because I guess the lack of oxygen made
12 him---

13 Q All right.

14 A ----a little apprehensive.

15 Q All right. Did he say anything else to your, to your
16 recollection?

17 A He stated that the shooter was Parker. I stated which
18 Parker and Mr. Foote stated Travis Parker.

19 Q That's the words he used?

20 A Yes, sir, those are his exact words.

21 Q All right.

22 A From Open Air.

23 Q How long were you on the scene with him?

24 A I was on the scene with him for exactly four minutes,
25 sir.

David Swank - Direct examination
by Solicitor Morin

1 Q I mean from the time that you put him on the -- did you
2 say a backboard?

3 A (Witness nods affirmatively.)

4 Q From the time you put him on a backboard, the time you
5 put him in the truck it took---

6 A Four minutes.

7 Q Four minutes.

8 And then where did you take him?

9 A We took him to I believe it was Providence Church on
10 Providence Road. That's where we set the helicopter down.

11 Q The helicopter---

12 A From Regional One, Spartanburg Regional.

13 Q And they picked him up there?

14 A Yes, sir.

15 Q When, when the helicopter got there, was he still
16 speaking or what was his condition when the helicopter took
17 him?

18 A He wasn't really speaking. He had, he had deteriorated
19 a little bit.

20 Q Okay. Please answer any questions Mr. Shealy may have.

21 THE COURT: Mr. Shealy, it's your witness.

22 MR. SHEALY: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. SHEALY:

25 Q What do you have to do to, to, what did you say,

David Swank - Cross-examination
by Mr. Shealy

1 package him for transport?

2 A Yes, sir.

3 Q What do you have to do to do that?

4 A It usually consists of, for a helicopter, to facilitate
5 loading into the aircraft. We put him on a long spine
6 board, which is a ridged board. The bed sheets kind of bend
7 and everything. If you wanted to lay the patient flat,
8 secure them with the straps, you, at least, they can't just
9 move around, and they're, it's easy just to slide straight
10 into the helicopter.

11 Q Okay. And understand I'm the victim of television
12 shows.

13 A Yes, sir.

14 Q Okay. And on those shows a lot of times you hear this
15 word about stabilizing them before you move them.

16 A Yes, sir.

17 Q Do you do, do you do that?

18 A It all depends. If you're suspecting a, a spinal
19 trauma, then, yes, sir---

20 Q Okay.

21 A ---you do do that and that consists of a long spine
22 board, spider straps, a C collar, and a head band.

23 Q Okay. Now what does stabilized mean?

24 A Stabilize -- I guess to prevent any further injury.

25 Q First of all, is that an, is that an authentic medical

David Swank - Cross-examination
by Mr. Shealy

1 term?

2 A Yes, sir.

3 Q Okay.

4 A It's to prevent any further injury from happening.

5 Q Okay. It doesn't have anything to do with trying to
6 get the blood pressures regular, regular and the heart
7 beat---

8 A No, sir.

9 Q ---stable?

10 A Not at that point, no, sir.

11 Q We're talking about physically?

12 A Physically stabilizing them.

13 Q Okay. And this, this gunshot, where, to what part of
14 the body was it?

15 A It was to the right upper quadrant of the abdomen was,
16 was the entrance wound.

17 Q Okay. So, did you have any concern at all that, that,
18 the, there was a spinal injury?

19 A Not at that time, no, sir.

20 Q Okay. Now, you said that he was uncooperative.

21 A Yes, sir.

22 Q Did he resist your efforts to put him on the, the spine
23 board?

24 A We, we asked him a few times to cooperate with us and
25 then he finally did.

David Swank - Cross-examination
by Mr. Shealy

1 Q Okay. Did you have to call for assistance from anybody
2 other than your partner?

3 A From what -- I'm sorry, sir?

4 Q Did you have to ask for assistance from anybody other
5 than your partner?

6 I assume you and your partner were both working on him?

7 A Yes, sir, my supervisor responded out with us. It's on
8 the nature of that call as well as the fire department,
9 first responders. But he come out with us and I believe,
10 with, for, on the scene time, since he was moving around on
11 the scene already, we just went ahead and went out with the
12 stretcher and got him on the stretcher cause we knew time
13 was of the essence.

14 Q Okay. And the four minutes that you mentioned that you
15 were on the scene, that's from the time that you arrived at
16 the scene till where you departed to take him to the
17 helicopter?

18 A Yes, sir.

19 Q Okay. And how long was it till he got to the
20 helicopter?

21 A Can I look at my paper, sir?

22 Q Certainly. Certainly.

23 A We arrived on scene at 5:30. We left the scene -- I
24 was wrong on my time, sir. That was a six minute on scene
25 time.

David Swank - Cross-examination
by Mr. Shealy

1 Q Oh, six minute on---

2 A Yes, sir, I have seven, 5:36, 17:36 military time.

3 Q So, you arrived at 5:36 and left at --?

4 A At -- it says -- can I back up again?

5 Q However. Just refresh your memory.

6 A Okay. Departed -- I departed base at 5:27. We arrived
7 on scene at 5:30. We left the scene at 5:36 and we arrived
8 at our destination, which would be Providence, at 5:50.

9 Q And, of course, you, you don't know, other than what
10 you've been told, as to when the helicopter arrived or if
11 there was any problems?

12 A No, sir, that would be, that would be on the C.A.D.
13 sheet.

14 Q Okay. Now, the whole time that you were working on
15 him, did you ever hear him say the name Dick Parker?

16 A No, sir, I did not.

17 Q The -- when you were transporting him -- I hear that
18 this is a truck.

19 By a truck, are we talking, talking about like a full
20 fledged ambulance that---

21 A Yes, sir.

22 Q So, somebody---

23 A Man in the front.

24 Q Would somebody be back there with him?

25 A Yes, sir, me and my partner both and my supervisor was

David Swank - Cross-examination
by Mr. Shealy

1 driving us to the landing zone.

2 Q Supervisor was driving.

3 So, you had two people working on him?

4 A Yes, sir.

5 Q Okay. At the, at anytime on the trip to the
6 helicopter, did you ever hear Mr. Foote say anything, call
7 out the name Dick Parker.

8 A No, sir, I did not.

9 MR. SHEALY: Thank you, Your Honor. That's all the
10 questions I have.

11 THE COURT: Redirect?

12 SOLICITOR MORIN: That's all the questions I have, Your
13 Honor.

14 THE COURT: You may step down, sir.

15 The State may call its next witness.

16 SOLICITOR MORIN: I ask that this witness be excused.

17 THE COURT: Any objection?

18 MR. SHEALY: No objection, Your Honor.

19 THE COURT: Sir, you're free to go. Thank you very
20 much for coming.

21 You may call your next witness.

22 SOLICITOR MORIN: Ken Edelmeyer.

23 THE COURT: Come forward, sir, to be sworn.

24 KEN EDELMAYER, being first duly
25 sworn, testified as follows:

Ken Edelmeyer - Direct examination
by Solicitor Morin

1 THE COURT: Have a seat in the witness stand please.

2 WITNESS: Thank you, sir.

3 THE COURT: State your name for the record.

4 WITNESS: Kenneth Edelmeyer.

5 THE COURT: Mr. Morin, it's your witness.

6 DIRECT EXAMINATION

7 BY SOLICITOR MORIN:

8 Q Mr. Edelmeyer, you work for EMS?

9 A Yes, sir.

10 Q How long have you worked there?

11 A Four or five years now.

12 Q So, you were there last year in June of 2007?

13 A Yes.

14 Q Did you have the occasion to go to [REDACTED] Street?

15 A I did.

16 Q And who were you with?

17 A I was with David Swank.

18 Q Okay. Tell me what you recall seeing when you got
19 there.

20 A When, when we pulled up, Mr. Foote was, as stated, on,
21 on all fours in the front yard of the residence.

22 Q All right. I need you to tell the jury what you recall
23 seeing or---

24 A I recall seeing him on all fours. There was a black
25 T-shirt around his neck like he had pulled it off but not

Ken Edelmeyer - Direct examination
by Solicitor Morin

1 pulled it off all the way. He was a, had a gunshot wound to
2 his right upper quadrant. He had some blood in his mouth
3 and he was making statements as, you know, I can't breathe,
4 I can't breathe.

5 Q Okay.

6 A Things like that.

7 Q What do you recall doing?

8 A We, we got him on to a spine board on to a stretcher.

9 Q Uh-huh. (Affirmative).

10 A Moved him into the truck.

11 Q Now, was, was there a concern that he had a spinal
12 injury?

13 A No, it's, it's a way of loading him.

14 Q Uh-huh. (Affirmative).

15 A To put him on the spine board, it's easier to pick him
16 up and, and he -- this is a big fellow. So, we -- it was
17 easier to load him on to that, put him on the stretcher, and
18 then move him into the truck.

19 Q All right. During the time that you had moved him from
20 the, from, from the yard, is that correct---

21 A Right.

22 Q ---into the truck, other than claiming not being able
23 to breathe, did he make any other statements?

24 A He was making the statement I'm dying, I can't breathe.
25 I guess from the, the loss of oxygen from his wound, he, he

Ken Edelmeyer - Direct examination
by Solicitor Morin

1 was probably feeling short of breath and, and he kept saying
2 I'm dying, I'm dying, and---

3 Q All right. Did he make any other statements in the
4 vehicle?

5 A In the vehicle he stated that a Parker subject had shot
6 him.

7 Q Now, to your recollection, what was it he said about
8 that?

9 A He said Parker shot me.

10 THE COURT: wait for the train.

11 (Pause.)

12 THE COURT: All right. Mr. Morin, you may, you may
13 proceed.

14 Q All right. When he made that statement, what did you
15 say?

16 A I said -- my comment was from Blacksburg, and he said
17 yes, Open Air Mobile Home Park.

18 Q He said what?

19 A And I -- he said Open Air.

20 Q Okay.

21 A Then I said from down on the end meaning, cause I, I
22 knew where Mr. Parker had lived.

23 Q Okay. And he, did he respond to that?

24 A He responded.

25 MR. SHEALY: Excuse me, Your Honor. I couldn't hear

Ken Edelmeyer - Direct examination
by Solicitor Morin

1 that last comment.

2 THE COURT: I think -- repeat your last response
3 please, sir.

4 A Down -- he had asked me -- I said from Blacksburg. He
5 said yes, Open Air. And then I said from down at the end of
6 the, the road cause one of the roads is where the, you know,
7 the Parker that I knew lived.

8 Q Okay. Please answer any questions Mr. Shealy may have.

9 THE COURT: Mr. Shealy, your witness.

10 MR. SHEALY: Excuse me just a moment, Your Honor.

11 THE COURT: Yes, sir.

12 (Pause.)

13 CROSS-EXAMINATION

14 BY MR. SHEALY:

15 Q Officer Edelmeyer, was this a lung wound?

16 A I, I believe so. I believe his, one of his lungs was
17 occluded in the wound, yeah.

18 Q Okay. When you say occluded, what, what does that
19 mean?

20 A By just looking at -- I mean I'm not a forensic man,
21 but looking from where the bullet hit him and traveled, I
22 would think the lung was affected.

23 Q Okay. Did y'all treat him for a, a lung wound?

24 A We suspected a lung wound.

25 Q Okay.

Ken Edelmeyer - Cross-examination
by Mr. Shealy

- 1 A I mean there's -- in, in the ambulance, there's not a
2 lot you're gonna do for that.
- 3 Q All right.
- 4 A At that time.
- 5 Q And I understand. I'm just going back to my boy scout
6 days.
- 7 okay?
- 8 A okay.
- 9 Q On lung wounds, do you not put some, something like
10 plastic or something to cover the wound so---
- 11 A No, the wound---
- 12 Q ---the air doesn't get in?
- 13 A There was no entrance or exit that I saw in the lung
14 area. It was below the lung area.
- 15 Q Okay. And so, what treatment did y'all, y'all give
16 him?
- 17 A what we call IV O2 monitor. We started some IV's to
18 keep some blood pressure going. Put him on a monitor for
19 his heart rate, oxygen therapy giving him---
- 20 Q So, you gave him oxygen?
- 21 A Oh, yes, sir.
- 22 Q Okay. Now, Mr. Edelmeyer, prior to being EMS, at some
23 point you, you had a, quite a career in law enforcement, is
24 that correct?
- 25 A Yes, sir, I was a police officer for a good many years.

Ken Edelmeyer - Cross-examination
by Mr. Shealy

- 1 Q Right.
- 2 And you worked for the Sheriff's Department?
- 3 A Yes, I did.
- 4 Q Now, you're familiar with the, the name Parker?
- 5 A Yes, sir.
- 6 Q Okay. And, and Parker's from Blacksburg?
- 7 A Well, I'm familiar with Parker's from Blacksburg and
- 8 Parker's from Gaffney.
- 9 Q Okay. I know there's a large number of Parker's from
- 10 Blacksburg, is that correct?
- 11 A Right.
- 12 MR. SHEALY: Excuse me just a moment.
- 13 THE COURT: Yes, sir.
- 14 (Pause.)
- 15 MR. SHEALY: Thank you, Your Honor. That's all I have.
- 16 THE COURT: Redirect?
- 17 SOLICITOR MORIN: That's all the questions I have of
- 18 this witness, Your Honor.
- 19 THE COURT: You may step down, sir.
- 20 WITNESS: Thank you.
- 21 SOLICITOR MORIN: Can this witness be excused?
- 22 THE COURT: Any objection, Mr. Shealy?
- 23 MR. SHEALY: No, Your Honor.
- 24 THE COURT: Without objection, sir, you're free to go.
- 25 WITNESS: Thank you, sir.

Mike Segina - Direct examination
by Solicitor Morin

1 THE COURT: Thank you for coming today.

2 State may call its next witness.

3 SOLICITOR MORIN: State calls Mike Segina.

4 THE COURT: Sir, come forward to be sworn.

5 MIKE SEGINA, being first duly
6 sworn, testified as follows:

7 THE COURT: Have a seat in the witness stand please,
8 sir. State your name for the record.

9 WITNESS: Mike Segina.

10 THE COURT: Mr. Morin, your witness.

11 DIRECT EXAMINATION

12 BY SOLICITOR MORIN:

13 Q Mr. Segina, where do you work?

14 A I work at the Gaffney Police Department.

15 Q And what is your job there?

16 A I'm a crime scene detective and training officer.

17 Q Okay. As a crime scene -- what did you call it?

18 Crime scene what?

19 A Detective.

20 Q All right. Did you have the occasion to go to [REDACTED] --
21 were you doing that in June of 2007?

22 A I was.

23 Q Did you have the occasion to go to [REDACTED] Street?

24 A Yes, I did.

25 Q All right. When you arrived, can you tell me what you

Mike Segina - Direct examination
by Solicitor Morin

1 saw?

2 A I arrived at the [REDACTED] Avenue and the scene had
3 been secured by Lieutenant Scott Wiley and Sergeant Ken
4 Taylor.

5 Q Okay. As part of your job, did you take any
6 photographs?

7 A Yes, sir, I did.

8 (Whereupon, a bottle of lotion was marked as State's
9 Exhibit No. 7. A T-shirt was marked as State's Exhibit No.
10 8. A projectile was marked as State's Exhibit No. 9. A map
11 with a key was marked as State's Exhibit No. 10. Twenty
12 photographs were marked as State's Exhibit Nos. 11 through
13 30. All of the above exhibits were for identification
14 purposes only at this time.)

15 Q All right. I'm gonna show you what's been marked
16 State's Exhibit, for identification, State's Exhibit 28, 27,
17 26, 29, and 30.

18 All right. Ask if you can tell me what those are.

19 A State's Exhibit 28 would be a picture of the front yard
20 of [REDACTED] Avenue, which shows a black T-shirt, a
21 portion of the corner of the house, and a portion of the
22 swing set.

23 State's Exhibit 27 is a close-up of a black T-shirt
24 that was lying in the front yard.

25 Q Officer Segina, are these photographs you took?

Mike Segina - Direct examination
by Solicitor Morin

1 A Yes, I took these photographs.

2 Q On what day did you take them?

3 A June the 22nd of '07.

4 Q All right. And -- well, these were taken there in the
5 yard?

6 A Yes, they were taken in the yard.

7 Q All right. Before -- Your Honor, I'd move -- would be
8 better if I put them in order. I'm gonna -- well, let me
9 show you.

10 Your Honor, I'd move State's Exhibits -- make sure I
11 got them in order here.

12 State's Exhibit 26, 27, 28, 29, and 30 into evidence.

13 THE COURT: Any objection?

14 MR. SHEALY: Your Honor, I -- we admit he's laid the
15 foundation for 27 and 28. We believe he'll be able to lay a
16 foundation for the others. Assuming he does that, then
17 we---

18 THE COURT: I think he handed them all -- he didn't
19 identify them on the record. Hand all those to the police
20 officer and let's confirm that he took them and when he took
21 them.

22 SOLICITOR MORIN: Yes, sir.

23 Q Just tell you what the item number is and when, when
24 you took it if you took it.

25 A On July 22nd of '07 I took the pictures that are

Mike Segina - Direct examination
by solicitor Morin

1 depicted in State's Exhibit 26, 27, 28, 29, and 30. I took
2 all these pictures in the front yard of [REDACTED] Avenue,
3 which---

4 MR. SHEALY: No objection, Your Honor.

5 THE COURT: All right. No objection at this time. I'm
6 going to admit them into evidence.

7 (Whereupon, State's Exhibit 26 through 30 were received
8 into evidence at this time.)

9 THE COURT: You may proceed, Mr. Morin.

10 Q Did you say -- which month did you say you took these?

11 A June, June.

12 Q Okay. All right.

13 A 6/22 of '07.

14 Q All right. Can you see that screen from where you're
15 sitting?

16 A Yes, sir, I can.

17 Q All right. I'm gonna start with State's Exhibit No. 28
18 rather than continue. If you need to step down.

19 (witness comes down from the stand.)

20 Q Can you tell me what this shows?

21 A That depicts a picture of a black T-shirt, some
22 personal affects, the corner of the house which is [REDACTED]
23 Sarratt Avenue, and a portion of the swing set that was in
24 the front yard at [REDACTED] Avenue.

25 Q Okay. Now, in this photograph, the T-shirt seems to be

Mike Segina - Direct examination
by Solicitor Morin

1 in a ball or a lump for lack of a better word.

2 Is that fair to say?

3 A Yes, sir, this is what the scene looked like when I
4 arrived. It was kind of wadded up just thrown to the side.

5 Q Okay.

6 A But that's what the scene looked like when I arrived.

7 Q All right. Now, this is State's Exhibit No. 27.

8 Can you tell me what this is?

9 A That would be the same T-shirt after we opened it out
10 for, to photograph it further.

11 Q Okay. Can you tell us about the condition as you found
12 this item?

13 A The condition -- well, when I first found it, it was
14 wadded up, but we opened it up and then it had what appeared
15 to be blood stains on the front and a small hole.

16 Q Okay. I'm gonna show you State's Exhibit No. 26.

17 Can you tell me what this is?

18 A That's an even closer close-up shot of that same black
19 T-shirt that shows the small hole in the middle of it.

20 Q Okay. State's Exhibit No. 29, what is this a picture
21 of?

22 A That is a picture of the swing set that was sitting in
23 the front yard of [REDACTED] Avenue.

24 Q Okay. And I note that there's a street running right
25 behind there.

Mike Segina - Direct examination
by Solicitor Morin

1 That is?

2 A That would be Marion Avenue.

3 Q Okay. And this is State's Exhibit No. 30.

4 What is this?

5 A That's a photograph of what appears to be blood on the
6 back of the, the back seat portion of that swing set.

7 Q So, in State's Exhibit No. 29, what you just testified
8 to, the swing set---

9 A Yes, sir.

10 Q ---the State Exhibit 30 is a close-up?

11 A Of that same swing set focusing on the---

12 Q Can you show us what's that a close-up -- do you see
13 the -- yeah, just walk over to it.

14 A This photograph, this area here is a close-up of this
15 area here on the swing set.

16 Q Okay. Thank you, sir.

17 (Witness returns to the stand.)

18 Q I'm now gonna show you what's been marked as State's
19 Exhibit No. 8 for identification and ask if you can tell me
20 what that is.

21 A This is a black in color T-shirt that I collected on
22 6/22/07 at 6:09 p.m.

23 Q This is the actual shirt that we saw in the
24 photographs?

25 A Yes, it is.

Mike Segina - Direct examination
by Solicitor Morin

1 Q All right. Now, just for our information, has anything
2 been done to this shirt after it was put into evidence?

3 A No, it has not.

4 Q Has it been cleaned?

5 A No, it has not.

6 Q All right. And this evidence bag is sealed?

7 A That's correct.

8 Q Why?

9 Is there---

10 A Because---

11 Q Is there any reason why we shouldn't open this?

12 A I sealed it in a plastic bag because of the biohazard,
13 the blood on the shirt for possible contamination later on
14 and sealed it up in a plastic evidence bag.

15 SOLICITOR MORIN: Okay. At this time we move State's
16 Exhibit No. 8 in evidence.

17 MR. SHEALY: No objection, Your Honor.

18 THE COURT: Without objection, it will be received as
19 marked.

20 (Whereupon, State's Exhibit No. 8 was received into
21 evidence at this time.)

22 THE COURT: You may proceed.

23 SOLICITOR MORIN: May I have just a moment?

24 THE COURT: Yes, sir.

25 (Pause.)

Mike Segina - Direct examination
by solicitor Morin

1 Q I'm gonna show you what's been marked as State's
2 Exhibit No. 9 and ask you tell me what this is.

3 A The first bag it is in is in a SLED evidence bag.
4 That's what you put evidence in when you take it to SLED for
5 analysis. Inside the outer bag is another smaller bag,
6 which appears to be an autopsy container, an evidence
7 container that's used during the autopsy. And then one
8 other bag inside that is my evidence bag, which states one
9 shell casing and it's sealed by me.

10 Q Okay. Is there anything else in there?

11 A A bullet fragment.

12 Q Okay. Did you put it into this evidence bag?

13 A Into the outer bag?

14 Q Yes.

15 A No, I did not.

16 Q All right. The shell casing that's in there, can you
17 tell us about that?

18 where did that come from or do you know?

19 A Yes, the shell casing which is in a manila envelope
20 that's inside this bag I collected at the scene of Peachtree
21 and Marion on the day that I was there, 6/22/07.

22 Q Okay. And what did you do, if anything, with that,
23 that, that shell casing?

24 A The shell casing?

25 Q Uh-huh. (Affirmative).

Mike Segina - Direct examination
by Solicitor Morin

1 A The shell casing was collected along with some other
2 evidence on 6/22/07 at approximately 6:09 p.m., and it was
3 kept in my possession until 3/3 of '08 when Item Number 6,
4 which is the shell casing, was transferred to Greg Phillips
5 to be transported to SLED.

6 Q All right. Why did you have it transported to SLED?

7 A I believe there was some further analysis that would,
8 needed to be done on that shell casing, and I released the
9 evidence, released this piece of evidence to Greg Phillips
10 to be transported to SLED.

11 Q Okay. Now, this bullet that's in here, did that ever
12 come to into your possession?

13 A All right. If you'll give me just a moment to find the
14 date.

15 Q Uh-huh. (Affirmative).

16 A I -- excuse me. I received the bullet fragment on
17 6/23/07 at 5:27 p.m. from David Clary.

18 Q Okay. I'm gonna move State's Exhibit No. 9 into
19 evidence.

20 MR. SHEALY: No objection, Your Honor.

21 THE COURT: Without objection, it will be received as
22 marked.

23 (Whereupon, State's Exhibit No. 9 was received into
24 evidence at this time.)

25 Q All right. Now---

Mike Segina - Direct examination
by Solicitor Morin

1 A Yes, sir.

2 Q I'm gonna show you what's been marked as State's
3 Exhibit No. 10 and if you can tell me what this is.

4 A This is a crime scene drawing that I prepared in
5 reference to Case 07-7556.

6 Q Is that this case we're talking about?

7 A Yes, sir, it is.

8 Q All right. And you prepared it's -- I believe there's
9 two sheets, right?

10 A Yes, one is the actual sketch, which I guess they're
11 both marked as State's Exhibit 10. One is the actual
12 drawing. The other one is a crime scene ledger which
13 explains the drawing.

14 Q Okay. Did -- and, and you prepared this document?

15 A Yes, I did.

16 SOLICITOR MORIN: Your Honor, at this time we would
17 move State's Exhibit No. 10 into evidence.

18 MR. SHEALY: No objection.

19 THE COURT: Without objection it will be received as
20 marked.

21 (Whereupon, State's Exhibit No. 10 was received into
22 evidence at this time.)

23 Q I'm going to allow you to hold this.

24 All right. Now, if you would -- all right. And if you
25 can see from there, that's fine. If you need to step --

Mike Segina - Direct examination
by Solicitor Morin

- 1 Your Honor, I ask him to be able to step down.
- 2 THE COURT: He can step down and view it, yes, sir.
- 3 Q All right.
- 4 A (Witness comes down from the stand.)
- 5 Q All right. Let me just ask you about a few things
- 6 right now.
- 7 First of all, A?
- 8 A Yes, sir.
- 9 Q What is A, detective?
- 10 A A would be the residence at [REDACTED] Avenue.
- 11 Q Is that a brick house?
- 12 A Yes, sir.
- 13 Q All right. And I?
- 14 A It would be a swing set.
- 15 Q Is that the swing set that we've seen in previous
- 16 photographs?
- 17 A Yes, it is.
- 18 Q Okay. And then I, I don't know, it looks like a one
- 19 you have right there.
- 20 A That's correct.
- 21 Q What is that?
- 22 A Blood spots and evidence where the evidence was located
- 23 when I arrived.
- 24 Q Evidence such as a shirt that we have at the scene?
- 25 A The shirt and the personnel affects that were collected

Mike Segina - Direct examination
by Solicitor Morin

- 1 from that area.
- 2 Q All right. And E?
- 3 A Stop sign.
- 4 Q Okay. Now, this is Sarratt Avenue?
- 5 A Correct.
- 6 Q Are you familiar with this area?
- 7 A Yes, I am.
- 8 Q Does Sarratt Avenue have any speed bumps on it?
- 9 A Yes, they're located approximately half way between
- 10 Marion Avenue and Peeler Street, which would be the next
- 11 road that goes off the street headed north on---
- 12 Q Okay.
- 13 A ---on Sarratt Avenue.
- 14 Q We got a bunch of H's in there.
- 15 A Yes, sir.
- 16 Q What are those H's?
- 17 A Trees.
- 18 Q Okay. And then we have -- right here we have G.
- 19 A That would be a telephone pole.
- 20 Q Okay. F and two?
- 21 A F would be a manhole cover.
- 22 Q Uh-huh. (Affirmative).
- 23 A And two would be the location of the shell casing that
- 24 we collected as evidence.
- 25 Q That's, that's the shell casings in which you just

Mike Segina - Direct examination
by Solicitor Morin

1 testified to?

2 A Correct.

3 Q Now, Marion Avenue running this way, in other words,
4 you've got a stop sign over here where it says E. Right
5 there, E.

6 A Correct.

7 Q Right.

8 And Marion Avenue runs this way and you find the shell
9 casings right here?

10 A Correct.

11 Q If I continue up Marion Avenue straight without
12 stopping or without coming, without turning, either way,
13 what am I gonna run into?

14 A You would run into the back entrance of the post office
15 after you cross over Gaffney Avenue.

16 Q Okay. Please have a seat.

17 A (Witness returns to the stand.)

18 Q All right. Now, can you estimate approximately how
19 long you were on the scene there at [REDACTED] Marion Avenue?

20 A I arrived, I arrived on the scene at 6:05 p.m. and the
21 next time I have listed down, 7:27, I spoke with a black
22 female in Blacksburg. So, approximately an hour and a half
23 on Sarratt Street, Sarratt Avenue.

24 Q Okay. When you got to -- did you go to Blacksburg?

25 A I did.

Mike Segina - Direct examination
by Solicitor Morin

1 Q All right. And when you got there, what did you do?

2 A I took photographs of a vehicle that's parked out front
3 of the Blacksburg Police Department and then also followed
4 that vehicle as it was being towed by Blanton's Wrecker
5 Service back to Gaffney Police or Gaffney Maintenance Shop
6 where it was stored.

7 Q Okay. And I'm gonna show you what's entered as State's
8 Exhibit No. 4 and ask you is that the vehicle to which you
9 found and towed back to the Gaffney impound?

10 A It is.

11 Q Okay. Now, when you got to -- did you do anything else
12 with that car?

13 After it was taken to impound, what did you do or did
14 you do anything?

15 A That night, no. It was taken and stored in a storage
16 building cause it's owned by the Gaffney Police Department.

17 Q Okay. Did you do anything later on?

18 A Yes, I did.

19 Q What did you do?

20 A I -- on June 25th, at 10:09 a.m., I executed a search
21 warrant on that vehicle.

22 Q Okay. And tell me what you did in doing that.

23 A I executed a search warrant that was signed by
24 Detective Ramsey, which allowed me to enter and search that
25 vehicle. I searched the interior of that vehicle, and I

Mike Segina - Direct examination
by Solicitor Morin

1 also processed, processed that vehicle for fingerprints.

2 Q All right. I'm gonna show you what's been marked for
3 identification as State's Exhibit No. 1, and ask if you can
4 tell me what this is.

5 A It shows a picture of a clear plastic bottle with a
6 white cap in the console of the vehicle.

7 Q Did you take this picture?

8 A Yes, I did.

9 Q Is this a photograph you took on the 25th?

10 A Yes, it was, that, while I was executing the search
11 warrant.

12 Q Does it depict how you found it?

13 A Yes, it does.

14 SOLICITOR MORIN: Your Honor, at this time we move
15 State's Exhibit No. 1 into evidence.

16 THE COURT: Any objection?

17 MR. SHEALY: No objection.

18 THE COURT: Without objection, it will be received as
19 marked.

20 (Whereupon, State's Exhibit No. 1 was received into
21 evidence at this time.)

22 THE COURT: You may proceed, Mr. Morin.

23 Q Officer Segina, I'm gonna show you what's been marked
24 as State's Exhibit No. 7 and ask you can you tell me what
25 that is.

Mike Segina - Direct examination
by Solicitor Morin

1 A It would be the, the same clear plastic bottle. But it
2 has fingerprint powder on it after I processed it for
3 fingerprints.

4 Q And can you explain the condition it's in now?

5 A It is actually in three bags because once I processed
6 it evidently I messed up the cap, and it keeps leaking what
7 fluid was in it.

8 Q Okay.

9 A So, I put, put it in several bags.

10 Q So, the only thing in here is the bottle with the fluid
11 that came out of the bottle?

12 A Yes, the fluid just will not stop coming out of the
13 package.

14 Q All right. And this is what you collected on the
15 25th?

16 A I collected that out of the vehicle, yes, sir.

17 SOLICITOR MORIN: Move State's Exhibit No. 7 in
18 evidence.

19 MR. SHEALY: No objection, Your Honor.

20 THE COURT: Without objection it will be received as
21 marked.

22 (Whereupon, State's Exhibit No. 7 was received into
23 evidence at this time.)

24 Q All right. I'm gonna show you photographs that have
25 been marked State's Exhibits Nos. 11 through 25, and I want,

1 if you can tell me, did you take these photographs?

2 Take a look at them and tell me if you took them.

3 A Do I need, do I need to say the numbers?

4 Q If, if you took all these photographs, that's my
5 question.

6 A I, I, I took each one of these photographs, yes.

7 Q And did you take them on the 25th?

8 A Yes.

9 Q All right. And they are pictures of --?

10 A The passenger side of a 2004 Chrysler Sebring with
11 South Carolina tag [REDACTED] and it was located at the storage
12 building at, on Montgomery, Montgomery Street.

13 Q Okay.

14 MR. SHEALY: No objection, Your Honor.

15 SOLICITOR MORIN: Move these into evidence, Your Honor.

16 THE COURT: Without objection, they'll be received into
17 evidence as marked.

18 (Whereupon, State's Exhibit Nos. 11 through 25 were
19 received into evidence at this time.)

20 THE COURT: You may proceed.

21 Q All right. Now -- so now if I understand correctly,
22 Officer Segina, on the 25th, you were there at the
23 impound?

24 A I was.

25 Q And you went inside the vehicle?

Mike Segina - Direct examination
by Solicitor Morin

- 1 A I did.
- 2 Q And you found the bottle that's been entered into
3 evidence?
- 4 A Yes.
- 5 Q And tell me some of the other things you did find.
- 6 A That I did find?
- 7 Q That you found.
- 8 A There was also a Mountain Dew drink bottle in the cup
9 holder in the same console.
- 10 Q Okay. And you've testified -- and did you -- first of
11 all, tell me about fingerprints.
- 12 what's your training as far as looking for them?
- 13 A I've been to several schools in my law enforcement
14 career on how to dust for fingerprints, cover an area using
15 fingerprint powders and brushes to try to locate and then
16 lift those prints from different surfaces.
- 17 Q Okay. And in this case, tell me the things that you
18 looked for fingerprints, where you looked for fingerprints.
- 19 A I dusted or used fingerprint powder and applied it to
20 the passenger side of this 2004 Chrysler Sebring and in the
21 door on the inside passenger door.
- 22 Q Okay. Anywhere else?
- 23 A No, sir.
- 24 Q Did you -- well, did you look for fingerprints on this
25 bottle?

Mike Segina - Direct examination
by Solicitor Morin

1 A Yes, on the white squirt bottle on the console and the
2 Mountain Dew drink bottle from the console.

3 Q Okay.

4 A I also fingerprinted for or dusted for fingerprints.

5 Q I'm gonna show you State's Exhibit 25 and State's
6 Exhibit 15.

7 Can you tell us specifically what these are of?

8 A That would be a photograph of the passenger side of
9 that vehicle after I applied the fingerprint powder.

10 Q Okay. Now, during the, during your search for
11 fingerprints, did you find any?

12 A Yes, I lifted---

13 Q How many?

14 Go ahead.

15 A I lifted, I lifted eight possible prints from the
16 passenger side of that vehicle.

17 Q How about from the bottle, your dusting for -- did you
18 lift any?

19 Did you find any?

20 A The white in color squirt bottle, I found no prints of
21 sufficient detail to lift.

22 Q All right. How about the Mountain Dew bottle?

23 A It would be the same as the squirt bottle. There was
24 no prints with enough, with enough detail or clear enough to
25 lift.

Mike Segina - Direct examination
by Solicitor Morin

- 1 Q And of course, this is State's Exhibit No. 24.
2 This is which side of the vehicle?
3 A It would be the passenger side of that vehicle.
4 Q Okay.
5 A 2004 Chrysler Sebring.
6 Q And the black that we see, the smudges and things, is
7 that what you put there or was that there when you got
8 there?
9 A That's what I put there in the process of dusting the
10 side of the vehicle using black fingerprint powder.
11 Q Okay. So, from the Mountain Dew bottle, you didn't
12 discover any fingerprints that you could read?
13 A No, I did not.
14 Q And the same thing with State's No. 7, the squirt
15 bottle?
16 A No, I did not.
17 Q But now on the outside of the passenger side, you
18 recovered eight, is that correct?
19 A I attempted to lift eight prints from that vehicle.
20 Q All right. Do you know if those prints were examined?
21 A Yes, they were.
22 Q Do you know what the results of those tests were?
23 A Yes, I do.
24 Q Can you tell me what they were?
25 A I received a report from Detective Jimmy Henson, who's

Mike Segina - Direct examination
by Solicitor Morin

1 a crime scene technician from Cherokee County Sheriff's
2 office---

3 Q Uh-huh. (Affirmative)?

4 A ---and he states on 6/26---

5 MR. SHEALY: Your Honor, I object to hearsay.

6 Mr. Henson, Officer Henson ran the test and he can testify
7 as to what he found.

8 SOLICITOR MORIN: Okay.

9 THE COURT: Sustain the objection.

10 Q After you did this search of the vehicle and dusted for
11 these prints, did you find anything else?

12 Did you do anything else?

13 A I transported those prints that I took to Jimmy Henson,
14 which is the crime scene technician at Cherokee County
15 Sheriff's Department, on 6/26/07 at 3:15 p.m.

16 Q Officer Segina, if you would, please answer any
17 questions Mr. Shealy has.

18 THE COURT: Mr. Shealy, your witness.

19 MR. SHEALY: Thank you, Your Honor.

20 THE COURT: Yes, sir.

21 MR. SHEALY: If I can have the Court's indulgence. Mr.
22 -- Detective Segina's information appears in several places
23 in my trial notebook.

24 THE COURT: Okay. I'll give you a moment.

25 MR. SHEALY: It's a little confusing.

Mike Segina - Cross-examination
by Mr. Shealy

1 (Pause.)

2 CROSS-EXAMINATION

3 BY MR. SHEALY:

4 Q Now, Officer Segina, did you do a, a, a investigative
5 report or a police report?

6 A I did.

7 Q All right. Now, I know you did something called a
8 crime scene report.

9 Did you do any other reports besides that?

10 A There would of been a crime scene report. There was an
11 evidence processing report. There, there should of been the
12 two, crime scene report and then a evidence, I mean evidence
13 processing report.

14 Q Okay. Now, did you interview Sedrick Littlejohn?

15 A I did.

16 Q Okay. At anytime did he mention the word, the name
17 Dick Parker?

18 A No, he did not.

19 Q Did he say, tell you that Mr. Foote could not speak
20 when he came, came, well, when he came in contact with him?

21 A Sedrick Littlejohn stated to me that I asked him who
22 shot you. He couldn't talk. Kept spitting up blood.

23 Q Okay. Did he also tell you that Mr. Foote does not
24 normally hang out with them or hang a, out here?

25 A He stated to me that he does not usually hang out here.

Mike Segina - Cross-examination
by Mr. shealy

- 1 Q Did he hear the shot?
- 2 A He stated to me that he heard a shot. Then Foote ran
3 into the yard.
- 4 Q And did he see the car?
- 5 A He said he didn't see anyone speed away.
- 6 Q Now, did he talk about when Officer Taylor arrived?
- 7 A No, I just spoke, I just spoke to Sedrick Littlejohn
8 briefly at the scene.
- 9 Q But he didn't confirm or deny that the police officer
10 arrived at the same time and came around the corner?
- 11 A No, I did not talk to him about that.
- 12 Q Okay. In fact, he called 9-1-1 after he came around
13 the corner of the house, is that correct?
- 14 A He stated he fell and said call 9-1-1.
- 15 Q Okay. And before that he said he, he ran into the
16 yard, he fell, and he said call 9-1-1, and he called 9-1-1?
- 17 A Correct. That's what -- that was our conversation
18 between myself and Mr. Littlejohn.
- 19 Q All right. The -- did y'all test the inside of the car
20 for any gun powder residue?
- 21 A No, I did not.
- 22 Q Did you test the outside of the car for any gun powder
23 residue?
- 24 A No, I did not.
- 25 Q Was -- do you, do you know when Dick was arrested?

Mike Segina - Cross-examination
by Mr. shealy

- 1 A I don't have it in my notes, but I believe it was later
2 on the evening of the shooting.
- 3 Q Okay. Do you know if, if or did you test him for any
4 gun powder residue?
- 5 A Test who?
- 6 Q Test Dick Parker.
- 7 A No, I did not do a gunshot residue kit on Mr. Parker.
- 8 Q what about on the outside of the car?
- 9 A No, I did not.
- 10 Q Okay. Now, I was -- you, you testified about personal
11 affects, you found some personnel affects.
- 12 A Yes, I did.
- 13 Q And did you seize those?
- 14 A I collected those as evidence, yes.
- 15 Q And what happened to those?
- 16 A They're still in my possession.
- 17 Q Okay. And what, what were they?
- 18 A It was a green in color cigarette lighter, a black in
19 color cigarette lighter, a peach flavor white Out cigar, a
20 Life Styles condom.
- 21 Q That's all?
- 22 A Yes, sir. well, among other things that I collected
23 from the scene, but those were the---
- 24 Q Personnel affects?
- 25 A ---personal affects that were lying beside the black

Mike Segina - Cross-examination
by Mr. Shealy

1 T-shirt on the ground there in the yard of, on Sarratt
2 Avenue.

3 Q Okay. And you were responsible for the -- you said the
4 crime scene was secured when you arrived, but you were
5 responsible for the processing of the crime scene?

6 A I responded as the detective. But the scene was
7 secured by Lieutenant Wiley and Sergeant Taylor when I
8 arrived.

9 Q Right.

10 And anything that they would, they would find they
11 would bring to your attention and ultimately you prepared
12 this map, is that correct?

13 A That's correct. They would point out what they had
14 learned up to that point and point it out to me and then I
15 would take over from there.

16 Q Okay. I've never used one of the things. Okay. So,
17 bear with me.

18 A Yes, sir.

19 Q All right.

20 A All right sir.

21 Q I think you do this right.

22 All right. This is the---

23 A May I step down?

24 THE COURT: You may step down.

25 Q Certainly. Please.

Mike Segina - Cross-examination
by Mr. shealy

1 WITNESS: Thank you.

2 (Witness comes down from the stand.)

3 Q This is the crime scene?

4 A Yes, sir.

5 Q Is that correct?

6 All right. At Sarratt Avenue and Marion Avenue, is
7 there a stop sign?

8 A Yes, there is.

9 Q And where, where's that stop sign?

10 A That would be identified by E.

11 If I may?

12 Q Sure. Certainly.

13 A (Witness points.)

14 Right here.

15 Q Right there.

16 Okay.

17 A And there's also another stop sign here which is
18 labeled E.

19 Q Right.

20 A On the legend it says two stop signs.

21 Q Okay. Now, at anytime did you interview Jarvis
22 Thompson?

23 A If I may?

24 Q Please.

25 A (Witness returns to the stand.)

Mike Segina - Cross-examination
by Mr. Shealy

1 Yes, I did.

2 Q Okay. But did y'all talk about where the shooting took
3 place?

4 A Yes, he stated he was in West End.

5 Q Okay. Did you say specifically the location that the
6 shooting took place?

7 A At the place where Lyman stayed.

8 Q Okay. But he didn't tell you if it, if it was on the
9 corner or on the street or any specific location?

10 A You want me to read what, what I wrote down that he was
11 talking about?

12 Is that what you're asking?

13 Q Sure.

14 A He stated he turned left onto Sarratt, went over speed
15 bumps. He told her to make this right on Marion. Was at
16 the trees when I heard the shot.

17 Q Okay. And those trees would be somewhere along Marion?

18 A The trees would be labeled H.

19 Q Okay. But he didn't tell you he, the shot took place
20 as they were turning onto Marion right there at the corner?

21 A What I wrote down, as, when he was talking, was, was at
22 the trees when I heard the shots from the passenger side.
23 Two other guys standing.

24 Q Okay. But you didn't write down that he shot from the
25 corner of Sarratt and Marion?

Mike Segina - Cross-examination
by Mr. shealy

1 You did not write that down?

2 A Not in my notes I did not.

3 Q As a result of your interview with him?

4 A No.

5 Q Now, where was the shell casing found?

6 A The shell casing would of been located in the
7 intersection of---

8 Q You can step down if you'd like.

9 A (Witness comes down from the stand.)

10 It was located in the intersection of Marion Avenue and
11 peachtree Street. It's labeled Item Number 2 or two with a
12 circle around it.

13 Q Okay. Tell me about Peachtree Street.

14 Does that run parallel to Sarratt Street?

15 A Yes, sir.

16 Q So, it's a, a block from Sarratt Street, Sarratt Avenue
17 or whatever it is, is that correct?

18 A I'm not sure of the exact distance. But yes, sir,
19 about maybe a half a city block.

20 Q Okay. But you are sure of the exact distance of the
21 shell casing from the swing set in the yard of [REDACTED]
22 Street?

23 A I am.

24 Q And what's the distance there?

25 A 170.5 feet.

Mike Segina - Cross-examination
by Mr. Shealy

1 Q Okay. Now, we have essentially two separate items in
2 State Exhibit 9. One is, is the bullet and something called
3 a shell casing.

4 Okay?

5 A Yes, sir.

6 Q All right. When you're talking about case ammunition,
7 what do you call that thing?

8 Do you recall it a -- well, well, when you have a
9 casing and the, the head together with gun powder inside and
10 primer on it, what's, what's that called?

11 A I would call that a bullet or ammunition.

12 Q Or a round or---

13 A Or a round, yes, sir.

14 Q Okay. Now, the top part of the round is what's called
15 the bullet.

16 That, that -- is that true?

17 I'm sorry.

18 A Bullet, the lead, projectile.

19 Q Okay. So, when you say the casing, you're talking
20 about what?

21 A The bottom portion of a round of ammunition where the
22 gun powder is put and the projectile or the lead is put in
23 the top of the shell casing, the empty shell casing.

24 Q So, when you shell casing is right there on Peachtree
25 Street, you're talking about just -- well, it's essentially

Mike Segina - Cross-examination
by Mr. Shealy

1 the empty brass casing, doesn't have gun powder in it, the
2 primer's been shot, there's not a bullet on top of it?

3 Is that, is that what you're talking about?

4 A Yes, sir.

5 Q Okay. Now---

6 A To simplify it, what comes out the gun after the gun is
7 fired we found in the middle of the road at Peachtree and
8 Marion Street.

9 Q Okay. I just want to make sure we didn't find a bullet
10 there, the top part of the---

11 A No, this was the shell casing---

12 Q Okay.

13 A ---after the spent round.

14 Q And the, the bullet that was recovered from the body of
15 Mr. Foote, that's also in here, is that correct?

16 A Yes, sir.

17 Q All right. Now, did -- this you gave to Greg Phillips
18 and, and it was taken to SLED---

19 A I -- yes, sir, I testified I'd have to find it and give
20 you the exact date that it was turned over.

21 Q Okay.

22 A It was -- yes, sir, I transferred it to Greg Phillips
23 to be taken to SLED.

24 Q Was that at Greg Phillips request?

25 A I believe it was the, Solicitor Morin's request.

Mike Segina - Cross-examination
by Mr. shealy

1 Q Okay. Do you know why it was sent to, to SLED?

2 A For further analysis.

3 Q All right. Now, do you know if there was any attempt
4 to link the bullet -- now one time you called it a bullet
5 fragment. I'm just gonna call it a bullet.

6 A Bullet.

7 Q Okay. Do you know if there was any attempt to link up
8 the bullet with the shell casing, and if you don't know,
9 that's, that, I understand that.

10 A I'd have to look through the SLED request sheet. The
11 envelope containing, containing the shell casing, they were
12 sent to firearms is all I know. They were sent to the
13 firearms portion of SLED.

14 Q Okay. Was a, a firearm ever recovered?

15 A I did not recover a firearm.

16 Q Okay. And do you know if, if, and once again, this is
17 if you know, do you know if either the shell casing or this
18 bullet was ever tied to, to any particular firearm?

19 A Not to my knowledge.

20 Q So, after reviewing, processing this crime scene, was a
21 unaccounted for cell phone recovered?

22 A No, sir, I have nothing in my notes that, referring
23 to---

24 Q More---

25 A ---any cell phone.

Mike Segina - Cross-examination
by Mr. Shealy

1 Q More specifically, did, did you recover any cell phone
2 from either the body of Mr. Foote or his surroundings when
3 you arrived there?

4 A Did I?

5 Q Did you.

6 A No, I did not.

7 Q And did anyone turn in a cell phone to you as you were
8 processing this scene?

9 A While I was processing this scene?

10 Q At anytime. I'm assuming you're in charge of this
11 scene. So, I think you testified to that.

12 A Yes.

13 Q Tell me about it.

14 A I received a pink in color Sanyo cell phone on
15 6/22/07 at 10:15 p.m. from Detective David Clary.

16 Q Pink in color?

17 A That's what it's listed as, pink in color Sanyo cell
18 phone.

19 Q Okay. Did you examine that cell phone?

20 A No, I did not.

21 Q So, you don't know where it came from or whose it,
22 whose it was?

23 A It was Moraine Charles Foote. It was collected
24 6/22/07, 19:15, Spartanburg Regional Medical Center ER
25 Department.

Mike Segina - Cross-examination
by Mr. Shealy

1 Q Okay. And do, do you -- did you check that to see when
2 the last phone call was made?

3 A No, I did not.

4 Q All right. Now, you, you're, you testified that the
5 post office is, is on this side -- if you went down Marion
6 Street from that direction, the post office would be, you'd
7 pass by the rear entrance of the post office, is that
8 correct?

9 A On Marion Avenue, once you past Peachtree, is the
10 intersection you'd come to, would be Gaffney Avenue. Once
11 you cross over Gaffney Avenue, you come into the rear
12 entrance of the post office.

13 Q Right.

14 Now, Sarratt Avenue, does that dead end onto Marion
15 Avenue?

16 A That, that is a T-intersection.

17 Q Okay. Now, if you were traveling away from the post
18 office on Marion Street, would you be able to make a right
19 at that, the corner -- well for [REDACTED] Street, would
20 you be able to make a right turn?

21 A A right-hand turn?

22 Q Right.

23 A Not onto Sarratt Avenue. But there may be a driveway
24 there.

25 Q But there's not a road there?

Mike Segina - Cross-examination
by Mr. Shealy

1 A Not a right off of Marion at the intersection there of
2 Sarratt, no.

3 Q All right. You said you lifted eight print, eight
4 possible prints.

5 Would you tell the jury where those eight possible
6 prints were?

7 A Meaning from the side of the Sebring, Sebring or their
8 individual locations?

9 Q The individual locations.

10 A The first fingerprint that I lifted come from the
11 passenger rear door handle.

12 Q All right. When you, the -- when we number these
13 passenger, these fingerprints, are these the same numbers
14 that you gave to Officer Henson?

15 A Yes, they are. I labeled each one on the back, the
16 date, the date and the time that I collected them, where it
17 comes from, and I put a number, a corresponding number on
18 it.

19 Q Okay. So, the idea would be that Mr. Henson's report
20 or his numbers would marry up with your numbers?

21 A Yes.

22 Q Okay. All right. Number one is passenger door handle.
23 Go ahead.

24 A Passenger rear door handle.

25 Q Rear door handle.

Mike Segina - Cross-examination
by Mr. Shealy

1 A The lift number two comes from the passenger rear door
2 frame. These were all collected 6/25/07 at different times.
3 The first one was at 10:49. The second one was at 10:52.

4 The third one was over the top of the passenger rear
5 door handle and that was collected at 10:54.

6 The fourth lift was over on the roof over top of the
7 passenger rear door and that was at 10:56 a.m.

8 The fifth was for the passenger rear door frame over
9 the top of the window and it was at 10:58 a.m.

10 The sixth was from the passenger front door handle.
11 That was at 11:02 a.m.

12 well, the seventh was from the passenger front door
13 window post. That was at 11:04 a.m.

14 And then the last one, number eight, was from the roof
15 over the passenger front door. That was at 11:10 a.m.

16 MR. SHEALY: If I may just have a moment, Your Honor?

17 THE COURT: Yes, sir.

18 (Pause.)

19 Q Now, did you make any, did you issue any arrest
20 warrants for anyone in the case?

21 A No, I did not.

22 Q Okay. And the case summary in this case was not
23 prepared by you, is that correct?

24 A I did a crime scene report.

25 Q Okay.

Mike Segina - Cross-examination
by Mr. Shealy

1 A That was done by me.

2 Q But you didn't do a narrative case summary?

3 A No, I did not.

4 MR. SHEALY: I, I think I'm about done, Your Honor. If
5 I could have one moment.

6 (Pause.)

7 Q Now, when you talked to Jarvis Thompson -- first of
8 all, are these -- this is my copy.

9 But are these copies of your notes?

10 That's my writing. So, if I'm wrong.

11 A Yes, sir, these are, those are my notes.

12 Q Okay. Where does Jarvis Thompson tell you that Travis
13 was picked up when they went to the barber shop?

14 A He doesn't tell me that.

15 Q Let me show you some notes you took.

16 Are these the same notes that you took?

17 A Yes, sir.

18 Q All right. If you'd look right there.

19 A Okay.

20 Q All right. What does that say?

21 A I picked up Travis in front of Trailer Number 47 on
22 6/25/07 at 1:55 p.m. He voluntarily did come to the city to
23 give an interview.

24 Q All right. When you said you picked up Travis, you
25 meant you picked up Jarvis?

Mike Segina - Cross-examination
by Mr. Shealy

1 A That's correct.

2 Q Okay.

3 A For some reason on this, when I was writing these
4 notes, I kept referring to Jarvis Thompson as Travis
5 Thompson. In the middle of those notes, you can see that I,
6 I actually wrote Travis Thompson, scratched out Travis, and
7 beside it wrote Jarvis. But there was other places on here
8 where I wrote Travis instead of Jarvis. But we were
9 actually talking to, to Jarvis Thompson and we picked up --
10 well, I wrote Travis. But we actually picked up Jarvis in
11 front of Trailer Number 47 at, on 6/25/07 at 1:55 p.m. He
12 volunteered to come to the city with us to give an
13 interview.

14 MR. SHEALY: Your Honor, I apologize to the Court. I
15 didn't catch that. So --.

16 Q Now, Jarvis, did he tell you where on West End they
17 went to?

18 A He said they stopped at [REDACTED] Street. She parked
19 beside the house by the water hydrant.

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

22 THE COURT: Redirect?

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

25 THE COURT: Sir, you may, may step down. Thank you

1 very much.

2 WITNESS: Thank you, Your Honor.

3 THE COURT: Ladies and gentlemen of the jury, at this
4 point in time we're gonna take a brief break. I'm gonna
5 allow you to retire to the jury room. I'll caution you, as
6 I do every time that you leave the courtroom, not to begin
7 any discussions concerning this case until you've heard all
8 the evidence and I've charged you concerning the law and
9 instructed you to begin your deliberations. Again, if any
10 of you are smokers, the bailiff will accompany you outside
11 while we take the break.

12 You may retire to the jury room.

13 Everyone remain seated while the jury retires.

14 (Whereupon, the following takes place outside the
15 presence of the jury.)

16 THE COURT: Court's in recess for about ten, ten to
17 fifteen minutes.

18 (Whereupon, a short recess was taken at this time.)

19 THE COURT: All right. Is the State ready?

20 SOLICITOR MORIN: State's ready.

21 THE COURT: Defense ready?

22 MR. SHEALY: Yes, Your Honor.

23 THE COURT: Bring the jury in.

24 (Whereupon, the following takes place within the
25 presence of the jury.)

Doctor Joel Sexton - Direct examination
by Solicitor Morin

1 THE COURT: All right. The record will reflect that
2 all jurors have returned to the courtroom and at this time
3 the State may call its next witness.

4 SOLICITOR MORIN: State calls Joel Sexton.

5 THE COURT: Come forward, sir, to be sworn.

6 JOEL SEXTON, being first duly
7 sworn, testified as follows:

8 THE COURT: Sir, have a seat in the witness stand.
9 Once you're seated, I'd ask that you please state your name.

10 WITNESS: Doctor Joel Steven Sexton.

11 THE COURT: Mr. Morin, it's your witness.

12 DIRECT EXAMINATION

13 BY SOLICITOR MORIN:

14 Q Doctor, or -- Doctor Sexton, where did you work in June
15 of 2007?

16 A In Newberry, South Carolina.

17 Q And what, what was your, what did you do in Newberry,
18 South Carolina?

19 A I was the chief pathologist for our pathology group
20 there, and we do approximately 720 autopies a year for about
21 26 county coroners that refer cases to us.

22 Q Okay. Can you tell us briefly your medical background?

23 A I graduated from the Medical University of South
24 Carolina in Charleston in 1968. I became licensed to
25 practice in the State. Stayed at the University and trained

Doctor Joel Sexton - Direct examination
by Solicitor Morin

1 in pathology finishing in 1972 and become actually board
2 certified in anatomic pathology, clinical pathology, and
3 forensic pathology.

4 Q Okay.

5 A I then stayed on to teach there before coming to
6 Newberry in 1983.

7 Q Forensic pathology --

8 A That's correct.

9 Q -- can you tell us briefly what that is?

10 A A pathologist is a physician who supervises the
11 laboratory to make sure the tests are run properly and
12 advise your physician as to the results of your test. Also
13 doing autopies on persons that die in a hospital setting.
14 The pathologist is also the person that sees tissue removed
15 at surgery to determine if you have cancer or some other
16 condition.

17 A forensic pathologist has that training plus
18 additional training in recognizing various aspects of scene
19 examination to determine what is present at the scene to
20 help with the circumstances surrounding with that as well as
21 recognizing various injuries, natural disease, or illness to
22 be able to interpret the cause and manner of that.

23 Q Have you ever been qualified as an expert in forensic
24 pathology before?

25 A I have.

Doctor Joel Sexton - Direct examination
by Solicitor Morin

1 Q Approximately how many times?

2 MR. SHEALY: Your Honor, the defense will stipulate to
3 Doctor Sexton's expertise in---

4 THE COURT: Do you wish to stipulate to his expertise?

5 SOLICITOR MORIN: I do, Your Honor.

6 THE COURT: All right. Then ladies and gentlemen, let
7 me explain the process that we're going into.

8 I'll accept the stipulation.

9 Under the rules of evidence in our Court system,
10 normally witnesses are not allowed to testify concerning
11 their opinions on subjects. An exception to that general
12 rule exists for those individuals who are qualified as
13 experts within some field or science or profession. In this
14 case, this witness is being offered as an expert within the
15 field of, of, of pathology, the various fields that he has
16 mentioned.

17 The defense has stipulated to the fact that he is an
18 expert. So, we're going to qualify him as such, as such.
19 That will allow him to give opinions, opinions within his
20 area of expertise and also state the reasons or the basis
21 upon which he makes those opinions.

22 So, at this point in time, this witness has been
23 qualified as an expert within the field of pathology.

24 You may proceed, Mr. Morin.

25 CONTINUED DIRECT EXAMINATION

Doctor Joel Sexton - Direct examination
by Solicitor Morin

1 BY SOLICITOR MORIN:

2 Q Doctor Sexton, did you have the occasion to perform an
3 autopsy on a Maraine C. Foote?

4 A I did. That was June 23rd of last year.

5 Q All right. Can you tell me what your findings were
6 from that up?

7 A When he arrived, and we asked that the body be sent to
8 us as soon as they pronounce death just as it is at that
9 time, he arrived wearing a pair of shorts and a sock on one
10 foot. He had obviously had surgery. One of the procedures
11 was a thoracotomy where they open the chest to try to stop
12 bleeding in the chest. There was a chest tube in the right
13 chest to drain any extra blood off. He had been examined
14 and treated in the emergency room and they were unable to
15 save him.

16 What we found of significance was, first, no injuries
17 other than a single gunshot wound to the right lower chest
18 that went to the rear, slightly to the right, and slightly
19 downward through his liver, and had caused the bleeding that
20 they were unable to stop.

21 Q During the course of the autopsy, did you recover
22 anything?

23 A I did.

24 Q Okay. I'm gonna show you what's been marked as State's
25 Exhibit No. 7, and if you need to, I'd ask the Court's

Doctor Joel Sexton - Direct examination
by Solicitor Morin

1 permission for him to open that---

2 THE COURT: Well, let's see, let's see if he needs to
3 do that in order to identify the item.

4 WITNESS: I do, Your Honor, to see my labels and to
5 compare my photographs.

6 THE COURT: All right. The record will reflect that
7 that exhibit is sealed. However, I will authorize the
8 witness to open that exhibit and review the contents.

9 A Inside this Ziploc is a heat sealed bag. Actually the
10 Ziploc is heat sealed too. That we turned over to David
11 Clary at the autopsy. It has our label. It contains one of
12 our viles, and in that vile we placed a bullet that is
13 currently separate here in this container and a separate
14 Ziploc.

15 The bullet bears my mark and matches the three
16 photographs that I took of the bullet at the time of
17 autopsy. So, this is the bullet that was the fatal bullet
18 that I removed from Mr. Foote.

19 Q And you removed it from him---

20 A At the time of autopsy.

21 Q Well---

22 A I'll put it back.

23 Q All right.

24 A The heat sealed bag did bear my signature, and the vile
25 that the bullet was in also bears my initials and our label.

Doctor Joel Sexton. - Cross-examination
by Mr. Shealy

1 Q Please answer any questions that Mr. Shealy may have.

2 THE COURT: Mr. Shealy, your witness.

3 CROSS-EXAMINATION

4 BY MR. SHEALY:

5 Q Doctor Sexton, when you were explaining what a
6 pathologist and a forensic pathologist do, one of the things
7 you mentioned is you're trained in going to the scene to
8 determine if, if anything in the scene had any importance,
9 is that correct?

10 A Yes, that's correct.

11 Q All right. In this particular case, did you, did you
12 visit the scene?

13 A No, I did not.

14 Q Okay. So, your, your involvement in this case was the,
15 the autopsy, which you've just testified to?

16 A Yes, that's correct.

17 Q Okay. And you -- do you have any idea who fired that
18 bullet?

19 A I have no evidence that I found that would indicate who
20 may of fired the bullet.

21 Q Thank you, doctor.

22 A You welcome.

23 THE COURT: Mr. Morin, anything further on redirect?

24 SOLICITOR MORIN: No, sir.

25 THE COURT: Sir, you may step down. I assume you'd

Tracy Thrower - Direct examination
by Solicitor Morin

1 like to have this witness excused.

2 SOLICITOR MORIN: Yes, sir.

3 THE COURT: Any objection?

4 MR. SHEALY: No, Your Honor.

5 THE COURT: Sir, you're free to go. Thank you very
6 much for coming today.

7 WITNESS: Thank you, Your Honor.

8 THE COURT: Mr. Morin, the State may call its next
9 witness.

10 SOLICITOR MORIN: Tracy Thrower.

11 THE COURT: Come forward to be sworn, sir.

12 TRACY THROWER, being first duly
13 sworn, testified as follows:

14 THE COURT: Sir, have a seat in the witness stand.
15 I'll share with you, your collar is turned up in the back on
16 your jacket. You might want to fix that.

17 WITNESS: Oh.

18 THE COURT: There you go.

19 WITNESS: Thank you.

20 THE COURT: Now, sir, if you would, state your name for
21 the record.

22 WITNESS: Tracy J. Thrower. T-H-R---

23 THE COURT: Mr. Morin -- I'm sorry.

24 Mr. Morin, your witness.

25 DIRECT EXAMINATION

Tracy Thrower - Direct examination
by Solicitor Morin

1 BY SOLICITOR MORIN:

2 Q Mr. Thrower, where do you work?

3 A I'm employed by the South Carolina Law Enforcement
4 Division also known as SLED in the forensic services
5 building in the firearms department.

6 Q Can you tell me what it is you do in the firearms
7 department?

8 A I am a firearm and tool mark examiner.

9 Q Okay. And what does that take?

10 A I, I analyze firearms and firearm related evidence,
11 tool marks, and tool mark related evidence. I perform
12 muzzle to target distance determination for shot pellets. I
13 perform serial number restoration, fracture matches, limited
14 crime scene response. I perform entry on the Integrated
15 Ballistics Identification System also known as I.V.I.S.,
16 I-V-I-S. I am the regional coordinator for the I.V.I.S.
17 system for North Carolina and South Carolina. And I'm, I am
18 on the Users Congress as a representative for the region of
19 North Carolina, South Carolina to the federal government of
20 the, of the Bureau of Alcohol, Tobacco, and Firearms.

21 Q How long have you been doing that?

22 A Approximately nine years.

23 SOLICITOR MORIN: Your Honor, we offer him as an expert
24 in firearms and tool marking.

25 THE COURT: Any objection?

Tracy Thrower - Direct examination
by Solicitor Morin

1 MR. SHEALY: Just ask how often he's testified.

2 THE COURT: I'll -- the Court will ask the question.

3 How often have you testified?

4 WITNESS: I believe I've testified 32 times now.

5 THE COURT: And were you qualified as an expert in each
6 case?

7 WITNESS: Yes, sir, I was.

8 MR. SHEALY: We certainly do stipulate it, Your Honor.

9 THE COURT: All right. Ladies and gentlemen, this
10 particular witness now is qualified as an expert within the
11 field of ballistics and tool marks.

12 You may proceed, Mr. Morin.

13 Q Agent, Agent Thrower, I'm gonna show you what's been
14 marked as State's Exhibit No. 7 and ask you if you recognize
15 that item or items.

16 A This is one fired bullet which bears my case number, my
17 item number, and my initial on the base where I scribed it
18 with an electric pencil.

19 Q If you'll just leave -- let's just put that right
20 there.

21 A And I have one 9-millimeter Luger caliber cartridge
22 case that is fired that bears the head stamp WIN
23 9-millimeter Luger, which also bears my case number, my item
24 number, and my initials.

25 Q All right. If you'll -- to begin with, I want to talk

Tracy Thrower - Direct examination
by Solicitor Morin

1 about shell casings and bullets. If you can briefly tell us
2 the difference and how that operates.

3 When you fire a gun, what, what exactly happens?

4 Some of us may know.

5 A Okay. Well, the first thing you do with a firearm is
6 you put a piece of ammunition in it. A piece of ammunition
7 has the cartridge case. Inside the cartridge case is gun
8 powder. And in the front of the cartridge case is where the
9 bullet is seated.

10 Okay. When you pull the trigger, and the hammer or the
11 firing pin strikes the rear of the cartridge case, which has
12 the ignition component known as the primer, it causes a
13 small explosion. The primer is ignited, which ignites the
14 gun powder. Hot gases and pressure build up within the
15 cartridge case which then force the bullet out of the
16 cartridge case down the barrel towards the target.

17 So, a piece of ammunition is made up of the fired
18 cartridge case or of the cartridge case, which is the,
19 basically the container for all of the other components of
20 the piece of ammunition being the primer or the ignition
21 component, the gun powder, which is the propellant, and the
22 bullet or the projectile, which travels down the barrel
23 towards the target.

24 Q All right. Now, these two items you said you examined.

25 A Yes, sir.

Tracy Thrower - Direct examination
by Solicitor Morin

1 Q From your examination, what can you tell us about --
2 well, first of all, was the firearm, an actual gun or
3 firearm, provided to you?

4 A A firearm was not provided for me to examine.

5 Q Okay. But in viewing these two items, what can you
6 tell me about them starting with the cartridge?

7 A As I stated before, the head stamp on this cartridge
8 case is win for winchester is the brand, 9mm Luger, which
9 means 9-millimeter Luger, which is the caliber of this
10 particular cartridge. This is a fired cartridge case. It
11 bears various markings that were placed on it by the firearm
12 when it was fired such as the firing pin impression,
13 distractor mark, ejector mark, breach face markings, and
14 then chamber markings as well as other potential feedings
15 marks from when the cartridge, the unfired cartridge was
16 cycled through the firearm, and it may be suitable for
17 identification with the firearm in which it was fired.

18 The bullet or the fired bullet has got a cooper jacket.
19 It's got a lead core and it is a hollow point type in which
20 there's a large cavity in the nose. It's -- the purposes in
21 the hollow point is when it strikes the target it expands to
22 create more damage.

23 This is a bullet that the approximate diameter I
24 believe was around .358. So, it is consistent with a bullet
25 in the .38 caliber class. The weight on this bullet was I

Tracy Thrower - Direct examination
by Solicitor Morin

1 believe 146.8 grains. There's no candela on this bullet.
2 All these things make it most consistent, in my opinion,
3 with bullets loaded in some 9-millimeter Luger caliber
4 cartridges.

5 Q So, the bullet and the cartridges are consistent with
6 having -- they're consistent with each other?

7 A The cartridge case is a 9-millimeter Luger caliber
8 cartridge, and I believe this bullet is consistent with
9 being a 9-millimeter Luger caliber bullet.

10 Q Okay. Now, 9-millimeter, when you say that, how,
11 how -- what is the typical, and first of all, when you did
12 the examination, did you have an opinion as to what types of
13 firearms may of fired this?

14 A From various, on the -- from the bullet, they're
15 various measurements I can take. Inside the barrel of the
16 firearm is a series of spiral and grooves that travel down
17 the barrel. It's -- these are placed there by the
18 manufacturer. They're called rifling and rifling is made up
19 of lands and grooves.

20 Land is simply the raised area between these spiraling
21 grooves. The purpose in rifling is it causes the bullet to
22 spin as it travels down the barrel and then later through
23 the, through air target. The reason that we want this
24 bullet to spin, as it's traveling through the air, is it
25 gives the bullet stability. It makes it more accurate

Tracy Thrower - Direct examination
by Solicitor Morin

1 during its flight kind of like if you've ever seen a
2 professional quarterback throw a football. The footballs
3 that have that nice tight spiral travel more accurately and
4 they travel further.

5 The same thing we want to happen with the bullets. We
6 want the bullet to go where we're aiming. I can tell
7 measurements from the rifling, the diameter of the bullet.
8 I can look at if the, the rifling spins clockwise or
9 counterclockwise and take all these measurements and place
10 them into a computer database that is provided to us by the
11 FBI or the Federal Bureau of Investigation, and from that,
12 able, this database will provide us a list of guns with
13 those characteristics or a list of possible firearms that
14 could have fired it.

15 Typically most firearms that fire that caliber are
16 gonna be a semiautomatic type firearm. Whether it be a
17 semiautomatic handgun or a semiautomatic type of rifling.
18 9-millimeter Luger is most common as a handgun cartridge.
19 There are a few rifles or shoulder fired firearms that fire
20 9-milliliter Luger. But mostly it's a handgun cartridge.

21 I believe, when I ran my list, I do not believe that
22 there were not any revolver cartridge or revolvers that had
23 both characteristics. So, I believe that this bullet is
24 most consistent with being fired from a handgun, but there's
25 a possibility it could of been fired by a rifle.

Tracy Thrower - Direct examination
by Solicitor Morin

1 Also, the, the cartridge case, in viewing it, there's
2 firing, firing pin drag, which the firing pin is that
3 portion of the firearm which strikes the primer or the
4 ignition component on the rear of the cartridge. Where you
5 get firing pin drag is in a semiautomatic type firearm in
6 which the slide, which is the top portion of the firearm
7 there, that you -- if you're watching movies, you'll see the
8 top portion of the firearm moving back and forth as it
9 extracts the fired cartridge case from the barrel and ejects
10 it or throws it out of the gun. On a rifle type situation,
11 it does the same thing. It extracts and ejects.

12 Revolvers do not have that. Revolvers, when you shoot
13 a revolver, the cartridge stays in the gun. This cartridge
14 case has firing pin drag. Therefore, when the cartridge is
15 being distracted, this is from a type of gun in which the
16 barrel drops down or unlocks in order for the slide to come
17 towards the rear producing firing pin drag as the firing pin
18 is being slid up on the, into the cartridge case.

19 So, this cartridge case is most consistent with being
20 fired from either a semiautomatic handgun or a semiautomatic
21 type of rifle with a dropping barrel.

22 Q Okay. And now when the, when that casings is thrown
23 out, is there any consistent way to know where that bullet
24 is gonna land, that casing?

25 A With the casing?

Tracy Thrower - Direct examination
by Solicitor Morin

1 Q Right.

2 A If the firearm is held in a particular position, to an
3 extent, most firearms will eject a certain area. It's not
4 like it's gonna eject a very small pattern. Most of them
5 will throw it generally towards the right depending on the
6 power of the cartridge, depending on which gun it is. It
7 depends on how big this area is in which it may eject or how
8 small it may be.

9 But even in that, a gun that's designed to fire or
10 eject towards the right, being held in a normal stance of
11 the gun being straight up and down, in my testing I've
12 actually had them throw them straight up. I've had them
13 throw them to the left on occasion.

14 So, to an extent, you can predict, in generalities,
15 where it may go. But you just don't know. Also, it
16 would -- a gun that has the ejection port or the hole in the
17 gun where the cartridge is going to be thrown out or
18 expelled, if it's to the right, well, if somebody -- if you
19 watch TV and they take the gun and they turn it sideways to
20 shoot, well now that's pointing up. So now it's gonna try
21 and throw it up and to the left if the person's
22 right-handed.

23 If you're left-handed and you're shooting and you turn
24 it sideways, now the ejecting port is pointing down. So,
25 it's gonna try and throw it straight at the ground.

Tracy Thrower - Direct examination
by Solicitor Morin

1 So, depending on how the gun is being held can
2 drastically change where the cartridge case is going to be
3 thrown out and where it's gonna end. Also, how high off the
4 ground.

5 Is the gun moving at the time?

6 Is it, the gun being pointed up?

7 Is it being pointed down?

8 All these variables can change where the cartridge case
9 was gonna be found after firing.

10 Q Thank you, Mr. Thrower. Please answer any questions
11 Mr. Shealy may have for you.

12 THE COURT: Mr. Shealy, your witness.

13 MR. SHEALY: Thank you, Your Honor..

14 CROSS-EXAMINATION

15 BY MR. SHEALY:

16 Q Mr. Thrower, did you find Doctor Sexton's marks on the
17 bullet portion?

18 A Let me refer to my notes.

19 Q Certainly.

20 A I found the marks three or what I, I thought was 334
21 was found scratched on the base of the bullet.

22 Q Okay. Artificially scratched?

23 A Yeah, it looks like just a scribe or some sharp
24 instrument.

25 Q Okay. That would be consistent with Doctor Sexton's

Tracy Thrower - Cross-examination
by Mr. Shealy

1 marking on it for, for his identification?

2 A Correct.

3 Q That's taking a fungible or ordinary looking item that
4 could be one of a million and making it a particular item
5 because of that number, is that correct?

6 A Yes, sir.

7 Q Okay. Now, the fact that he had his mark on the
8 bullet, did it have any affect on any of your findings?

9 A No, sir.

10 Q Okay. The -- you've testified about the, and, and
11 quite frankly I, I got a little confused cause you talked
12 about it had a .358 diameter. I guess you said .358
13 diameter.

14 A Yes, sir.

15 Q That's consistent with a .38 caliber or .38 caliber.

16 A Uh-huh. (Affirmative).

17 Q which is consistent with a 9-millimeter Luger
18 cartridge?

19 A Yes, sir.

20 Q All right. I've heard .358's and I've heard of .38's
21 and I've heard of 9-millimeters.

22 would you explain how you go from .358 to the
23 9-millimeter?

24 A Okay. within the .38 caliber family of firearms there
25 are numerous calibers. For instance, there's 380 auto,

Tracy Thrower - Cross-examination
by Mr. Shealy

1 9-millimeter Luger, nine by twenty-one, .38 special, .357
2 magnum, among others.

3 Okay. Within that, they, this caliber, typically the
4 revolver caliber such as .38 special or .357 magnum, will
5 typically have a bullet diameter of about .355 inches. Okay
6 your 9-millimeter Lugers, 380 autos, the semiautomatic type
7 bullets will typically have around .357 or .358 inch
8 diameters. So, based on diameter and based on the weight of
9 the bullet, I can take all those various calibers and, and
10 narrow it to with a smaller or even pinpoint it's most
11 consistent with the 9-millimeter Luger instead of the .380
12 auto or instead of the nine by twenty-one.

13 Q Okay. This bullet is 9-millimeter Luger?

14 A I believe it's, it's most consistent with being a
15 9-millimeter Luger caliber.

16 Q All right. Once again, I don't profess any expertise,
17 but I've also heard the term 9-millimeter Parabellum.

18 Is that the same thing?

19 A Yes, sir.

20 Excuse me. With -- there are several different names
21 for this particular cartridge. They all mean the same
22 thing. 9-millimeter Luger, 9-millimeter Parabellum,
23 9-millimeter Nato, nine by nineteen, it's just various names
24 for the same cartridge. Some manufacturers, for instance,
25 don't want to put somebody else's name on their ammunition.

Tracy Thrower - Cross-examination
by Mr. Shealy

1 You know, if Winchester is making it, then they want to put
2 their name on it. So, as through time, different people
3 have given different names to the, to the same cartridge,
4 has the same dimension, same specifications, the same amount
5 of powder, for instance.

6 Q All right. Now, the term 9-millimeter Luger, to me,
7 means an antique German officers pistol from World War II in
8 which I, I imagine would be very rare and 9-millimeter Luger
9 bullet or cartridge would also be rare for, to be fired in
10 that, that particular pistol.

11 That, that is not what you're saying?

12 A No, sir, 9-millimeter Luger caliber is actually a very
13 common caliber. In fact, it's probably one of the more
14 common calibers out there right now. It's very, very
15 common.

16 Q Okay. Now, did the bullet that you examined, did it
17 come from the casing that you examined?

18 A I have no scientific way of examining whether a bullet
19 came from a particular cartridge casings, which means I
20 don't know. They're -- the bullet, in its overall physical
21 characteristics, it's consistent with what I would expect to
22 find in that cartridge case, but I have no way of saying
23 this bullet came from this cartridge case.

24 Q Okay. And, and my understanding is, is that, most
25 often, ejected casings from these, this type of weapon, your

Tracy Thrower - Cross-examination
by Mr. Shealy

1 testimony, testimony was they generally go to the right or
2 towards the right, but that could be affected by how the
3 orientation of the gun, how it's held when it's fired.

4 Now, in order for it to go to the left, the gun would
5 have to be held upside down?

6 A Not necessarily. If -- in the list of firearms that
7 could, that I produced in my G.R.C. program or General
8 Rifling Characteristics Program, there was at least one
9 firearm in there, which, by design, design, ejects to the
10 left. Also simply put, you know, if, if I hold a gun in my
11 right-hand that ejects to the right, sometimes it will eject
12 to the left. It's just the nature of the beast. It just,
13 it just happens.

14 I've shot it or I've shot plenty of firearms and had
15 this occur. Also, if you take this gun that's suppose to
16 eject to the right and you simply hold it sideways, like you
17 see in movies, you know, shooting gangster style or, you
18 know, however looks cool on TV, well now it's pointing up.
19 But most firearms don't just eject just straight to the
20 right. They sort of eject up and to the right, which is now
21 gonna launch it toward, you know, the left.

22 Q Okay. And could you give a range of about how many
23 feet, assuming it ejected to the right or to the left, about
24 how many feet a bullet would, would eject?

25 A How far---

Tracy Thrower - Cross-examination
by Mr. Shealy

1 Q A cartridge casing.

2 A Without a firearm and ammunition to test, I simply
3 can't tell.

4 Q Could, could you eliminate any, any distances?

5 A I would have to know all the circumstances.

6 You know, is the firearm being held stationary, at what
7 height am I suppose to be testing, or is the firearm moving.
8 If it's moving, at what speed is it moving. All these
9 variables can drastically affect, you know, where a
10 cartridge case may, may end up.

11 What surface does the cartridge case strike when it
12 hits?

13 Does it hit roadway, which is hard and it can bounce,
14 or somebody could come by and kick it or a car could come by
15 and hit it and cause it to move or is it falling into thick
16 grass or something in which when the cartridge case falls
17 it's going to pad or, you know, the cartridge case, when it
18 hits, and it tends to stay right where it falls.

19 Q Okay. From this cartridge case, can you, can you
20 deduct any of that information?

21 A No, sir, I can not.

22 Q And do you know who fired this cartridge?

23 A No. No, sir, I do not.

24 MR. SHEALY: Thank you. I have no further questions,
25 Your Honor.

Ronnie Ramsey - Direct examination
by Solicitor Morin

1 THE COURT: Redirect.

2 SOLICITOR MORIN: I have no further questions. Ask
3 that this witness be excused.

4 THE COURT: Any objection?

5 MR. SHEALY: No objection.

6 THE COURT: Sir, you may step down and you're free to
7 go. Thank you very much.

8 WITNESS: Thank you.

9 THE COURT: State may call its next witness.

10 SOLICITOR MORIN: State calls Ronnie Ramsey.

11 THE COURT: Come forward, Mr. Ramsey, to my left to be
12 sworn.

13 RONNIE RAMSEY, being first duly
14 sworn, testified as follows:

15 THE COURT: Sir, have a seat in the witness stand.
16 Once seated, I ask that you state your name.

17 WITNESS: My name is Ron Ramsey.

18 THE COURT: Mr. Morin, your witness.

19 DIRECT EXAMINATION

20 BY SOLICITOR MORIN:

21 Q Detective Ramsey, is it detective, is it not?

22 A Yes, sir.

23 Q Where do you work?

24 A I work for the Gaffney Police Department.

25 Q And were you a detective back in June 22nd of 2007?

Ronnie Ramsey - Direct examination
by Solicitor Morin

- 1 A Yes, sir, I was.
- 2 Q Did you have the occasion to go to [REDACTED] Street?
- 3 A I did.
- 4 Q In reference or why?
- 5 A In reference to a shooting.
- 6 Q Okay. Did you go to that scene?
- 7 A I did.
- 8 Q All right. Did you collect any evidence there?
- 9 A I did not.
- 10 Q Okay. Did you speak to anyone there?
- 11 A Just with other officers.
- 12 Q Okay. You're the case agent on this case, is that
- 13 right?
- 14 A Yes, sir.
- 15 Q And did, at any point, did you come in contact with
- 16 Travis Parker?
- 17 A Later on over in that night I did, yes, sir.
- 18 Q All right. Now, when you, when you got to the scene at
- 19 301, about what time was it?
- 20 A I don't know the exact time. I know that the scene had
- 21 already been processed mostly. I know the victim had
- 22 already been transported. I was called as a, later on,
- 23 interviews were made and so forth.
- 24 Q Was it still light out?
- 25 A It was still light, yes, sir.

Ronnie Ramsey - Direct examination
by Solicitor Morin

- 1 Q All right. And when you came in contact with
2 Mr. Parker, was it light or dark?
- 3 A No, it was dark.
- 4 Q All right. Was it approximately more than an hour?
- 5 A It was approximately five hours.
- 6 Q Five hours.
- 7 where did you come in contact with Mr. Parker?
- 8 A At the Cherokee County Detention Center.
- 9 Q All right. Do you know how Mr. Parker got there?
- 10 A I do not.
- 11 Q was -- did you transport him there?
- 12 A I did not.
- 13 Q That's the first time you came in contact with him?
- 14 A That's the first time I met Mr. Parker.
- 15 Q Okay. When you came in contact with him, what was the
16 first thing you did?
- 17 A I -- we served a warrant and did a booking sheet.
- 18 Q All right. All right. After you did that -- and let
19 me, let me ask you this, the warrant, did you get the
20 warrant?
- 21 A I did. I signed the warrant.
- 22 Q Do you know approximately what time you got the
23 warrant?
- 24 A Possibly an hour and a half or so after I arrived at
25 the crime scene. After I discussed---

Ronnie Ramsey - Direct examination
by Solicitor Morin

1 Q Okay.

2 A ---with other officers.

3 Q So, was it light or dark when that happened?

4 A It was still light.

5 Q All right. So then you get there and you served that
6 on him.

7 After you did the booking sheet and the warrant, did
8 you do anything else?

9 Did you speak with him?

10 A I told him I would like to interview him later. But I
11 did not interview him that night.

12 Q All right. Did you meet with him later?

13 A I did.

14 Q When you met with him, what did you do?

15 A We had him transported to the City Police Department.
16 Myself and Captain Skinner were in the office, in the room.
17 We read him his Miranda rights, asked him to initial beside
18 his rights that he understood his rights. He also waived
19 his rights and agreed to speak with me.

20 Q All right. During any conversation -- so, you had a
21 conversation with him?

22 A We did.

23 Q All right. Did he tell you -- what did he tell you?

24 A I questioned him about the incident. I asked him if he
25 knew Foote and he stated he did. I asked him how he knew

Ronnie Ramsey - Direct examination
by Solicitor Morin

1 Foote. He stated that he had a romantic relationship with
2 Foote's separated wife.

3 Q Okay. Did he -- anything else he tell you?

4 A He stated that he also paid her bills at her residence.

5 Q Okay. Did you ask him where he was on June 22nd?

6 A That's about as far as we got in the interview. At
7 that point he invoked his right to remain silent and asked
8 for an attorney and we stopped the interview. We had casual
9 conversation. But as far as the particulars of the case,
10 that's about as far as it went.

11 Q All right. Are you familiar with the crime scene?

12 A I am.

13 Q Can you tell me, if you know, are there any speed bumps
14 on Peachtree Street?

15 A Not to my knowledge, no, sir.

16 Q How about Sarratt?

17 A Yes, sir, there are speed bumps on Sarratt.

18 Q And to your recollection, he didn't make any statements
19 about where or what he may of been doing on the 22nd?

20 A No, sir.

21 Q Please answer any questions Mr. Shealy may have.

22 THE COURT: Mr. Shealy, your witness.

23 MR. SHEALY: Thank you, Your Honor.

24 (Pause.)

25 MR. SHEALY: Pardon, Your Honor, for the delay.

1 THE COURT: That's all right.

2 CROSS-EXAMINATION

3 BY MR. SHEALY:

4 Q Now, Officer Ramsey, are you the officer that's in
5 charge of this case?

6 A Yes, sir.

7 Q And you state that you took out a warrant about an hour
8 and a half of arriving on, on the scene?

9 A Yes, sir, I -- when I arrived at the scene, most
10 everything had been done. The victim had already been
11 transported. The initial detective was Detective Clary. He
12 went with the victim to Spartanburg and I was called later
13 to come to the crime scene.

14 Q Okay. Now, did you, did you send out a message on a
15 police scanner that you were looking for Chris Parker?

16 A I did not.

17 Q Did you send out on the police scanner, and I don't
18 know what a police scanner is, but did you send out on the
19 police scanner that you were looking for Travis Parker?

20 A After the warrant was signed I may have. I honestly
21 can't remember using the radio at all that I could swear to.
22 But I may have.

23 Q Okay. Now, did you ever speak to Travis Parker before
24 you arrested him over a cell phone?

25 A I had Nicole call him from the jury room on a, the cell

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 phone. But I don't think I specifically spoke with him
2 directly. I may have told Nicole to tell him some things,
3 maybe turn himself in, where he was, something of that
4 nature. I don't think I ever spoke directly with Travis.

5 Q You're not sure if you did or not?

6 A I don't believe I did.

7 Q Okay. Did, did Dick tell you that he would go to the
8 Blacksburg Police Department and turn himself in?

9 A There were other officers that were in conversation
10 with him, and we had information he was gonna turn himself
11 in at the detention center at one time, he was gonna turn
12 himself in at the Blacksburg Police Department at one time,
13 at one time he's suppose to been at a church just down the
14 street from the police department. He was gonna turn
15 himself in several different times according to the phone
16 call.

17 Q Okay. Did anybody go to the Blacksburg Police
18 Department to pick him up?

19 A We had officers in the area of the Blacksburg Police
20 Department trying to locate him, yes.

21 Q Okay. And the detention center, did anybody go there
22 to, to---

23 A Officers Segina and myself, actually when we first had
24 heard he was turning himself in earlier, we went to the
25 detention center to try to locate him and we did not locate

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 him.

2 Q Okay. Did you receive any calls from the detention
3 center saying he was there?

4 A I did not personally, no.

5 Q Okay. Well, at what time did y'all finally hook up
6 with him at the detention counter?

7 A I booked him in at 22:05, which is 10:05 p.m.

8 Q Now, you said that, that -- well, you talked about him
9 having a, Mr. Foote and his wife were separated and that he
10 paid her bills and that they had a, he had a romantic
11 relationship with her, is that correct?

12 A That's correct, yes, sir.

13 Q Okay. What else did he say?

14 A That was basically the gist of it. I mean it didn't,
15 it didn't---

16 Q Well, that's the bad stuff, but what was the good stuff
17 he said?

18 A That was basically the extent of our conversation. As
19 soon as I got any more detailed into this investigation he
20 requested an attorney.

21 Q All right. Well, did you write a document called a
22 case summary?

23 A Yes, I have it here.

24 Q And would you look at the second page?

25 A Uh-huh. (Affirmative).

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 Q A little below halfway mark.

2 A Okay. Down there where he stated he and Jarvis went to
3 the barber shop. He did.

4 Q All right. Would you start reading from during this
5 interview and read to, to the word occurred?

6 A During this interview, he admitted to being in Nicole's
7 car. He stated that he and Jarvis went to the barber shop
8 located behind the courthouse to get a haircut. He denies
9 being on West End where, where the incident occurred.

10 Q So, he's always denied being at the West End?

11 A Yes.

12 Q Now, did he express to you -- when, when you went to
13 interview him, did he express to you concern that he had
14 marijuana in his system?

15 A I don't recall.

16 Q Did he ask you to come back later when it cleared up
17 and give him a polygraph?

18 A He may of asked for a polygraph.

19 Q Okay. Now, did you, in fact, give him a polygraph
20 exam?

21 A I did not.

22 Q Now, do you -- have you given polygraph exams in the
23 past?

24 SOLICITOR MORIN: Objection.

25 THE COURT: At this point in time, ladies and gentlemen

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 of the jury, I'm gonna ask you to step back to the jury room
2 while I consider a matter. I'll ask again that you not
3 begin any discussions until such time as I ask you to do so
4 in your deliberations..

5 You may retire to the jury room.

6 (Whereupon, the following takes place outside the
7 presence of the jury.)

8 THE COURT: Mr. Morin.

9 SOLICITOR MORIN: Your Honor, while I don't object to
10 him asking what Mr. Parker said, and now he's going into
11 whether or not a polygraph could of been done. Whether it
12 was done, whether it's been done in the past. I don't
13 believe that's appropriate. I don't believe -- it's, it's
14 outside the scope of what the State allows on polygraphs,
15 and, and I -- that's my objection, Your Honor.

16 He's, he's gone beyond the scope. It's one thing to
17 say did he ask for it and did he give him one. But now the
18 next question is do you usually give them. I don't believe
19 that's proper cross-examination.

20 MR. SHEALY: Your Honor, I do not intend for it to be,
21 to come into evidence. However, it's my---

22 THE COURT: Don't intend for what to come into
23 evidence?

24 MR. SHEALY: Any kind of polygraph results cause I
25 don't think there are any polygraph results.

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 THE COURT: Then why are you bringing it up?

2 MR. SHEALY: Because the polygraph, is our position the
3 polygraph is a normal police investigatory technique that,
4 that the---

5 THE COURT: It's not admissible into evidence.

6 MR. SHEALY: It's not admissible.

7 THE COURT: It's not admissible.

8 MR. SHEALY: However, there are cases that are
9 dismissed and there are cases that are pursued because a
10 person either passes or flunks a polygraph. The federal
11 government uses polygraph to, to, for security purposes.

12 THE COURT: Tell me one case in South Carolina that
13 let's you get into polygraph, testing, offering, anything
14 about it.

15 MR. SHEALY: I -- Your Honor, we'd submit we're
16 entitled to, to get---

17 THE COURT: Tell me a case.

18 MR. SHEALY: ---as a -- I have no case, Your Honor.
19 But limited it as being an investigatory technique. I
20 believe that, that's admissible.

21 THE COURT: Show me a case.

22 MR. SHEALY: I'm sorry, Your Honor, I can't.

23 THE COURT: So, there's no precedence for what you're
24 doing at this point in time?

25 MR. SHEALY: I, I have no idea, Your Honor.

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 THE COURT: well, I would hope that you would before
2 you pursued that line of questioning.

3 I'll sustain the objection.

4 Do you wish for me to make a curative instruction to
5 the jury because he asked one or two before you got a chance
6 to make your objection?

7 MR. SHEALY: Your Honor?

8 THE COURT: Sir?

9 MR. SHEALY: If I may?

10 THE COURT: Yes, sir.

11 MR. SHEALY: My, my understanding is his objection, his
12 objection does not go to my initial question about did he
13 ask for a polygraph and did he get one.

14 SOLICITOR MORIN: I don't believe so, judge.

15 THE COURT: I intend to strike the entire line of
16 questioning. That's gonna be my ruling.

17 Do you wish to have a curative instruction given---

18 SOLICITOR MORIN: No, sir.

19 THE COURT: ---to the jury?

20 SOLICITOR MORIN: Striking is fine with us.

21 THE COURT: I'll instruct you not to pursue any further
22 questions along that line, Mr. Shealy.

23 MR. SHEALY: Thank you, Your Honor.

24 THE COURT: Bring the jury back.

25 (Whereupon, the following takes place within the

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 presence of the jury.)

2 THE COURT: All right. I have sustained the objection
3 by the State. I have stricken the last response and
4 question from the record, and will instruct you to disregard
5 that matter. I'll give you further instructions as to how
6 to handle matters that have been stricken from the record
7 later in my charge.

8 You may proceed consistent with my ruling, Mr. Shealy.

9 MR. SHEALY: Thank you, Your Honor.

10 CONTINUED CROSS-EXAMINATION

11 BY MR. SHEALY:

12 Q Now, as you understand it, Nicole Thompson and Jarvis
13 Thompson claimed that Travis, Dick Parker fired the pistol,
14 is that correct?

15 A Yes, sir.

16 Q Did you do any kind of gun residue testing to determine
17 whether or not there was any gun residue on his hands?

18 A I did not.

19 Q Did you do any gun residue testing to determine if
20 there's any gun residue, gun powder residue on the side of
21 the car or inside the car?

22 A I did not.

23 Q And where did Nicole tell you that she took Dick?

24 A She stated to me in her statement she took him back to
25 Blacksburg somewhere down below the fire department.

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 Q She didn't say she took him to the fire department?

2 A I can read her statement and what she told me.

3 SOLICITOR MORIN: Your Honor, I don't know, but I don't
4 believe he's -- he can testify from his own knowledge. But
5 not what somebody else told him. I know she's testified.
6 And if he's asking about an inconsistent statement, but I
7 don't want him to just start reading her statement.

8 THE COURT: I'll sustain the objection.

9 Q All right. Did, did, did you talk to Nicole Thompson?

10 A I took a verbal statement from Nicole Thompson, yes.

11 Q Okay. And based on what she told you, did you go to a
12 location?

13 A We did.

14 Q And what location did you go to?

15 A We went to a place known as Pops. It's on Deanna Lane
16 in Blacksburg.

17 Q And what is Pops?

18 A It's a trailer on a large wooded acreage.

19 Q Okay. Did you search for a firearm there?

20 A I felt it was reasonable to go out there and look for a
21 firearm since he was let out in that area and he knew this
22 gentleman. So, we did go out there and attempt to see if we
23 could locate a firearm.

24 Q How long did you search?

25 A We were out there probably 30 to 45 minutes. It's a

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 very large country side multiple buildings stacked to the
2 roof junked cars. would of been an intensive effort to try
3 to search that entire property.

4 Q Do you -- do y'all have a K-9 that could assist in that
5 search?

6 A I honestly don't know if we had a K-9 at that time or
7 not. We do have K-9's now. I don't know if we had any at
8 that time or not. I don't believe we did. I had -- really
9 didn't have any information that the gun was there. It was
10 just a hunch, just an attempt to try to locate a gun.

11 Q Now, now, you actually participated in the interview of
12 Jarvis Thompson?

13 A Yes, sir.

14 Q Okay. At anytime did he tell you anything about Dick
15 Parker taking off his hat and his shirt?

16 A I don't recall that.

17 Q And what did you charge Nicole Thompson and Jarvis
18 Thompson with in this case?

19 A I didn't file any charges against the two.

20 Q So, they've never been arrested for, for anything
21 arising out of this?

22 A No, sir.

23 Q And they're not currently facing any charges
24 whatsoever?

25 A Not at the present time.

Ronnie Ramsey - Cross-examination
by Mr. Shealy

1 Q Do you anticipate any charges?

2 A Not unless something else comes up. At this time I
3 don't, no.

4 Q But you don't have anything in, in the works?

5 A Not at this time, no, sir.

6 MR. SHEALY: If I may, Your Honor?

7 THE COURT: Yes, sir.

8 (Pause.)

9 Q After Nicki, you had Nicki call Dick, do you recall
10 calling Dick and asking him where we was and when he told
11 you that he was at home telling him that you had the trailer
12 surrounded and come on out?

13 A That wasn't me.

14 Q Do you know who it was?

15 A I -- it may have been Lieutenant Whittacker. But it
16 wasn't me.

17 Q Well, so, it, it may of happened, but it wasn't you?

18 A It's a possibility, yes, sir.

19 MR. SHEALY: Okay. Thank you, Your Honor. That's all
20 the questions I have.

21 THE COURT: Redirect?

22 SOLICITOR MORIN: I have no further questions of this
23 witness, Your Honor.

24 THE COURT: Sir, you may step down. Thank you very
25 much.

Correy Haney - Direct examination
by Sol. Morin

1 State may call its next witness.

2 SOLICITOR MORIN: Correy Haney.

3 THE COURT: Sir, come forward and be sworn to my left,
4 please. Right over here, sir.

5 CORREY HANEY, being first duly
6 sworn, testified as follows:

7 THE COURT: Have a seat in the witness stand please.
8 State your name for the record.

9 WITNESS: Correy Haney.

10 THE COURT: Your witness, Mr. Morin.

11 DIRECT EXAMINATION

12 BY SOLICITOR MORIN:

13 Q Mr. Haney, why are you here?

14 A I was subpoenaed.

15 Q You don't want to be here, do you?

16 A No.

17 Q Where do you work?

18 A Petty Street Barber Shop.

19 Q Where is that located?

20 A 203 Doctor Ellen Roseland Lane.

21 Q If you'd speak just a little louder.

22 A 203 Doctor Ellen Roseland Lane.

23 Q And that's right near the courthouse right over here,
24 is that right?

25 A Right behind, right behind the courthouse.

Correy Haney - Direct examination
by Sol. Morin

- 1 Q And what do you do there?
- 2 A I'm the barber.
- 3 Q Mr. Haney, do you know Travis Parker?
- 4 A Yes.
- 5 Q what do you know him as?
- 6 A Dick.
- 7 Q Did you see Mr. Parker on June 22nd, 2007?
- 8 A yes, I did.
- 9 Q where did you see him?
- 10 A Barber shop.
- 11 Q okay.
- 12 THE COURT: Just one second. Let's let the train get
- 13 by.
- 14 (Pause.)
- 15 THE COURT: All right. Mr. Morin, you may proceed.
- 16 Q How long have you known Dick Parker?
- 17 A Three, maybe four years. I'd say three at the most.
- 18 Q Okay. You saw him there at your barber shop?
- 19 A Yes, I did.
- 20 Q Did you speak with him?
- 21 A Yes, I did.
- 22 Q Can you tell me what you spoke to him about?
- 23 A when I got to the barber shop he was there.
- 24 Q okay.
- 25 A when I walked in, it was a conversation going on and I

Correy Haney - Direct examination
by Sol. Morin

1 looked at him and he looked at me. I walked to the back and
2 he came back. And I could overhear, when I walked in, what
3 the conversation was concerning.

4 Q All right.

5 A And I told him he needed to leave that shit alone. He
6 needed to take your ass home, and just forget about that.
7 Them the words I said.

8 Q Okay. what did he say?

9 A I think he said something to the effect of -- I think
10 he said something to the effect that that nigger ran me. He
11 think that he gonna be able to stay in Gaffney, I'm gonna
12 burn that nigger, something like that. Something to that
13 effect.

14 Q Okay. Did you see him when he left your shop?

15 A Yes.

16 Q Can you tell me how he left?

17 A Blue car.

18 Q who was driving the car?

19 A I could not see the, the female. But I could see the
20 silhouette, and I knew it was a female.

21 Q Driving?

22 A Yes.

23 Q was there anybody else in the car?

24 A Yes.

25 Q where?

Correy Haney - Direct examination
by Sol. Morin

- 1 A It was a young guy. I'd say a little short guy, slim.
2 Q Uh-huh. (Affirmative).
3 A He got in the back seat.
4 Q He got in the back seat?
5 A Yes.
6 Q What seat did he get in?
7 A The passenger seat.
8 Q Front?
9 A Front.
10 Q I'm gonna show you what's been marked as State's
11 Exhibit No. 4.
12 Does this look like the vehicle to you, sir?
13 A I can't say for sure.
14 Q Okay.
15 A But I knew the windows, the windows was tinted and it
16 was a small car.
17 Q Okay.
18 A I, I thought it was blue.
19 Q Okay. After they left, you know, make sure that you
20 saw a woman driving, and he got into the, he got into the
21 front passenger seat?
22 A Yes.
23 Q Did you hear anything in the next 30 to 40 minutes?
24 A Yes.
25 Q What did you hear?

Correy Haney - Direct examination
by Sol. Morin

1 A well, I was on my cell phone.

2 Q Uh-huh. (Affirmative).

3 A A phone call, a phone call came into one of my, it
4 could of been on my shop phone or, a cell phone, one of the
5 barbers---

6 Q Uh-huh. (Affirmative).

7 A ---and somebody -- someone said a guy just got shot on
8 West End.

9 Q Please answer any questions Mr. Shealy may have.

10 A Okay.

11 THE COURT: Mr. Shealy, your witness.

12 CROSS-EXAMINATION

13 BY MR. SHEALY:

14 Q Mr. Haney, does Dick cut hair in your barber shop from
15 time to time?

16 A At one time he did. But then he, he stopped. He
17 stopped cutting. He stopped coming. So, I took it that --
18 I replaced him with someone else.

19 Q Okay. But he did cut hair, hair at one time?

20 A At one time he did.

21 Q Okay. Now, on that particular day, what was Dick
22 wearing?

23 A That would be impossible for me to tell you cause I
24 don't recall exactly what he was wearing.

25 Q But it's your memory they left in a blue car, but you

Correy Haney - Cross-examination
by Mr. Shealy

1 saw a silhouette of a female in the car?

2 A Yes.

3 Q Is that correct?

4 A Yes, I did.

5 Q Okay. Well, you said you overheard this conversation.
6 Do you know who Dick was talking to?

7 A Talking to everybody.

8 Q So, the, the -- he was being boisterous?

9 A Yeah.

10 MR. SHEALY: Thank you, Your Honor. That's all we
11 have.

12 THE COURT: Redirect?

13 SOLICITOR MORIN: That's all the questions I have. Ask
14 that the witness be excused.

15 THE COURT: Any objection?

16 MR. SHEALY: No, Your Honor.

17 THE COURT: Sir, you may step down and you're free to
18 go. Thank you for coming today.

19 You may call your next witness.

20 SOLICITOR MORIN: Your Honor, at this time the State
21 rests.

22 THE COURT: Ladies and gentlemen of the jury, at this
23 point in time the State has rested its case. I also note
24 that it's about fifteen minutes till 12:00 and there are
25 some matters that I have to go over with the attorneys

1 during the break between the State's presentation of
2 evidence and the defense's presentation of evidence. So,
3 I'm gonna let you go a few minutes early for lunch.

4 At this point in time I'll give you the same
5 instructions I've given you each time you left the
6 courthouse. Don't listen to, watch, or read any media
7 reports concerning this case. Don't attempt to gather any
8 information outside of the courtroom. You've only heard
9 part of the case at this point in time. So, don't begin any
10 discussions with anyone concerning the case until you've
11 heard all the evidence, the arguments of counsel, and I've
12 charged you concerning the law.

13 Again, should anyone attempt to contact you concerning
14 your service on this jury, please report that to the Court.
15 I'll assure you I'll take the appropriate action should that
16 occur.

17 So, at this time you're gonna be free to go to lunch.
18 I'll ask you be back in the jury room at 1:30 this
19 afternoon. We should be in a position to continue with the
20 case at that time.

21 Everyone remain seated while the jury retires.

22 (Whereupon, the following takes place outside the
23 presence of the jury.)

24 THE COURT: All right. Anything from the defense at
25 this point in time?

1 MR. SHEALY: Yes, Your Honor.

2 We move for a directed verdict on the grounds that two
3 primary witnesses against Mr. Parker, their testimony is
4 clearly self-serving. They're -- they weren't charged with
5 anything despite the fact that they were, they were in the
6 car the whole time, and the defense's position is they wish
7 to keep that situation that way.

8 The indication from the, Sedrick Littlejohn claimed
9 Dick Parker shot, he heard him say Dick Parker shot him.
10 Nobody else heard that and he never said that to anybody
11 else. That was something brand new from the, from the
12 witness stand.

13 The declarations that Mr. Foote, we submit, as we've
14 already argued, was tainted by the information from the
15 9-1-1 dispatcher. For those reasons, Your Honor, we'd ask
16 for a directed verdict.

17 THE COURT: State wish to make argument.

18 SOLICITOR MORIN: I think, in viewing the evidence in a
19 light most favorable to the state, there's, there's enough
20 there for the jury to find Mr. Parker committed the crime.

21 THE COURT: In viewing the light most evidence, in the,
22 in the evidence in the light most favorable to the
23 non-moving party, that being the state, it's my finding that
24 there is sufficient evidence for the case to go on to the
25 jury. So, therefore, I'll deny the motion.

1 Anything further from the defense at this point in
2 time?

3 MR. SHEALY: Not at this time, Your Honor.

4 THE COURT: All right. I do intend to inquire of your
5 client concerning his right to testify at this point in
6 time.

7 So, Madam Clerk, if you would, please swear the
8 defendant for me.

9 (Whereupon, Defendant Parker was placed under oath at
10 this time.)

11 THE COURT: All right. Mr. Parker, at this point in
12 time I'm going to explain to you certain of your rights. If
13 you do not understand what I say, please let me know. Once
14 I've completed my explanation, if you have any questions
15 concerning what I've explained to you, I'll give you an
16 opportunity to ask those questions and I'll see to it that
17 you understand what I am going over with you at this time.

18 We have reached the stage of this trial where you have
19 the right to present your defense. You have the right, at
20 this time, to claim the protections which are given to you
21 under the Fifth Amendment to the United States Constitution.

22 That particular amendment reads in, reads in part that
23 no person shall be compelled, in any criminal case, to be a
24 witness against himself. That phrase means that you can not
25 be required to testify in this case. You certainly have the

1 right to testify on your behalf. However, no one can make
2 you testify. The right to remain silent during this trial
3 is a personal right and no one can waive or give up that
4 right to remain silent except yourself.

5 If you decide to testify, I must advise you that you
6 will be subject to the same rules that every other witness
7 who testifies in this case would be subject to. What that
8 means is that you would be examined by your attorney, you
9 would also be cross-examined by the State's attorneys or the
10 solicitor.

11 During that cross examination, should you have any
12 convictions which involve dishonesty or false statement or
13 for crimes punishable by imprisonment for more than one year
14 and this Court determines that the probative value of
15 admitting that evidence outweighs its prejudicial affect to
16 you, the solicitor would be able to introduce your record to
17 attack your credibility. I will remind you, at the
18 beginning of the trial when we went over some matters in
19 that regard, and it was my ruling that the State could, in a
20 limited fashion, bring up at least one of the convictions of
21 a felony that you have on your record that would qualify.

22 Now, if you decide to testify, the decision on your
23 part must be made freely, voluntarily, and intelligently
24 with knowledge of the protections given to you by the Fifth
25 Amendment to the Constitution, and the consequences that may

1 result from your decision to testify. I will advise you,
2 however, that if you decide not to testify, I will instruct
3 the jury that they can not give any consideration to the
4 fact that you did not testify and that there's to be
5 absolutely no prejudice to your case because you did not
6 testify. In fact, I will instruct them that that matter
7 should not even be discussed by them in their deliberations.

8 The decision as to whether or not to testify is left
9 entirely up to you. You have the right to discuss that
10 decision with your attorney, your family, your friends, or
11 anyone else that you'd like to discuss this decision with.
12 But the final decision will be left up to you.

13 Now, Mr. Parker, do you understand the right that I
14 have explained to you?

15 DEFENDANT: Yes, sir.

16 THE COURT: Do you have any questions concerning that
17 right?

18 DEFENDANT: No, sir.

19 THE COURT: Have you had an opportunity to discuss this
20 decision with your attorney at this time?

21 DEFENDANT: Yes, sir.

22 THE COURT: Do you wish to talk with your attorney or
23 anyone else concerning this decision any further?

24 DEFENDANT: Yes, sir, I'd like to speak to my attorney
25 for a second.

1 THE COURT: All right. Well, during the lunch break we
2 will give you an opportunity to fully discuss it with your
3 attorney. When we return at 1:30 this afternoon, I will
4 complete our discussion on this subject and at that time you
5 will have a right to answer your decision.

6 All right. Anything else that we need to take up from
7 the State before we break for lunch?

8 SOLICITOR MORIN: No, sir.

9 THE COURT: Anything else from the defense?

10 MR. SHEALY: Just, just, Your Honor, my advice to my
11 client is gonna be wait till after the, some time when I've
12 presented our side before he makes that decision.

13 THE COURT: Well, again, it will be his decision. I'll
14 inquire when I come back.

15 And I'll tell you, Mr. Parker, I explained the right to
16 you. You have the right to make that decision anytime
17 before your attorney rests your case. And so, you have the
18 right to make that decision later in the, in the case if you
19 wish to do so.

20 Court's in recess, at this point in time, until is,
21 1:30.

22 The defendant remains in custody.

23 (Whereupon, Court was in recess for the lunch hour.)

24 THE COURT: All right. Is the State ready to proceed?

25 SOLICITOR MORIN: State's ready.

1 THE COURT: Defense ready to proceed?

2 MR. SHEALY: Your Honor, we've talked and it, I --
3 Travis tells me he wishes to testify. He'd like to.

4 THE COURT: I will inquire of him concerning that then.

5 All right. Mr. Parker, I'm reminding you, at this
6 point in time, you were placed under oath earlier to tell
7 the truth concerning this matter. I'm reminding you of that
8 fact because you remain under oath for purposes of our
9 discussion right now.

10 Do you understand, sir?

11 DEFENDANT: Yes, sir.

12 THE COURT: All right. You've had an opportunity, I
13 suppose during our lunch break, to discuss this matter.

14 Have you discussed it with everyone that you'd like to
15 discuss it with?

16 DEFENDANT: Yes, sir.

17 THE COURT: Do you have any questions or do wish to
18 discuss this question with anyone else?

19 DEFENDANT: No, sir.

20 THE COURT: Have you made a decision as to whether or
21 not you wish to testify?

22 DEFENDANT: Yes, sir.

23 THE COURT: And do you wish to testify?

24 DEFENDANT: Yes, sir.

25 THE COURT: All right. Thank you very much.

1 Any other questions from the defense counsel?

2 MR. SHEALY: No, Your Honor.

3 THE COURT: All right. Now is the defense ready to
4 proceed?

5 MR. SHEALY: We are, Your Honor.

6 THE COURT: All right. Bring the jury in.

7 (Whereupon, the following takes place within the
8 presence of the jury.)

9 THE COURT: All right. The record will reflect that
10 all jurors have returned to the courtroom. I trust everyone
11 had a good lunch break and you're ready to proceed with the
12 trial of the case. When we stopped earlier the State had
13 completed the presentation of its evidence or its case in
14 chief. At this time the defense has the right to call such
15 witnesses as the defense chooses to call.

16 Mr. Shealy, you may call your first witness.

17 MR. SHEALY: Thank you, Your Honor.

18 At this time the defense would call Travis Parker.

19 THE COURT: Come forward, sir, to be sworn to my left.

20 (Whereupon, the defendant stands up at this time.)

21 THE COURT: Just, just one second, sir. Be seated for
22 just a second please.

23 Ladies and gentlemen of the jury, one thing I do need
24 to go over with you, the attorneys before I begin this
25 testimony. I'm gonna ask you to retire to the jury room

1 just a moment.

2 (Whereupon, the following takes place outside the
3 presence of the jury.)

4 THE COURT: Mr. Shealy, I was unaware that you were
5 gonna call your client first.

6 MR. SHEALY: I apologize, Your Honor.

7 THE COURT: I'll have the shackles removed for his
8 testimony.

9 MR. SHEALY: Thank you, Your Honor.

10 THE COURT: If you'd informed me of that earlier I
11 would of done it before the jury came in.

12 MR. SHEALY: I apologize.

13 And while we have this, Your Honor, we did have
14 subpoenaed a Travis Colston. My client tells me that
15 Mr. Colston -- I talked to Mr. Colston over the phone and he
16 understood he was gonna be a witness here. We had service
17 on him, on his daughter-in-law at his place of residence,
18 and he told me he would be here. But I'm told he's not
19 here. And I'd like to show you the subpoena and ask the
20 Court's assistance in getting him here.

21 THE COURT: Any objection to that subpoena being made
22 an exhibit?

23 SOLICITOR MORIN: No, sir.

24 THE COURT: All right. Do you have your proof of
25 service?

1 MR. SHEALY: It's on the back, Your Honor.

2 THE COURT: On the back.

3 All right. It will be made a Court's Exhibit.

4 (whereupon, the subpoena was marked as Court's Exhibit
5 No. 2 for identification purposes only at this time.)

6 THE COURT: That name of the individual is?

7 MR. SHEALY: Travis Colston.

8 THE COURT: Travis Colston.

9 Mr. Gee, if you'll come down front please, sir.

10 (Bailiff complies.)

11 THE COURT: Mr. Gee, if you'll raise your right-hand.
12 Please swear Mr. Gee for me.

13 (Whereupon, Mr. Gee was placed under oath at this
14 time.)

15 THE COURT: Mr. Gee, I'm gonna ask you to step outside
16 the courtroom and ask you to go down on the first level and
17 see if you can find out if a Travis Colston is present.

18 Is that the name?

19 MR. SHEALY: Yes, Your Honor.

20 THE COURT: All right. Report back to the Court as
21 soon as possible.

22 BAILIFF: All right.

23 THE COURT: Thank you.

24 (Pause.)

25 THE COURT: Mr. Gee, was that person---

1 BAILIFF: Your Honor, there's no Travis Colston in the
2 courthouse.

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

4 Mr. Shealy, are you moving for a bench warrant for his
5 arrest?

6 MR. SHEALY: I am, Your Honor.

7 THE COURT: All right. I'll issue, from the bench, a
8 warrant for the arrest of Mr. Travis Colston.

9 What address is his last known address?

10 MR. SHEALY: It's on the affidavit. I believe it's---

11 CLERK: [REDACTED] Street, Gaffney.

12 THE COURT: Madam Clerk, if you'd call the Sheriff's
13 Office and inform them I've issued a bench warrant from the
14 bench for his arrest.

15 CLERK: I'll do that.

16 THE COURT: Thank you, ma'am.

17 Now, anything, Mr. Shealy, up, that we need to take up
18 before we bring in the jury?

19 MR. SHEALY: Not at this time, Your Honor.

20 THE COURT: All right. Bring the jury in.

21 (Whereupon, the following takes place within the
22 presence of the jury.)

23 THE COURT: All right. Ladies and gentlemen, Mr.
24 Parker has been called to the stand.

25 Mr. Parker, you may come forward to be sworn.

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by Mr. Shealy

1 TRAVIS PARKER, being first duly
2 sworn, testified as follows:

3 THE COURT: Have a seat in the witness stand please,
4 sir. Please state your name for the record.

5 WITNESS: My name is Travis Parker

6 THE COURT: Mr. Shealy, it's your witness.

7 MR. SHEALY: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MR. SHEALY:

10 Q Travis, where do you live or -- in Blacksburg.

11 What's there -- where were you living at the time back
12 on June 22nd of 2007?

13 A Open Air Trailer Park.

14 Q And that's in Blacksburg?

15 A Yes, sir.

16 Q Okay. What was your trailer number there?

17 A 51.

18 Q Okay. Now, I've been hearing a lot about at the top of
19 Open Air, at the bottom of Open Air, in the middle of Open
20 Air, at the top of the circle of Open Air.

21 Where, where, in Open Air, were you at?

22 A I lived -- I live at the -- well, you got a circle and
23 then you got the bottom. You got two -- you got three
24 different rows of Open Air Trailer Park. You got the first
25 row, that when you come in, it makes the circle. It's

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1 trailers up there. Then you come on and then you can keep
2 straight on around and you come around and you take you to
3 another road or it bring you straight down to where I live
4 at. But before you get to where I live at, it's the right
5 road where you can go to another road to where more trailers
6 are at.

7 But then if you keep straight, that's like -- they call
8 that the middle of Open Air Trailer Park. But you could
9 walk through the field and you would come into other trailer
10 park. That's why they call it Open Air Trailer Park, the
11 middle, because you can walk through the field.

12 Q Okay. All right. Do you know Jarvis Thompson?

13 A Yes, sir.

14 Q And did you see Jarvis Thompson that day?

15 A Yes, sir.

16 Q Would you -- do you, do you remember the first time you
17 saw him that day?

18 A Yes, sir.

19 Q Okay. How did you come to see him?

20 A Him and his brother came to me.

21 Q And who is his brother?

22 A Malcomb.

23 Q And what did they want?

24 A They both wanted a haircut.

25 Q And what did you tell them?

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by Mr. Shealy

- 1 A I told them I was on my way to the barber shop.
2 Q Okay. And what did they do?
3 A Jarvis told Malcomb he couldn't go.
4 Q That Malcomb couldn't go?
5 A Yes, sir.
6 Q Okay. Was Malcomb older or younger than Jarvis?
7 A Younger.
8 Q And did Jarvis leave at that time?
9 A No, sir.
10 Q Okay. All right. So, what happened to Malcomb?
11 A Malcomb, he went in, he went in the middle trailer. I
12 can't think of the girl's name. But Malcomb has a baby by
13 the girl now. He stays in the middle trailer. I can't---
14 Q Okay. But he had nothing to do with this as---
15 A No, sir.
16 Q He just happened to be there the first time you saw
17 Travis, Jarvis?
18 A Yes, sir.
19 Q Okay. The -- what did you and Jarvis do?
20 A We was standing out there waiting on -- I called -- I
21 had already called Nicole to come get me. So --.
22 Q Okay. Before Jarvis came?
23 A Yes, sir.
24 Q Okay. And what did, what did you ask Nicole to do?
25 A I asked her to take me to the barber shop.

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by Mr. Shealy

- 1 Q And she agreed?
- 2 A Yes, sir.
- 3 Q Okay. And where did she pick you up?
- 4 A She picked me up right there at -- well, between
- 5 Sophie's trailer. That's between my trailer and Bridget's
- 6 trailer.
- 7 Q Okay. Bridget Foote?
- 8 A Foote.
- 9 Q Foote.
- 10 A Bridget Foote.
- 11 Q Okay. And was there anything significant about her
- 12 picking you up?
- 13 A No, she just come pick me up. Me and Jarvis was
- 14 smoking a blunt when she picked us up.
- 15 Q Okay. And what's a blunt?
- 16 A Reefer rolled in a cigar.
- 17 Q Okay. Now -- so, y'all, y'all were smoking marijuana?
- 18 A Yes, sir.
- 19 Q Got in the car?
- 20 A Yes, sir.
- 21 Q Where did y'all go?
- 22 A We went to Middle Street Barber Shop.
- 23 Q Did you share the blunt with Nicole?
- 24 A No, sir.
- 25 Q Okay. Had you finished the blunt by then?

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- 1 A Yes, sir.
- 2 Q All right. And where is this barber shop?
- 3 A It's, it's like right here by the courthouse. It's---
- 4 Q Is it this little one if we looked out this window
- 5 right here?
- 6 A Probably so. I think so.
- 7 Q Okay. And that -- y'all call it Petty Street Barber
- 8 Shop even though it's not, the address is not on Petty
- 9 Street?
- 10 A I've called it Middle Street because that's what's on
- 11 the front of it.
- 12 Q Oh, okay.
- 13 Okay. Now, had you ever worked there before?
- 14 A Yes, sir.
- 15 Q Okay. When did you work there?
- 16 A I, I worked there. I considered I worked there cause I
- 17 go down there and cut. If he needs somebody to come in and
- 18 cut, he would call me.
- 19 Q Okay. So you -- instead of a full-time job, you were
- 20 on, on call---
- 21 A well---
- 22 Q ---for the job?
- 23 A I was, I was a full-time worker there and then I start
- 24 making money on other means.
- 25 Q Okay. Now, had you ever had any problem with Jarvis

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1 just before, you know, prior to, to your taking him back and
2 going to the barber shot?

3 A Me and him had fell out with his daddy because his
4 daddy -- it was this girl named Clarissa. I can't --
5 Clarissa, I can't think of her name, her last name. But she
6 was going with Bruce, his daddy. Me and him fell out
7 because me and his daddy fell out. Me and him had just
8 started back talking. We hadn't been talking no more than a
9 week---

10 Q Okay.

11 A ---if that, been that long.

12 Q Okay. All right. Once you, you left Blacksburg, where
13 did you go?

14 A We went straight to the barber shop.

15 Q Okay. And who got -- who went to the barber shop and
16 who didn't?

17 A Me and Jarvis went to the barber shop. She let me and
18 Jarvis -- Nicole Thompson let me and Jarvis out at the
19 barber shop.

20 Q Okay. Do you know where Nicole -- do you know
21 personally where Nicole Thompson went?

22 A No, sir.

23 Q Okay. Now, at the barber shop, did you get your hair
24 cut?

25 A Yes, sir.

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1 Q Did Jarvis get his hair cut?

2 A I cut Jarvis' hair. I used -- we call him Shug. Shug
3 wasn't at work that day. I use Shug's clippers to cut his
4 hair.

5 Q And did you finish up cutting his hair?

6 A Yeah, I finished his hair cause Correy ain't got back
7 yet, and I was gonna get Correy to cut my hair. But Correy,
8 by the time Correy got back, he had to cut somebody else's
9 hair. He had like two or three people in front of me. So,
10 I got, I got Black -- we call him Black. I had him cut my
11 hair and put designs in it.

12 Q Okay. Now, at this time the barber shop was pretty
13 busy, is that correct?

14 A Yes, sir.

15 Q All right. So, how long, from the time you finished
16 cutting Jarvis' hair till the time you got, Black finished
17 cutting your hair and putting designs in your hair, about
18 how long did that pass?

19 A Well, I didn't get right in Black's chair. I went to
20 the back back there. They was -- some people was back there
21 shooting pool, and it was a few people back there shooting
22 dice. So, I shot a little dice, and then Black come and got
23 me and told me to come on.

24 Q Okay. Now, was Jarvis still there at the barber shop?

25 A No, him and Nicki, he had come back and said they was

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by Mr. Shealy

- 1 going to get something to eat.
- 2 Q Okay. And they left?
- 3 A They left.
- 4 Q You don't know where they went?
- 5 A No, sir.
- 6 Q Okay. Now, the -- when you got done with your, your
- 7 haircut -- now, did you threaten anybody there at the barber
- 8 shop?
- 9 A No, sir.
- 10 Q Did you say that you were gonna burn anybody or smoke
- 11 anybody---
- 12 A No, sir.
- 13 Q ---or hurt anybody?
- 14 A No, sir.
- 15 Q Now, when, when they finished cutting your hair, what,
- 16 what happened?
- 17 A I had called Nicole to come back and get me.
- 18 Q Did she?
- 19 A Yes.
- 20 Q And who was in the car with her?
- 21 A Her and Jarvis.
- 22 Q Okay. And then what happened?
- 23 A when I called her back, Jarvis was in the car with her.
- 24 He got out the front seat, and he got in the back. He let
- 25 me in the front, and we went up Middle Street.

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by Mr. Shealy

- 1 Q Okay. And the -- when you say Middle Street, were you
2 going in, in the direction of---
- 3 A Well, it's---
- 4 Q What direction were you going in?
- 5 A Well, she turned around and she had -- she come like
6 she was going toward the jail. When I got out there, she
7 was pointed like she was going toward the jail---
- 8 Q Uh-huh. (Affirmative).
- 9 A ---sitting in front of Middle. But she turned around
10 in the parking lot and turned around and went back. I don't
11 know the name of that street. But I -- it said Middle
12 Street cause it go straight up. And we went straight up
13 that way and got on the boulevard.
- 14 Q You're not aware that Middle Street name has been
15 changed to, to a different name, are you?
- 16 A Well, I, I can now because I've -- it's Doctor Rosemond
17 Lane I think.
- 18 Q Okay. All right. But back then it was Middle Street?
- 19 A That's right.
- 20 Q That's how you knew it as?
- 21 A Yes, sir.
- 22 Q Okay. So, did you go straight back to Blacksburg?
- 23 A Yes, sir.
- 24 Q By, by what route to Blacksburg did you go?
- 25 A 85. We went up the Boulevard to 85. We went in the

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1 back way of 85. We went in the back way of Open Air Trailer
2 Park. We didn't come in the front way. You got a -- you
3 get off 85 and it will take you in the back way of Open Air
4 Trailer Park. It's like -- I think it's called Young Groves
5 Road. You can go in the back way.

6 Q Okay. The -- did she seem to be in a particular hurry
7 to get back to Blacksburg?

8 A We got there in probably 15, 20 minutes.

9 Q Is that normal for traveling between here and
10 Blacksburg?

11 A If you driving on 85 and you running 65 or 70.

12 Q So that's a yes?

13 A Yes, sir.

14 Q Okay. All right. So, you say you came in from the,
15 the back side.

16 where did she put you out at?

17 A She put me out in Open Air in front of Foote's,
18 Mrs. Foote's trailer.

19 Q All right. And did, did Jarvis get out at that time?

20 A No, sir.

21 Q Okay. And so, did she leave with Jarvis?

22 A Yeah, they went up to the top of Open -- they went --
23 Jarvis stayed up at the top of Open Air Trailer Park. I
24 think it was Trailer 14.

25 Q Okay. And after you got home, did you get a phone

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by Mr. Shealy

- 1 call?
- 2 A It was about maybe 20 minutes later, 25 minutes later.
- 3 Q Okay. And who was it from?
- 4 A Nicole.
- 5 Q And what did Nicole tell you?
- 6 A She said you done got me and my kids in trouble.
- 7 She -- no, no, I'm telling a story. She said you done
- 8 risked putting me and my kids in danger. And I asked what
- 9 she was talking about. She said you know what you talking
- 10 about. You got me and my kids in danger. I said what are
- 11 you talking about.
- 12 Q What did you think she was talking about?
- 13 A I thought she was talking about the drugs.
- 14 Q All right. What, what drugs were you talking about?
- 15 A Meth and crack.
- 16 Q And, and where were -- where was this meth and crack?
- 17 A It was in the car.
- 18 Q In her car?
- 19 A Yes, sir.
- 20 Q Who owned the meth and crack?
- 21 A I did.
- 22 Q The -- and so, what did she want you to do?
- 23 A She hung up when I asked her that.
- 24 Q Okay. Then what happened?
- 25 A She called me back and asked me where I was at. I

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- 1 asked her where she was at. She said you got me in trouble,
2 and then she hung back up.
- 3 Q Okay. And then, then what happened?
- 4 A An officer called me.
- 5 Q Okay. Did you think it was Officer Ramsey?
- 6 A Yes, sir.
- 7 Q And -- all right. And what did that officer tell you?
- 8 SOLICITOR MORIN: Objection. calls for hearsay.
- 9 THE COURT: Sustain the objection.
- 10 Rephrase the question.
- 11 Q As a result of what the officer said to you, what did
12 you tell the officer to do?
- 13 A The officer called me---
- 14 Q Well, you can't say what the officer said.
- 15 A Okay.
- 16 Q But what, what did you tell the officer?
- 17 A I told the officer to come in the trailer.
- 18 Q To come get you?
- 19 A Yes, sir.
- 20 Q Okay. Did you, did you -- at, at that time, did, did
21 you go out the trailer?
- 22 A Yes, sir.
- 23 Q Is there any, any police officers there?
- 24 A No, sir.
- 25 Q Okay. Did you receive another phone call?

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1 A Yes, sir.

2 Q Who, who, who is the phone call from?

3 A The phone call was from the officer.

4 Q Okay. Did you receive a phone call from your sister?

5 A Yes, sir.

6 Q And what did she tell you?

7 SOLICITOR MORIN: Objection. Calls for hearsay.

8 THE COURT: Sustain the objection.

9 Rephrase the question.

10 Q As a result of what she told you, what did you try to
11 do?

12 A I went to the Blacksburg Police Department. When I got
13 there, there was no police car out there. But they have a
14 metal phone out there on the wall. I got on the phone and I
15 punched the button and I told them this is Travis Parker,
16 I'm outside the police station. My sister called me and
17 told me that---

18 SOLICITOR MORIN: Objection.

19 Q Okay.

20 THE COURT: I'm gonna sustain the objection.

21 Q Don't, don't say what your sister said. Just---

22 A Well, I told them if they was looking for me I'm
23 outside the police station. They told me it wasn't nobody
24 there and I would have to wait 30 minutes, 30 minutes or so,
25 to wait. So, I told them that I would report to the Black,

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1 to the Gaffney Police Department. It was like maybe 5:40 or
2 5:45.

3 So, I was walking up -- Blacksburg, it's a pool hall up
4 through there. I was walking up through there, and I seen a
5 friend, Cricket, we call her Cricket, and I stopped her, and
6 I got her to give me a ride to -- well, I thought the
7 Gaffney Detention Center. well, I never been in the
8 Sheriff's Department or nothing. I've never been in trouble
9 with the Sheriff's Department.

10 Q You talking about the new Sheriff's Department?

11 A Yeah, I've never been in there. So, I thought the
12 detention center was a police station. So, I got another
13 call. I advised them that I would report to the police
14 department, and I asked them not to come out there with no
15 aggressive or nothing cause I have no problem because I have
16 seizures and I didn't want them to rough me up and make me
17 hit my head or anything.

18 So, I reported down here to the Cherokee County
19 Detention Center cause I thought it was the Sheriff's
20 office, and this was like maybe 5:55 or six o'clock. I sat
21 out there in a car. I called my fiance and my, and my
22 sister and told them where I was at. They told me they
23 would be there.

24 I set out there from like six o'clock and then the
25 officers didn't come. Officers come out there and come and

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1 change shift and officers was smoking. And no officer never
2 come and got me.

3 Q Okay. So, you were there from before six o'clock?

4 A It was about 5:50 or 6:00 -- it was between 5:50 and
5 6:10.

6 Q Okay. And you saw the detention center workers
7 changing shift?

8 A Yes, sir.

9 Q And they saw you?

10 A Yes, sir.

11 Q And how long did you have to wait before someone came
12 and got you?

13 A When they come and get me, it was like 10:50, maybe
14 11:20, something like that.

15 Q So, you left -- you stayed there four or five hours
16 before---

17 A Yes, sir.

18 Q ---somebody came and got you?

19 A Yes, sir.

20 Q All right. Now, the -- when Officer Ramsey came to
21 talk to you, do you recall that?

22 A Yes, sir.

23 Q All right. Did -- what did you tell them about being
24 interviewed?

25 A I told him that I would write a statement that they

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1 would not take and charge me with drugs and he told me he
2 wasn't worried about no drugs. He said it was for a murder
3 charge. And I told him I ain't know nothing about no murder
4 charge. I couldn't give no statement on no murder charge
5 out there.

6 Q So, this whole time you thought they were wanting you
7 for drugs?

8 A Drugs. I thought it was a drug altercation.

9 Q And, and where were those, those drugs that belonged to
10 you, where were they at?

11 A I had left them in Nicole Thompson's car.

12 Q Okay. And, and your thought processes is, was what?

13 A That she had got caught with the drugs, and she had
14 told them that they was mine.

15 Q Now, did -- how -- did anybody check you for gun powder
16 residue?

17 A No, I asked them was they going to. They told me no.

18 Q Okay. Did anybody ever come -- when you told them that
19 you'd give a statement, did you, did you ask for a favor
20 first?

21 A I asked them that if I gave a statement, and I -- and I
22 told them I'd give a statement and a polygraph test---

23 SOLICITOR MORIN: Objection.

24 Q No, not that.

25 THE COURT: Ladies and gentlemen of the jury, at this

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1 point in time I'm gonna ask you to step out of the
2 courtroom. There's a matter that I need to take up with
3 counsel. Again, don't begin your discussions until I advise
4 you to do so.

5 You may retire.

6 (Whereupon, the following takes place outside the
7 presence of the jury.)

8 THE COURT: Mr. Shealy, I thought my earlier ruling
9 concerning polygraph test or mention of them was clear.

10 MR. SHEALY: It was, Your Honor.

11 THE COURT: I want to admonish the witness, at this
12 point in time, that the mention of a polygraph test, the
13 offer of making a polygraph test, or the request to take a
14 polygraph, any mention of a polygraph is not allowed in the
15 courtroom, and that testimony will be stricken.

16 Do you understand, sir?

17 DEFENDANT: Yes, sir, I apologize.

18 THE COURT: Is there any question about that?

19 DEFENDANT: No, sir, it won't happen no more, sir.

20 THE COURT: Is there any other witness that you might
21 think that might want to, to discuss whether or not a
22 polygraph test was requested, administered, or offered?

23 MR. SHEALY: No, Your Honor. I---

24 THE COURT: All right. I don't know if I can make my
25 request any clearer, I mean my ruling any clearer at this

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1 point in time.

2 You may return the jury.

3 I sustain the objection. Strike any part of the
4 response that make conflict with my previous rulings.

5 (Whereupon, the following takes place within the
6 presence of the jury.)

7 THE COURT: The jury having returned to the courtroom,
8 I've sustained the objection, stricken the last question and
9 response from the record.

10 You may proceed.

11 CONTINUED DIRECT EXAMINATION

12 BY MR. SHEALY:

13 Q All right. When Detective Ramsey wanted to interview
14 you, did you ask him for some more time for the marijuana to
15 get out of your system?

16 A I told him if he'd give me 72 hours I would write a
17 statement if he would not charge me with no drug charges.

18 Q Okay. And did he ever come back to take a statement
19 from you?

20 A No, sir.

21 Q Okay. Now, when you went to the barber shop, what kind
22 of clothes were you wearing?

23 A I had on some black basketball shorts, some white
24 Nike's, tank top, and a white T-shirt with a blue -- I think
25 it's got the Pillsbury Dough Boy on it. It's like a -- it's

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1 drug -- it's a shirt indicating about it. It's the
2 Pillsbury Dough Boy or something like that.

3 Q Okay. Now, when you turned yourself in at the, in the
4 detention center, what clothes were you wearing?

5 A The same clothes I had on.

6 Q Okay. Now, these, these gyms shorts, did they have any
7 pockets?

8 A No, sir.

9 Q Did you, did you carry a wallet to the barber shop?

10 A I had it cuffed over the top of my band in my shorts.

11 Q So, you had no pockets?

12 A No, sir.

13 Q What about on your, your tank top?

14 A No, sir.

15 Q Or, or that T-shirt?

16 A No, sir.

17 Q All right. Now -- and those are the same clothes that
18 you wore to the, to the jail?

19 A Yes, sir.

20 MR. SHEALY: Your Honor, could we have a side bar?

21 THE COURT: You may approach the bench.

22 (Whereupon, a bench conference was held out of the
23 hearing of the jury at this time.)

24 THE COURT: Mr. Gee, please step to the bench please,
25 sir.

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1 (Whereupon, a bench conference was held out of the
2 hearing of the jury at this time.)

3 BAILIFF: It's here, Your Honor.

4 THE COURT: Beg your pardon?

5 BAILIFF: It's here.

6 THE COURT: Tell him to step in please. You may come
7 down front please, sir.

8 You may proceed.

9 (Whereupon, a bag of clothes was marked as Defendant's
10 Exhibit No. 1 for identification purposes only at this
11 time.)

12 Q Dick, I hand you what's been marked as a Defense
13 Exhibit No. 1 for identification.

14 Do you recognize what that is?

15 A These are the shoes.

16 Q Well, do you -- the package, is that your property,
17 your property at the---

18 A Can I open the bag?

19 Q Sure.

20 Is it?

21 A Yes.

22 Q All right. Would you -- what is, what's in that whole
23 package there?

24 A Basketball sports.

25 Q I mean the, the -- is that your property from the jail?

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1 A Yes, sir.

2 Q All right. Does that property contain items of
3 clothing that you recognize?

4 A Yes, sir.

5 Q Okay. And you recognize that as being your property?

6 A Yes, sir.

7 Q Okay. What are you holding in your hand right there?

8 A The basketball shorts I had on when I went to the
9 barber shop.

10 Q All right. If you would, take them out.

11 A (Witness complies.)

12 Q Now, are those, are those the basketball shorts that
13 you wore to the barber shop?

14 A Yes, sir.

15 Q And that's, that's also the basketball shorts you
16 reported to the, to the jail in?

17 A Yes, sir.

18 MR. SHEALY: Okay. Your Honor, if I could have this
19 marked as Defendant's Exhibit.

20 THE COURT: You've already had the whole container
21 marked, haven't you?

22 MR. SHEALY: I was, I was -- okay.

23 THE COURT: What are you gonna put in?

24 MR. SHEALY: I was gonna put them in as individual
25 exhibits so that we could refer to them.

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1 THE COURT: However you want to do it.

2 Do you want to have each piece marked separately from
3 you, the bag?

4 MR. SHEALY: Yes, Your Honor.

5 THE COURT: All right. Proceed.

6 SOLICITOR MORIN: No objection.

7 MR. SHEALY: Ask that this be entered as Defense
8 Exhibit 2.

9 THE COURT: Without objection it will be admitted as
10 Defendant's Exhibit No. 2. Those are the basketball shorts.

11 (Whereupon, the basketball shorts were marked as
12 Defendant's Exhibit No. 2 and received into evidence at this
13 time.)

14 Q All right. Now, what you're holding in your hand, did
15 you take that out of, of Defense Exhibit 1?

16 A Yes, sir, this is the shirt. I was wrong. It was a,
17 it wasn't -- it was the shirt though. I know it was blue.
18 I didn't---

19 Q Okay. But it's not the Pillsbury, Pillsbury Dough Boy
20 shirt?

21 A No.

22 Q But is this the shirt that you wore when you went---

23 A Yes, sir.

24 Q ---to the barber shop?

25 A Yes, sir.

Travis Parker - Direct examination
by Mr. Shealy

1 Q And is this the shirt that you wore to the detention
2 center?

3 A Yes, sir.

4 MR. SHEALY: Any objection to that being Defense
5 Exhibit 3?

6 SOLICITOR MORIN: No.

7 THE COURT: Without objection, it will be admitted as
8 Defense Exhibit No. 3.

9 (Whereupon, the shirt was marked as Defendant's Exhibit
10 No. 3 and received into evidence at this time.)

11 Q All right. Do you see your tank top there?

12 A Yes, sir.

13 Q Okay. And is that the, is that the tank top you wore?

14 A Yes, sir.

15 Q Is this it?

16 A Yes, sir.

17 MR. SHEALY: Any objection?

18 SOLICITOR MORIN: No objection.

19 THE COURT: Defense Exhibit 4.

20 Without objection, it will be admitted as Defense
21 Exhibit No. 4.

22 (Whereupon, the tank top was marked as Defendant's
23 Exhibit No. 4 and received into evidence at this time.)

24 Q And this pair of socks, is this the pair of socks that
25 you wore?

Travis Parker - Direct examination
by Mr. Shealy

1 A Yes, sir.

2 MR. SHEALY: Any objection?

3 SOLICITOR MORIN: No objection,

4 MR. SHEALY: Move this as Defense Exhibit 5.

5 THE COURT: Be admitted as Defense Exhibit No. 5.

6 (Whereupon, the pair of socks was marked as Defendant's
7 Exhibit No. 5 and received into evidence at this time.)

8 Q And these -- what are you, these?

9 A My boxers.

10 Q All right. And these are the boxer shorts you wore
11 both to the barber shop and to the detention center?

12 A Yes, sir.

13 MR. SHEALY: Defense Exhibit 6.

14 SOLICITOR MORIN: No objection.

15 THE COURT: Without objection, Defense Exhibit No. 6
16 will be admitted.

17 (Whereupon, the boxer shorts were marked as Defendant's
18 Exhibit No. 6 and received into evidence at this time.)

19 A Now, these socks are right here are the socks that --
20 Kenny Brown can state these are -- I had -- they brought me
21 more socks today when I come back to Court.

22 Q Okay. But these are the socks that you wore?

23 A Yes, sir, they was in the bag.

24 Q Okay.

25 A These are the socks I put in the shoe.

Travis Parker - Direct examination
by Mr. Shealy

- 1 Q And these are the shoes that you wore that day?
- 2 A Yes, sir.
- 3 MR. SHEALY: Defense exhibit next number.
- 4 SOLICITOR MORIN: No objection.
- 5 THE COURT: Withyot objection, next exhibit will be
- 6 admitted.
- 7 (Whereupon, the shoes were marked as Defendant's
- 8 Exhibit No. 7 and received into evidence at this time.)
- 9 Q All right. Is that all the clothes that you wore that
- 10 day?
- 11 A Yes, sir.
- 12 MR. SHEALY: Okay. If you have the, Defense Exhibit 1
- 13 back.
- 14 Your Honor, I do not intend to introduce Exhibit No. 1
- 15 into evidence.
- 16 THE COURT: Okay, sir.
- 17 Q Now, how -- when you were interviewed, did you ask for
- 18 any ballistics test to be done, to be made?
- 19 A I -- yes, sir.
- 20 Q And who did you ask that of?
- 21 A It was Officer Ramsey and I think that's Skinner,
- 22 Officer Skinner.
- 23 Q Okay. So, you recall talking to Officer Ramsey briefly
- 24 after you signed the voluntary waiver statement?
- 25 A Yes, sir.

Travis Parker - Direct examination
by Mr. Shealy

1 Q Now, did you go to the barber shop in Nicole Thompson's
2 car?

3 A Yes, sir.

4 Q Did you get out at the barber shop?

5 A Yes, sir.

6 Q But did you get back into her car to go to Blacksburg?

7 A Yes, sir.

8 Q Now, at anytime during this day did you go to West End?

9 A No, sir.

10 Q Did you go to [REDACTED] Street?

11 A No, sir.

12 Q Did you go by 310 Sarratt Street?

13 A No, sir.

14 Q At anytime did you have a pistol in your possession?

15 A No, sir.

16 Q And these are the, all the clothes that you wore that
17 day?

18 A Yes, sir.

19 Q Did you shoot Maraine Foote, Foote?

20 A No, sir.

21 MR. SHEALY: If I may have just one moment, Your Honor.

22 THE COURT: Yes, sir.

23 (Pause.)

24 MR. SHEALY: Thank you. That's all the questions I
25 have.

Travis Parker - Cross-examination
by Solicitor Morin

1 THE COURT: Your witness, Mr. Morin.

2 CROSS-EXAMINATION

3 BY SOLICITOR MORIN:

4 Q If I understand a few things, you, you live in Open Air
5 Trailer Park?

6 A Yes, sir.

7 Q And there's -- you, you worked full-time, short of
8 part-time, at the barber shop?

9 A When I first came, yes, I worked. In the beginning I
10 worked full-time. Then I start working off and on. And
11 then I just gradually quit.

12 Q Okay. And what did you cut your hair with when you
13 were working?

14 A Sir?

15 Q What did you cut your hair with when you were working
16 there?

17 A Clippers.

18 Q Whose clippers?

19 A Mine.

20 Q Yours.

21 well; when you quit working, what did you do with your
22 clippers?

23 A My clippers had, they had messed up. So, I had Correy
24 order me some more and they hadn't come back yet.

25 Q Okay. Now, you say you had been working at the barber

Travis Parker - Cross-examination
by Solicitor Morin

1 shop, but then I think your, I, I wrote it down, but you
2 tell me if I'm wrong, you said I started making money by
3 other means.

4 A Yes, sir.

5 Q And if I understand you correctly, your other means
6 were you were selling crack and meth?

7 A Yes, sir.

8 Q And somehow, according to you, you got the crack and
9 the meth into her car, is that right?

10 A Yes, sir.

11 Q Now, when you sell crack and meth because apparently
12 you had some with you, right?

13 A Yes, sir.

14 Q Were you planning on selling some when you got down
15 there?

16 A Well, I would -- she would take meth to transport us
17 around.

18 Q I see.

19 Well, where -- when did you have this meth?

20 I mean if I understand you correctly, you were wearing
21 a shirt with no pockets and pants with no pockets.

22 A In the seam of my, my thigh and my underwear right here
23 around my groin.

24 SOLICITOR MORIN: Can I have the gloves?

25 Q So, if I understand you correctly, you're saying that

Travis Parker - Cross-examination
by Solicitor Morin

- 1 you were wearing these boxers?
- 2 A Yes, sir.
- 3 Q And you stuffed the drugs inside these boxers?
- 4 A No, sir.
- 5 Q Well---
- 6 A I, I'm kind of chubby. So, I can take dope and put it
7 between my thigh and my, I don't want to disrespect the
8 females in here, but I can put it between my scrotum sac---
- 9 Q Uh-huh. (Affirmative).
- 10 A ---and my thigh and it will sit there. I can get up
11 and walk through the courtroom and move around and it would
12 not fall.
- 13 Q Okay. And, and now, of course, if somebody's gonna
14 give you some money, you wouldn't have any pockets to put
15 that in either if you sold them, right?
- 16 A I had a wallet cuffed over my shorts.
- 17 Q Now, if I understand you correctly, you stayed down
18 here, then she dropped you off at Mrs. Foote's house, is
19 that right?
- 20 A She dropped me off, no, between Foote, Mrs. Foote's---
- 21 Q Uh-huh. (Affirmative).
- 22 A ---and my trailer. This is Sophie.
- 23 Q All right.
- 24 A Her name is Mrs. Huitt, Sophie is. She dropped me off
25 right there.

Travis Parker - Cross-examination
by Solicitor Morin

1 Q Did you tell her where to drop you off?

2 A I told her to let me out right there.

3 Q All right. Now, isn't it true you were helping out
4 Mrs. Foote with bills?

5 A I've -- I helped, I have helped her out before because
6 she's my friend.

7 Q Uh-huh. (Affirmative).

8 Now, you, you've got a prior felony conviction, isn't
9 that correct?

10 A Yes, sir.

11 Q But you're saying that you didn't know where the
12 Sheriff's Office was?

13 A No, sir.

14 Q And you didn't know where the jail was?

15 A I knew where the Cherokee County Detention Center was
16 at, but I didn't know where the Sheriff's Office, I didn't
17 know where the new Sheriff's Office was.

18 Q And you were trying to turn yourself in for some, you
19 didn't even know why?

20 You were just trying to turn yourself in?

21 A Mrs. Thompson called me.

22 Q But, but I think you said, when they first came to see
23 you, that you didn't, you thought it was for drugs.

24 A Nobody never came to see me. I got a phone call.

25 Q No, I mean when, when Detective Ramsey came and you

Travis Parker - Cross-examination
by Solicitor Morin

1 were -- when they, when they finally caught up with you
2 after you made your odyssey to Blacksburg and into the
3 Blacksburg P.D., you didn't know where the City Police
4 office was, right?

5 A I knew where the Cherokee County Detention Center was
6 at.

7 Q Right.

8 So, you went there?

9 A Yes, sir.

10 Q And then there was phone calls.

11 But the first time you saw Detective Ramsey you said
12 that you thought it was for a drug offense?

13 A Yes, sir.

14 Q So, nobody had told you anything?

15 You were just trying to turn yourself in?

16 You didn't even know why?

17 A No, the reason why I turned myself in was because Mrs.
18 Thompson called me talking about I got her in trouble. So,
19 by her telling me that I knew that me and her had been on
20 some drugs, on a drug offense. So, it was dealing with
21 drugs. So, that's what made me think it was drugs.

22 Q But you didn't even know there was a warrant out for
23 it---

24 A No, sir.

25 Q ---for you?

Travis Parker - Cross-examination
by Solicitor Morin

- 1 A No, sir, I didn't go down there looking for a warrant.
2 The officer told me he wanted to question me. He told me he
3 would like to speak to me. That's why I reported. I had
4 nothing to run for. So, I reported down there to speak to
5 him.
- 6 Q From the time that you left, you say it took about 20
7 minutes or so to get back to Blacksburg, you got dropped off
8 between two trailers out there, right?
- 9 A Yes, sir.
- 10 Q From that time to the time that you finally made it
11 down to the jail, that was a couple hours.
- 12 Is that fair to say?
- 13 A No, sir, I don't think it was.
- 14 Q Well, you went there. You were at your house for a
15 while. Then Nicole called you. Then---
- 16 A No. No, sir, it wasn't that long. She wasn't gone
17 that long before she called me.
- 18 Q All right. well, let me ask you this.
- 19 Were you at your house when she called you?
- 20 A I can't -- I think I was standing out there at Sophie's
21 smoking a blunt.
- 22 Q Another marijuana?
- 23 A Yes, sir.
- 24 Q Okay. And that was out near where you lived?
- 25 You'll give me that, won't you?

Travis Parker - Cross-examination
by Solicitor Morin

1 A It was so close where I lived that I could just turn
2 around and walk.

3 Q Okay. And of course, it's my understanding -- no,
4 never mind. I have no further questions.

5 MR. SHEALY: Just briefly, Your Honor.

6 THE COURT: Redirect.

7 REDIRECT EXAMINATION

8 BY MR. SHEALY:

9 Q The, this issue about turning yourself in, the, the
10 time that you were in trouble on the felony, the Sheriff's
11 Department was back, I mean the, the jail was back there
12 behind the courthouse, is that correct?

13 A It was -- I think it was out -- when I got, when I
14 called my felony, it was, you could walk out the courthouse
15 and walk right across to it.

16 Q To the jail?

17 A Yes, sir, you can walk right up. The police, the
18 Sheriff's Office and everything was right there.

19 Q Okay. But now we have a new Sheriff's Office?

20 A Yes.

21 Q New jail?

22 A I, I was -- the only, only thing I knew about it was
23 the probation office. I don't know, until they took me down
24 there for questioning, that's when I realized where the
25 Sheriff's Department was at. I didn't know that was the

Travis Parker - Redirect examination
by Mr. Shealy

1 Sheriff's Department.

2 Q And you never had any dealings with the Gaffney City
3 Police?

4 A No. No, sir.

5 Q Okay. And that's where they wanted you to report?

6 A Yes, sir, I, I---

7 Q And that's, that's where you thought you were?

8 A Yes, I hadn't been took there down to the Cherokee
9 County Detention Center before and the charge was too loud
10 because it was, it was irrelevant, but---

11 Q Okay. The -- and the reason you did all that was
12 because you got a call from a police officer said coming on
13 out?

14 A Yes, police officer called me.

15 MR. SHEALY: Okay. Thank you, Your Honor. That's all
16 I have.

17 THE COURT: Recross.

18 SOLICITOR MORIN: No, sir.

19 THE COURT: You may step down, sir.

20 MR. SHEALY: Your Honor, if we could, excuse Lieutenant
21 Brown.

22 THE COURT: Well, most of what he brought got put into
23 evidence. You can---

24 MR. SHEALY: Right, this, that's---

25 THE COURT: You can give him that back. He's free to

1 go.

2 Thank you for coming, sir.

3 MR. SHEALY: Thank you, Your Honor.

4 Your Honor, the next witness we would call is Bridget
5 Foote.

6 THE COURT: Before you call that witness, ladies and
7 gentlemen of the jury, I'm gonna take a brief break at this
8 time. As I warned you at all times, when you retire to the
9 jury room, don't begin any discussions concerning the case
10 until I advise you to do so.

11 You may retire to the jury room.

12 Thank you very much.

13 (Whereupon, the following takes place outside the
14 presence of the jury.)

15 THE COURT: All right. We need the -- officers, you
16 need to reshackle him.

17 SOLICITOR MORIN: Your Honor, I -- we're gonna put
18 these items that he was wearing into a -- Officer Segina has
19 got a paper bag. We can hold them in that.

20 THE COURT: Any objection to us housing those in a
21 paper sac?

22 MR. SHEALY: As, as long as they have access to them to
23 look at them. I wouldn't even mind them being in a plastic
24 bag. But---

25 THE COURT: They'll be in a paper sac. Go ahead and

1 house them in a paper sac.

2 Just one second.

3 Mr. Shealy?

4 MR. SHEALY: Yes, sir.

5 THE COURT: Do you have any kind of individual bags for
6 these things?

7 She can't mark them. The label is not gonna stick to
8 the clothing.

9 MR. SHEALY: Right, Your Honor.

10 SOLICITOR MORIN: Well---

11 THE COURT: They need to be bagged individually.

12 SOLICITOR MORIN: Yes, sir, all I was suggesting was
13 for right now we could put them in a paper bag and just say
14 these are the numbers that they are. They'll have to be put
15 into bags and numbered obviously. But for now I didn't
16 think we need to have those just sitting there in front of
17 Mrs.---

18 THE COURT: How would you want it done?

19 SOLICITOR MORIN: We, we -- if we need to put them in
20 plastic bags we can do that too. But I don't -- the only
21 thing we have---

22 THE COURT: Why don't I take a break. See if you can
23 locate some plastic bags for them to be put in.

24 Court will be in recess for about ten to fifteen
25 minutes.

1 (Whereupon, a short recess was taken at this time.)

2 THE COURT: All right. Now, Mr. Shealy, you ready to
3 call your next witness?

4 MR. SHEALY: Yes, Your Honor.

5 THE COURT: All right. We're going to bring in the
6 jury.

7 State ready?

8 SOLICITOR MORIN: State's ready.

9 THE COURT: Bring the jury in.

10 (Whereupon, the following takes place within the
11 presence of the jury.)

12 THE COURT: All right. The record will reflect that
13 all jurors have returned to the courtroom.

14 The defense may call its next witness.

15 MR. SHEALY: Your Honor, at this time we call Bridget
16 Foote.

17 THE COURT: Come forward and be sworn please.

18 BRIDGET FOOTE, being first duly
19 sworn, testified as follows:

20 THE COURT: Ma'am, have a seat in the witness stand
21 please. State your name for the record.

22 WITNESS: Bridget Foote.

23 THE COURT: Your witness, Mr. Shealy.

24 DIRECT EXAMINATION

25 BY MR. SHEALY:

Bridget Foote - Direct examination
by Mr. Shealy

- 1 Q Mrs. Foote, do you, do you know Travis Parker?
- 2 A Yes, I do.
- 3 Q And what -- by what name do you know him as?
- 4 A Dick.
- 5 Q Dirk Parker?
- 6 A Yes, sir.
- 7 Q Now, at the time of his death, were you married to
- 8 Mr. Foote?
- 9 A Yes, sir.
- 10 Q The -- what, what was the status of your marriage at
- 11 that time?
- 12 A Well, when he learned of the relationship between me
- 13 and Dick, he said he couldn't stay here. So, we moved out.
- 14 Q So, y'all were separated?
- 15 A Yeah, he was living with his mother.
- 16 Q All right. Now, at the time of his death, had he met
- 17 somebody else?
- 18 A Yes, sir.
- 19 Q The -- to your knowledge, how did Mr. Foote know
- 20 Travis?
- 21 By, by what, by what name did he know Travis?
- 22 A Dick.
- 23 Q Had you ever heard him call him Travis?
- 24 A I really didn't like talking to him about it.
- 25 Q Okay. But that's the only way he knew him was, was by

Bridget Foote - Direct examination
by Mr. Shealy

1 Dick?

2 A Yes, sir.

3 Q Okay. Now, you, you had moved on with your life and he
4 moved on with his?

5 A We was talking about divorcing, and we agreed that we
6 would get a divorce. And he was, said that the lady that he
7 was dealing with agreed to pay for it. So, I had a neighbor
8 who went through the same situation, told me she'd tell me
9 about a lawyer and a number she would give me to where we
10 can get a cheap divorce and we agreed to it.

11 Q Okay. Thank you. Have no further questions.

12 THE COURT: Mr. Morin, your witness.

13 CROSS-EXAMINATION

14 BY SOLICITOR MORIN:

15 Q Ma'am, did you -- so, your relationship with Mr. Parker
16 now is what?

17 A Still friends.

18 Q All right. Did you write or have an affidavit and sign
19 an affidavit on behalf of Mr. Parker?

20 A Yes, I did.

21 Q I'm gonna show you a letter and just ask you if you
22 recognize this.

23 A Yes, sir.

24 Q This is the document that you signed?

25 A Yes, it is.

Bridget Foote - Cross-examination
by Solicitor Morin

1 Q In this -- and I'm gonna let you hold it.

2 You wrote this letter indicating, correct me if I'm
3 wrong, but did you not say in there you dispute the evidence
4 that this is against Mr. Parker?

5 A I said a reliable, reliable witness. I mean it says
6 the same thing, yeah.

7 Q Yeah.

8 You're claiming the witnesses aren't reliable, and what
9 else did you claim in there?

10 A A weapon hadn't been found.

11 Q That they shouldn't be charged until a weapon is found,
12 isn't that correct?

13 A Yes, sir.

14 Q Who did you discuss the evidence in this case with?

15 A Who did I discuss it with?

16 Q Uh-huh. (Affirmative).

17 A Different people.

18 Q Did you discuss it with Mr. Parker?

19 A Did -- about the weapon?

20 Q Yeah.

21 A Not as far as no weapon, now.

22 Q Well, how did you know that there wasn't a weapon
23 found?

24 A It was in the papers.

25 Q It was in the papers?

Bridget Foote - Cross-examination
by Solicitor Morin

1 A I mean no weapon was found.

2 Q And you talked to other people.

3 A I mean in my family and different people in the streets
4 was like they ain't found a weapon yet.

5 Q Okay. One more question about this.

6 If you could read that last sentence you wrote there.

7 A Travis Parker pose no threat or harm to me or my family
8 in anyway.

9 Q All right. Of course, Mr. Foote was your family at the
10 time he was shot, wasn't it?

11 A Right. But we wasn't together. We was separated.

12 SOLICITOR MORIN: I have no further questions, Your
13 Honor.

14 THE COURT: Redirect?

15 MR. SHEALY: No redirect.

16 THE COURT: You may step down, ma'am.

17 MR. SHEALY: At this time we'd call Timothy Tate.

18 THE COURT: Come forward to be sworn please.

19 TIMOTHY TATE, being first duly
20 sworn, testified as follows:

21 THE COURT: Have a seat please in the witness stand.
22 State your name when you're seated.

23 WITNESS: Timothy Lamar Tate.

24 THE COURT: Mr. Shealy, it's your witness.

25 MR. SHEALY: Thank you, Your Honor.

Timothy Tate - Direct examination
by Mr. Shealy

1 DIRECT EXAMINATION

2 BY MR. SHEALY:

3 Q Timothy Tate, what do you do for a living now?

4 A I work for the City of Gaffney.

5 Q As what?

6 A Policeman.

7 Q Okay. And in fact, you, you're currently attending the
8 academy, is that correct?

9 A That's correct.

10 Q Now, back in June 22nd of last year, where were you
11 working?

12 A At Cherokee County Detention Center.

13 Q Okay. And do you know Travis Parker?

14 A Yes.

15 Q Okay. Did you see him on June 22nd --

16 A Yes, I did.

17 Q -- 2007?

18 Tell, tell me how, where you saw him.

19 A In the parking lot of---

20 Q Okay. About what time did you first see him?

21 A I usually get to work about, between 6:30, twenty to
22 7:00. And when I got out my truck, a lot of people out
23 there and I noticed him cause he was sitting on the top of
24 his car talking to a female.

25 Q And during the course of the evening, did you see him

Timothy Tate - Direct examination
by Mr. Shealy

1 when you took breaks?

2 A Yeah, when I came out at my nine o'clock break he was
3 still sitting out there.

4 Q Okay. Did -- were you present at anytime when anyone
5 came to, to get Mr., Mr. Parker?

6 A No, I wasn't.

7 Q Okay. But he stayed there and waited patiently until
8 somebody, at least through your nine o'clock break?

9 A Yeah, when I came out at 10:00, that's when I --
10 evidently they took him in and everybody was talking about
11 that dude that shot the dude on West End.

12 MR. SHEALY: Okay. Thank you, Your Honor. That's all
13 I have.

14 THE COURT: Your witness.

15 CROSS-EXAMINATION

16 BY SOLICITOR MORIN:

17 Q The whole time you saw him he was outside?

18 A Outside.

19 Q Didn't he tell you why he was there?

20 A No, he didn't.

21 Q He didn't?

22 A (witness nods negatively.)

23 Q No further questions.

24 THE COURT: Recross, redirect?

25 MR. SHEALY: No, Your Honor.

Jimmy Henson - Direct examination
by Mr. Shealy

1 THE COURT: You may step down, sir.

2 Defense may call its next witness.

3 MR. SHEALY: We call Detective Jimmy Henson.

4 THE COURT: Come forward, sir, to be sworn.

5 JIMMY HENSON, being first duly
6 sworn, testified as follows:

7 THE COURT: Sir, have a seat in the witness stand.
8 Once you're seated, please state your name for the record.

9 WITNESS: Jimmy Henson.

10 THE COURT: Your witness, Mr. Shealy.

11 MR. SHEALY: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. SHEALY:

14 Q Would you tell the jury your occupation?

15 A I'm a crime scene investigator and in charge of the
16 forensics lab at the Sheriff's Department.

17 Q And the -- are you -- what is your involvement in this
18 case?

19 A My involvement was I looked at some fingerprints and
20 compared some fingerprints for Detective Segina with the
21 Gaffney Police Department.

22 Q And what did you find?

23 A The prints that were readable, you've got to have so
24 much ridge detail to be able to read the print. I found
25 three of them that were readable, and I compared those with

Jimmy Henson - Direct examination
by Mr. Shealy

1 the ink print cards that Detective Segina gave me on Travis
2 Sentell Parker, and the ink print card is known
3 fingerprints. I compared the unknown prints with his and
4 there was no match.

5 Q Okay. So, there were, there were no matches with Dick
6 Parker's fingerprints at all?

7 A There wasn't no matches at all.

8 Q Okay. The -- did you compare the fingerprints with
9 Jarvis Thompson?

10 A No, I did not.

11 Q Or Nicole Thompson?

12 A I did not.

13 Q So, do you know who the other fingerprints came from?

14 A I do not.

15 MR. SHEALY: Thank you, Your Honor. Have no further
16 questions.

17 THE COURT: Your witness, Mr. Morin.

18 CROSS-EXAMINATION

19 BY SOLICITOR MORIN:

20 Q Detective Henson, if, if a person had been in along or
21 around the car, would they necessarily have left
22 fingerprints that you could read?

23 A Not necessarily. You don't always leave fingerprints.

24 A fingerprint is some ninety percent water, sweat. And
25 unless you've got body oils mixed in with it, especially on

Jimmy Henson - Cross-examination
by Solicitor Morin

1 a car, it's gonna evaporate.

2 Q All right. And, of course, your, your job at the
3 county is to collect evidence at the county cases primarily,
4 is that correct?

5 A Yes, that's what I do.

6 Q And, and typically, isn't it true that you use
7 fingerprints to prove someone was in a particular location?

8 A That's right.

9 Q So, do you usually do, for fingerprints, when people
10 admit they were where you're looking for the fingerprints?

11 In other words, if I say I was in the car, I tell you
12 that during your investigation, are you gonna check for
13 fingerprints to prove that I was or are you gonna say well,
14 he says he was in the car?

15 A It's, it's according to different cases. Sometimes the
16 investigator on the case will ask me to and sometimes they
17 don't.

18 Q Okay. I have no further questions.

19 THE COURT: Redirect?

20 MR. SHEALY: Thank you, Your Honor. We have no further
21 questions.

22 THE COURT: You may step down, sir.

23 WITNESS: Thank you.

24 SOLICITOR MORIN: We ask that he be excused, Your
25 Honor.

Jarvis Thompson - Direct examination
by Mr. Shealy

1 THE COURT: Any objection to his being excused?

2 MR. SHEALY: No objection.

3 THE COURT: You may be excused. Thank you for coming,
4 sir.

5 WITNESS: Thank you.

6 THE COURT: Defense may call its next witness.

7 MR. SHEALY: Yes, Your Honor.

8 We call Jarvis Thompson.

9 THE COURT: Jarvis Thompson.

10 Mr. Gee, we need Mr. Jarvis Thompson. He's outside in
11 the office.

12 THE COURT: Come forward, sir. Be sworn.

13 JARVIS THOMPSON, being first duly
14 sworn, testified as follows:

15 THE COURT: Sir, have a seat in the witness stand.
16 State your name please.

17 WITNESS: Jarvis Thompson.

18 THE COURT: Your witness, Mr. Shealy.

19 MR. SHEALY: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. SHEALY:

22 Q Are you the same Jarvis Thompson that testified
23 yesterday in this trial?

24 A Yes, sir.

25 Q All right. Now, Jarvis, how, how old are you?

Jarvis Thompson - Direct examination
by Mr. Shealy

- 1 A Nineteen.
- 2 Q Okay. Were you 18 back when this happened?
- 3 A Yes, sir.
- 4 Q Okay. Now, I want you to think back to July of 2007.
- 5 Do you recall getting into a conversation with someone
- 6 in which you admitted that Travis was not the person that,
- 7 that killed Mr. Foote, but that you were?
- 8 A No, sir.
- 9 Q You did not say that?
- 10 A No, sir.
- 11 Q Okay. Did you -- now, I'm talking about -- are you
- 12 familiar with Craig Wood Manor?
- 13 A Sir?
- 14 Q Are you familiar with Craig Wood Manor?
- 15 A I don't.
- 16 Q Do you have a sister that lives in Craig Wood Manor?
- 17 A No, sir.
- 18 Q Do you recall having a, a neck brace?
- 19 A Yes, sir.
- 20 Q All right. Why did you have the neck brace?
- 21 A I had popped my neck.
- 22 Q You---
- 23 A I popped my neck.
- 24 Q Okay. And when did you do this?
- 25 A I can't recall. It was last year though.

Jarvis Thompson - Direct examination
by Mr. Shealy

1 Q Was it -- after June 22nd?

2 A Yes, sir.

3 Q It was after June 22nd?

4 A Yes, sir.

5 Q Now, do you recall talking to someone about popping,
6 popping your neck?

7 A No, sir, not really.

8 Q All right. Do you recall talk, telling somebody they,
9 they asked you what really happened and you said you
10 couldn't talk about it?

11 A I ain't never talked about it.

12 Q Did you ever have a conversation in, in, at the end of
13 July or to, the middle of August that, in which you stated
14 why you, you would let Travis take the fall for you?

15 A Repeat.

16 SOLICITOR MORIN: I'm gonna object. It's a leading
17 question. He's on direct.

18 THE COURT: Overruled.

19 Q Do you recall telling someone that you have a baby and
20 you couldn't afford to go to prison?

21 A No, sir.

22 Q And back around early September, late August, do you
23 recall almost, well getting into a fight with another fellow
24 and telling them, telling that person that you killed a man
25 before and gotten away with it?

Jarvis Thompson -- Direct examination
by Mr. Shealy

1 A No, sir.

2 Q Are you sure?

3 A Positive.

4 THE COURT: Just one second while the train passes.

5 (Pause.)

6 THE COURT: All right. Mr. Shealy, you may proceed.

7 MR. SHEALY: Excuse me just one moment.

8 THE COURT: Yes, sir.

9 (Pause.)

10 MR. SHEALY: Thank you, Your Honor. That's all the
11 questions I have.

12 SOLICITOR MORIN: I have no questions of the witness.

13 THE COURT: You may step down, sir.

14 MR. SHEALY: Your Honor, I have a matter to take up
15 outside the hearing of the jury.

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, this is one of those times I'm gonna discuss something
18 with the attorneys outside of your hearing. As always, I'll
19 ask you not to begin any discussions until I've advised you
20 to do so.

21 You may retire to the jury room.

22 (whereupon, the following takes place outside the
23 presence of the jury.)

24 THE COURT: Yes, sir.

25 MR. SHEALY: Thank you, Your Honor.

1 Your Honor, I -- this is -- I want to be extremely
2 cautious before I call my, my next witness. As I understand
3 the testimony, he denied telling anyone -- well, what I just
4 said, about killing other people, and having a baby, not
5 being able to go---

6 THE COURT: I think he denied having made any of those
7 statements that you asked him about.

8 MR. SHEALY: Right. Well, I -- sometimes I hear what I
9 want to hear sometimes, and I want to make sure that he did
10 deny them as opposed to say saying, saying he did not
11 remember them.

12 THE COURT: He denied it.

13 MR. SHEALY: Cause as I understand it, I can't call my
14 witnesses if he can't remember.

15 SOLICITOR MORIN: I have a different problem with him
16 calling him. He hasn't identified the person to whom he
17 allegedly made these statements. He hasn't identified where
18 these statements were allegedly made, and he hasn't said
19 what, what -- he hasn't even given a -- I mean I understand
20 he's got to give some specific time. But so far all he's
21 testified to is that some time in the summer he said
22 something to somebody.

23 There's -- he's got to be more specific before he can
24 impeach his own witness. He hasn't told him anything other
25 than a vague generality, and I'd submit that it's improper

1 for them to testify under those circumstances. I, I, I go
2 on to say that apparently he knows the names of the people
3 that made the statements. But specifically, apparently,
4 avoided using their names, which is exactly what the rule's
5 design to not let him do.

6 So, I would submit that he's not allowed to call these
7 witnesses.

8 THE COURT: Mr. Shealy.

9 MR. SHEALY: Your Honor, I'm looking at Rule 613. It
10 appears that I am suppose to tell the person to whom it was
11 made, and give him the opportunity to explain it, and I did
12 not do that. I would ask that I be allowed to recall him
13 for that purpose.

14 SOLICITOR MORIN: I object. He had his -- he's had
15 twice at him. He had him on the stand and he's done asking
16 the questions.

17 THE COURT: I'll let him recall him. He's still in his
18 case.

19 MR. SHEALY: Thank you, Your Honor.

20 THE COURT: Is he present?

21 SOLICITOR MORIN: Did he step out?

22 Can we get him back again?

23 BAILIFF: Yes, sir, he's here.

24 THE COURT: Sir, I'm gonna ask that you step back onto
25 the stand.

1 SOLICITOR MORIN: Your Honor, he's off -- the jury has
2 seen him step off. So, I would ask that he recall him and
3 have him brought back up.

4 THE COURT: Have a seat in the gallery.
5 Anything else before we bring the jury back?

6 SOLICITOR MORIN: No, sir.

7 THE COURT: Bring the jury back.

8 (Whereupon, the following takes place within the
9 presence of the jury.)

10 THE COURT: The record will reflect that all jurors
11 have returned to the courtroom.

12 Mr. Shealy, it's my understanding you wish to recall
13 the witness?

14 MR. SHEALY: I do, Your Honor.

15 THE COURT: Step forward please, sir. I'll remind you
16 that you've been placed under oath today. You remain under
17 oath at this time. Have a seat in the witness stand.

18 (Witness returns to the stand.)

19 THE COURT: Mr. Shealy.

20 MR. SHEALY: Thank you, Your Honor.

21 JARVIS THOMPSON, having been
22 previously sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. SHEALY:

25 Q Jarvis, do you know Jessica Bullock?

Jarvis Thompson - Direct examination
by Mr. Shealy

- 1 A No, sir.
- 2 Q You don't know Jessica Bullock?
- 3 A No, sir.
- 4 Q You didn't go to high school, the same high school with
- 5 her?
- 6 A I don't know her.
- 7 Q And you -- do you know her brother?
- 8 A No, sir.
- 9 Q Do you -- and you don't know anything about Craig Wood
- 10 Manor?
- 11 A I know about Craig Wood, but --.
- 12 Q All right. Tell me about Craig Wood.
- 13 Who do you know at Craig Wood Manor?
- 14 A My sister sister use to stay down there.
- 15 Q Okay. Do you remember visiting your sister back in
- 16 late July, middle of August?
- 17 A No, sir.
- 18 Q Do you remember having a neck brace when you visited
- 19 your sister?
- 20 A I was in Blacksburg when I had the neck brace on.
- 21 Q I know. I'm talking about when you visited your sister
- 22 at Craig Wood Manor.
- 23 A No, sir.
- 24 Q Now, do you recall her asking, this Jessica Bullock
- 25 asking you to tell her about this, the murder of Mr. Foote?

Jarvis Thompson - Direct examination
by Mr. Shealy

- 1 Do you recall that?
- 2 A No, sir.
- 3 Q You recall telling her you can't talk about it?
- 4 A No, sir, I ain't talk about it.
- 5 Q And do you recall telling her that if truth be known,
- 6 you hung your head and said you did it?
- 7 A No, I did not.
- 8 Q And she asked you why?
- 9 A No, sir.
- 10 Q Did you tell her that you couldn't go to prison cause
- 11 you had a baby?
- 12 A No, sir.
- 13 Q And that it was easier for Travis to go to jail?
- 14 A I did not say none of that.
- 15 Q And you don't remember having an argument with her over
- 16 those facts?
- 17 A An argument?
- 18 Q Yeah, a discussion maybe.
- 19 A No, sir.
- 20 Q Now, let me ask you this.
- 21 Do you know a Odessa?
- 22 A Yeah, I know Desa.
- 23 Q Okay. So, you know Desa?
- 24 A Yes, sir.
- 25 Q You don't know her as Jessica Bullock. You know her as

Jarvis Thompson - Direct examination
by Mr. Shealy

- 1 Desa.
- 2 A I don't know her last name.
- 3 Q Okay. But did you have these conversations with Desa?
- 4 A No, sir.
- 5 Q Now, later did you get into a fight with another young
- 6 man?
- 7 A No, sir.
- 8 Q And tell him that you'd killed a man and got away with
- 9 it?
- 10 A No, sir.
- 11 Q Was Desa there when that happened?
- 12 A I did not get in a fight.
- 13 Q All right. Do you know Scatisha Allen?
- 14 A Yes, sir.
- 15 Q Okay. How do you know her?
- 16 A Through my little brother.
- 17 Q Okay. What's your relationship with your little
- 18 brother?
- 19 A They talk, you know, was talking, going together,
- 20 something like that.
- 21 Q And do you recall telling her about having, that Travis
- 22 didn't do this?
- 23 A No, sir.
- 24 Q Do you, do you recall telling her that, in fact, you,
- 25 you were the one that killed him?

Jarvis Thompson - Direct examination
by Mr. Shealy

1 A No, sir.

2 Q So, you, you deny ever having any of these
3 conversations last year?

4 A Yes, sir.

5 MR. SHEALY: Thank you, Your Honor. That's all I have.

6 THE COURT: Any questions from the State?

7 SOLICITOR MORIN: No, sir.

8 THE COURT: You may step down.

9 Defense may call its next witness.

10 The defense may call its next witness.

11 MR. SHEALY: Yes, Your Honor. I'm sorry.

12 We call Jessica Bullock.

13 THE COURT: Come forward and be sworn please.

14 SOLICITOR MORIN: Your Honor, the State has a motion.

15 THE COURT: Ladies and gentlemen of the jury, I'm gonna
16 have to ask you to step back to the jury room. Don't begin
17 any discussions until such time as I advise you to do so.

18 Thank you very much.

19 (Whereupon, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Yes, sir.

22 SOLICITOR MORIN: I hate to go over this again, Your
23 Honor, but I feel it's my obligation. It's my understanding
24 that he intends to call this witness to testify to a prior
25 inconsistent statement. It's my understanding that he has

1 to alert Mr. Thompson as to the time and place it was
2 allegedly made.

3 Now, while he has done the person to whom it is
4 allegedly made, he is still not done time and barely done
5 place with regard to Mrs. Blanton, and I think she's not
6 permitted to testify.

7 And while the jury is out, I'd like to address
8 Mrs. Scatisha Allen. With regard to him, her, he did not
9 establish any time at all, time frame or the place where
10 this alleged fight occurred. He simply asked if Miss Allen
11 was present when he had a fight with some other person who
12 he is not identified where the fight was or when it took
13 place. And for that reason, he still has not complied with
14 the rule.

15 MR. SHEALY: Your Honor?

16 THE COURT: Mr. Shealy.

17 MR. SHEALY: Thank you, Your Honor.

18 THE COURT: Let's take up Scatisha Allen.

19 MR. SHEALY: I was under the impression Scatisha Allen
20 was the one that---

21 THE COURT: What do you, what do you expect her to
22 testify to?

23 MR. SHEALY: To testify to, that, that -- if I could,
24 Your Honor, I'd just make a proffer.

25 THE COURT: No, sir, just tell me right now what you

1 expect her to testify to.

2 MR. SHEALY: She, she's gonna testify that, that Jarvis
3 Thompson told her that, that Travis had not killed
4 Mr. Foote, that he had---

5 THE COURT: And that occurred?

6 MR. SHEALY: At the end of July.

7 THE COURT: At a, at a fight?

8 MR. SHEALY: No, Your Honor. The fight was with
9 Jessica, Jessica Bullock.

10 THE COURT: All right. Let's talk about Scatisha
11 Allen.

12 Your position in regard to her is?

13 SOLICITOR MORIN: He asked her, asked Mr. Thompson how
14 he knew her and did he say this. He never asked him where
15 the alleged statement was made or at what time. He didn't
16 ask it at all.

17 MR. SHEALY: The information I elicited that I asked
18 or, which I, I admit was a broad time frame, is the best I
19 can do.

20 THE COURT: All right. I'm gonna sustain the
21 objection, the objection as to her.

22 Now, let's move on to the one that had to do with the
23 fight. That's Mrs. Bullock.

24 MR. SHEALY: Yes, Your Honor.

25 THE COURT: The objection there is?

1 SOLICITOR MORIN: In that one he has said some time,
2 his exact words were some time late July or August. And I
3 think, and I'm not positive from this, it seemed like he was
4 eliciting that it occurred at a housing complex. But I'm
5 not clear as to that either. And I think, more than a
6 housing complex, he ought to be able to say was doesn't she
7 live at such and such, didn't this happen at such and such a
8 place. He's basically saying some time in this two month
9 period you were at this housing complex. And I don't think
10 that's time or place.

11 MR. SHEALY: Well, Your Honor, my understanding is I
12 established Craig Wood Manor as to the, the discussion about
13 he had a baby and, and that sort of thing. The, the second,
14 the fight was around Craig Wood Manor and, and both times
15 all we talked about was Craig Wood Manor.

16 THE COURT: I'm gonna have to go back and review the
17 record on it. I'm gonna have to go back and review the
18 record on it.

19 All right. We'll take a recess while we review the
20 record on them.

21 (Pause.)

22 THE COURT: I'm gonna ask the attorneys to step back
23 into chambers.

24 (Whereupon, a short recess was taken at this time.)

25 THE COURT: All right. I had the opportunity to review

1 the testimony. I've had an opportunity to review the case
2 law and the rule. The rule does require that a foundation
3 for, for impeachment of a witness must include a foundation
4 with the witness who is, you are attempting to impeach
5 indicating the time, place, and person to whom a alleged
6 statement was made.

7 It's my ruling -- I've already announced my ruling as
8 to one of the witnesses and that ruling still stands.

9 As to Mrs. Bullock, the testimony concerning what may
10 of gone on in a fight. There was no testimony in the record
11 as to when that fight occurred, where it occurred, the
12 individuals involved in the fight.

13 And so, I'm gonna rule that improper foundation has
14 been laid for that incident. I understand that she does
15 wish to testify about a statement that may of been made and
16 I believe the testimony was at the end of July or in August
17 at the---

18 MR. SHEALY: Craig Wood Manor.

19 THE COURT: ---Craig wood Manor to a particular person,
20 Miss Bullock. I will allow testimony into the record in
21 chief on that particular statement since the proper
22 foundation was laid or sufficient foundation was laid.

23 Now, it's my understanding that you may wish to offer
24 proffered testimony concerning the incidents or statements
25 that I have excluded and I will allow you to call the

1 witnesses for purposes of that proffer, Mr. Shealy.

2 MR. SHEALY: Yes, sir, and my objections are, are
3 preserved?

4 THE COURT: Yes, sir, you -- I understand you have
5 offered that testimony or you're, you're offering it, and I
6 have ruled that, that that testimony as to those instances
7 will be out of order.

8 MR. SHEALY: Thank you, Your Honor.

9 Your Honor, at this time we call Jessica Bullock.

10 THE COURT: Come forward, Miss Bullock, to be sworn.

11 And I'll ask you to limit the testimony with Miss
12 Bullock to the incident that I'm excluding.

13 MR. SHEALY: Yes, Your Honor.

14 JESSICA BULLOCK, being first duly
15 sworn, testified as follows:

16 THE COURT: Have a seat, Miss Bullock. State your name
17 for the record.

18 WITNESS: Jessica Bullock.

19 THE COURT: Mr. Shealy.

20 MR. SHEALY: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. SHEALY:

23 Q Jessica, what -- do you have a nickname you go by?

24 A Desa.

25 Q Desa.

Jessica Bullock - Direct examination
by Mr. Shealy

- 1 And do you know Jarvis Thompson?
- 2 A Yes, sir.
- 3 Q And how do you know him?
- 4 A He was like real good friends with my brother.
- 5 Q With your brother?
- 6 A Yes, sir.
- 7 Q Okay. Now, do you recall Jarvis getting into a fight?
- 8 A Yes, sir.
- 9 Q Okay. Where was that?
- 10 A It's like -- Craig Wood is kind of like a big circle,
- 11 like half a circle. So, it was at the top of Craig Wood.
- 12 Q Craig Wood Manor?
- 13 A Yes, sir.
- 14 Q And when did this fight take place?
- 15 A It had to be maybe like two weeks after I talked to
- 16 him.
- 17 Q After you talked to him initially -- well, the, the
- 18 other time?
- 19 A Yes, sir.
- 20 Q Okay. And did you go see, go to watch the fight?
- 21 A Yes, sir.
- 22 Q Okay. And, and were you close enough to hear what they
- 23 were saying to each other?
- 24 A Yes, sir.
- 25 Q And did you know the other, other fellow besides

Jessica Bullock - Direct examination
by Mr. Shealy

1 Jarvis?

2 A No, sir.

3 Q You don't know who he was?

4 A No, sir.

5 Q Okay. And what did you hear Jarvis, Jarvis tell him?

6 A Well, first the other guy was like dude, I'm gonna
7 whoop your ass. You nothing but a kid or whatever, and
8 Jarvis was like, man, get out my face, whatever. I got away
9 with killing somebody. I can do it again.

10 Q And you heard that?

11 A Yes, sir.

12 Q And that's -- there's no doubt that you heard that?

13 A Yes, sir.

14 Q About when, when did that take place?

15 A Probably like -- well, I moved back to Gaffney in
16 August. I talked to Jarvis the first time in like the first
17 week of August. So, probably the third week of August or
18 fourth maybe.

19 Q Thank you. Answer any questions the solicitor may
20 have.

21 A Yes, sir.

22 SOLICITOR MORIN: I have no questions.

23 THE COURT: You may step down, ma'am.

24 WITNESS: Thank you.

25 MR. SHEALY: Your Honor, we'd also like to proffer the

Scatisha Allen - Direct examination
by Mr. Shealy

1 testimony of Miss Scatisha Allen.

2 THE COURT: Miss Allen, come forward.

3 SCATISHA ALLEN, being first duly
4 sworn, testified as follows:

5 THE COURT: State your name please, ma'am.

6 WITNESS: Scatisha Allen.

7 THE COURT: Your witness, Mr. Shealy.

8 DIRECT EXAMINATION

9 BY MR. SHEALY:

10 Q Scatisha, do you have any nicknames?

11 A Scott.

12 Q Scott.

13 And how old are you, Scott?

14 A Seventeen.

15 Q Now, do you know Jarvis Thompson?

16 A I do.

17 Q Did you know him back in the, July of 2007?

18 A That's my first time seeing him.

19 Q First time you ever saw him in 2000---

20 A Uh-huh. (Affirmative).

21 Q July 2007?

22 A Uh-huh. (Affirmative).

23 Q And did you ever have a conversation with him
24 concerning this murder case dealing with Travis Parker?

25 A I did.

Scatisha Allen - Direct examination
by Mr. Shealy

- 1 Q Now, do you know Travis Parker?
- 2 A No, the first time I seen him was yesterday.
- 3 Q Okay. And -- but you did know Jarvis?
- 4 A Uh-huh. (Affirmative).
- 5 Q And was that the first time you, you'd known him was
- 6 back when you had this conversation?
- 7 A Uh-huh. (Affirmative).
- 8 Q And when was this conversation?
- 9 A Around I say the end of July.
- 10 Q Okay. Now, tell the judge what this conversation was
- 11 about, was about.
- 12 A Well, we was out being teenagers at his sister sister
- 13 house and it came, the conversation came about, and he said
- 14 well, he in jail for something he didn't do. I said well,
- 15 how do you know.
- 16 Q Say that---
- 17 A He say he was in jail for something he didn't do.
- 18 Q who was in jail for something he didn't do?
- 19 A Travis.
- 20 Q Okay.
- 21 A Like I said, I don't know Travis. And so, I said what
- 22 you talking about, and he said I was the one that shot him,
- 23 and I said---
- 24 Q He said what?
- 25 A He was the one that pulled the trigger right.

Scatisha Allen - Direct examination
by Mr. Shealy

1 Q He, he -- Jarvis was the one that pulled the trigger?

2 A Right.

3 Q And I said well, why you got this man in jail for
4 something he didn't do, and he said because he had a baby.

5 A new baby, baby on the way.

6 Q Because Jarvis had a baby?

7 A Uh-huh. (Affirmative).

8 Q I told him, I said I got a child myself and I wouldn't
9 want nobody do, telling a story on me having me in jail
10 because of my understanding he had just got out of jail with
11 his daughter.

12 Q Okay. And what did he say to that?

13 A Sir?

14 Q What, what did he say to your response?

15 A He didn't say anything.

16 Q That ended the conversation?

17 A Yes, sir.

18 MR. SHEALY: Thank you, Your Honor. That's all I have.

19 THE COURT: Any questions of this witness?

20 SOLICITOR MORIN: No, sir.

21 THE COURT: All right. You may step down, ma'am.

22 Now, Mr. Shealy, are you ready to call witnesses that
23 would not be excluded by my ruling at this point in time?

24 MR. SHEALY: Your Honor, I, the, I -- yes, Your Honor.
25 I'm ready to call Jessica Bullock as to the other incident.

Jessica Bullock - Direct examination
by Mr. Shealy

1 THE COURT: All right. Let's bring the jury back.
2 (Whereupon, the following takes place within the
3 presence of the jury.)

4 THE COURT: All right. The record will reflect the
5 jury has returned to the courtroom.

6 You may call your next witness, Mr. Shealy.

7 MR. SHEALY: Thank you, Your Honor.

8 At this time we call Jessica Bullock.

9 THE COURT: Miss Bullock, come forward to be sworn.

10 JESSICA BULLOCK; being first duly
11 sworn, testified as follows:

12 THE COURT: Have a seat in the witness stand please,
13 ma'am. Once you're seated, if you would, please state your
14 name for the record

15 WITNESS: Jessica Bullock.

16 THE COURT: Your witness, Mr. Shealy.

17 MR. SHEALY: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. SHEALY:

20 Q Miss Bullock, how, how long are you?

21 How old are you?

22 Excuse me.

23 A Nineteen.

24 Q And do you recall -- do you know Travis Parker?

25 A Yes, sir.

Jessica Bullock - Direct examination
by Mr. Shealy

- 1 Q How do you know him?
- 2 A My mother married into his family.
- 3 Q Okay. But you're not any blood relative of his?
- 4 A No, sir.
- 5 Q Now, do you know Jarvis?
- 6 A Yes, sir.
- 7 Q How long have you known Jarvis?
- 8 A It will be almost five years.
- 9 Q Okay. How do you know him?
- 10 A He was like best friends with my brother. They were
- 11 really, like really close friends.
- 12 Q Okay. Were you dating Jarvis at any time?
- 13 A No, sir.
- 14 Q Okay. Now, do you remember back in the Summer of 2007?
- 15 A Yes, sir.
- 16 Q Where were you living?
- 17 A After I graduated high school I moved to Laurens in
- 18 July. I stayed there a month and then we moved to Craig
- 19 Wood Manor in August.
- 20 Q About -- in August?
- 21 A Yes, sir.
- 22 Q And do you recall having a conversation with Jarvis
- 23 about this murder?
- 24 A Yes, sir.
- 25 Q Okay. About when did that take place?

Jessica Bullock - Direct examination
by Mr. Shealy

1 A It was right after I first moved back. So, probably
2 like the first week of August.

3 Q About the first week of August?

4 A Yes, sir.

5 Q And was there something wrong with Jarvis?

6 A Yes, sir.

7 Q What did he have?

8 What was wrong with him?

9 A He had got into a wreck on his moped or something and
10 he had a neck brace on.

11 Q Okay. And how did this conversation about the murder
12 come up?

13 A Well, I was sitting in like the breezeway where my
14 apartment was, and I saw Jarvis walking and I asked him what
15 was wrong with his neck. And he was like he had got into a
16 wreck or whatever. And I asked him where he was going. And
17 he was like he was going to his sister sister house who stay
18 in Craig Wood. And then I was like, you know, that's really
19 messed up, what's going on with Dick or whatnot, and he was
20 like yeah.

21 Q You said it's really messed up with what's going on
22 with who?

23 A With Dick. That's what I call him, yes, sir.

24 Q Dick Parker?

25 A Yes, sir.

Jessica Bullock - Direct examination
by Mr. Shealy

1 Q Okay. Go ahead.

2 A And he was like yeah, it is. I was like man, that's,
3 you know, it's crazy or whatever. He was like I can't talk
4 about it because I wrote a statement was I like oh. And
5 then like he kind of hung his head. It was like but the
6 truth be known, he wasn't the one who do it. And I was like
7 what do you mean by that. And he was like I was the one who
8 did it, I shot him, and I was like -- I got upset because I
9 was like, you know, why you do that. You know this man has
10 a child, he has a life, you know what I'm saying. Why send
11 something else to jail. And he was like well, I got a baby
12 too. So, I got to worry about me and mine. I can't afford
13 to go to jail.

14 Q Did he say it was better for Travis to go to jail for
15 it?

16 A Yes, sir.

17 SOLICITOR MORIN: Objection to leading.

18 THE COURT: Sustain the objection.

19 Q Did he say anything else about---

20 A Yes, sir, he said that Travis was, Dick was older and
21 that he could handle it better and stuff like that.

22 Q Thank you. I have no further questions.

23 THE COURT: Your witness, Mr. Morin.

24 CROSS-EXAMINATION

25 BY SOLICITOR MORIN:

Jessica Bullock - Cross-examination
by Solicitor Morin

1 Q Ma'am, I notice sometimes you call him Travis and
2 sometimes you call him Dick.

3 Do you know him by both names?

4 A Yes, sir.

5 Q Quite a few people know him by both names, right?

6 A I'm not sure. When I first met him I was introduced to
7 him as Dick.

8 Q Right.

9 Now -- and you said you were related to him by marriage
10 somehow, is that correct?

11 A Yes, sir.

12 Q How, how is exactly?

13 Can you tell me?

14 A Uh-huh. (Affirmative).

15 Q Okay.

16 A My mother is married to his nephew.

17 Q Okay. Still, right now?

18 A Yes, sir.

19 SOLICITOR MORIN: I have no further questions, Your
20 Honor.

21 THE COURT: Anything on redirect?

22 MR. SHEALY: No, Your Honor.

23 THE COURT: You may step down, ma'am.

24 WITNESS: Thank you.

25 THE COURT: The defense may call its next witness.

Brandon Peeler - Direct examination
by Mr. Shealy

1 MR. SHEALY: Your Honor, the -- my next witness won't
2 be available till tomorrow morning.

3 THE COURT: All right. I'll ask the attorneys to
4 approach.

5 (Whereupon, a bench conference was held out of the
6 hearing of the jury at this time.)

7 THE COURT: All right. You may proceed.

8 MR. SHEALY: I apologize, Your Honor. I, I did not
9 realize my next witness was here. I wasn't expecting him
10 until tomorrow morning.

11 We call Brandon Peeler.

12 THE COURT: Brandon Peeler to the stand please.

13 Come forward, sir, to my left to be sworn.

14 BRANDON PEELER, being first duly
15 sworn, testified as follows:

16 THE COURT: Have a seat in the witness stand please.
17 State your name for the record.

18 WITNESS: Brandon Peeler.

19 THE COURT: Your witness, Mr. Shealy.

20 DIRECT EXAMINATION

21 BY MR. SHEALY:

22 Q Mr. Peeler, what's your current occupation?

23 A I work for the 9-1-1 center now. I transferred from
24 the detention center.

25 Q Okay. And I'm ignorant about titles.

Brandon Peeler - Direct examination
by Mr. Shealy

- 1 Do you go by officer or---
- 2 A No, I'm a dispatcher now.
- 3 Q Okay. So, Mr. Peeler is fine?
- 4 A Right.
- 5 Q I'll call you Mr. Peeler.
- 6 All right. Now, do you remember back in June 22nd,
- 7 2007?
- 8 A Yes, sir.
- 9 Q Okay. Where were you working at that time?
- 10 A I working at the Cherokee County Detention Center.
- 11 Q Do you know Travis Parker?
- 12 A Yes.
- 13 Q And on -- when, when did you come on shift in, on
- 14 January, June 22nd?
- 15 A I arrived at the detention Center at fifteen till 7:00.
- 16 Q All right. And did you see Travis Parker there?
- 17 A I, to be honest with you, if he was there at that
- 18 moment he didn't make it known that he wanted to be turned
- 19 in. We was getting ready for our, to go in. I didn't see
- 20 him at that point.
- 21 Q Okay. Did you ever see him?
- 22 A When he turned, when I was asked to go out there to
- 23 apprehend, not, you know, go get him from the parking lot
- 24 and escort him into the booking room.
- 25 Q Okay. And did you do that?

Brandon Peeler - Direct examination
by Mr. Shealy

1 A Yes, sir.

2 Q And at the time you went out he was there?

3 A Yes.

4 Q Did he give you---

5 A The second time. The second time I went out he was.

6 Q Right.

7 Did he give you---

8 A The first time I was asked to go out he wasn't. Did
9 not see him. The second time I was asked he was sitting on
10 top of the car.

11 Q Did he give you any resistance whatsoever?

12 A No.

13 Q Okay. And you don't know where he was when you went
14 out the first time?

15 A If, if, if he was within that spot he was not outside
16 the car to where he could be present. I did not see him.

17 Q You didn't see him?

18 A Okay.

19 MR. SHEALY: Thank you, Your Honor. That's all the
20 questions I have.

21 THE COURT: Mr. Morin---

22 SOLICITOR MORIN: No questions.

23 THE COURT: ---your witness.

24 SOLICITOR MORIN: No questions.

25 THE COURT: You may step down, sir.

1 I ask the attorneys to approach.

2 (Whereupon, a bench conference was held out of the
3 hearing of the jury at this time.)

4 THE COURT: All right. Ladies and gentlemen of the
5 jury, I, I told you when this case started that a search for
6 the truth sometimes is slow and deliberate and it doesn't
7 always end on time and begin on time. And at this point in
8 time there is one witness who can not be here until in the
9 morning. So, we're gonna stop at this point in time and
10 have that witness in the morning.

11 Same admonition I've given you every time you leave the
12 courthouse. Don't listen to, watch, or read any media
13 reports. Don't discuss the case with anyone at this point
14 in time. Don't allow anyone to discuss your participation
15 in the trial. And if anybody does, please report that upon
16 your return to the courthouse.

17 We'll begin again in the morning at nine o'clock. I'd
18 ask that you be back in the jury room at that point in time.
19 I do anticipate that we'll be wrapping up the case tomorrow.
20 So, the case should go to you at some time during the
21 morning hours. I'm not sure exactly when that will be. But
22 it will be as soon as we can get everything done.

23 All right. At this point in time you're free to go.
24 Have a good evening.

25 Thank you very much.

1 (Whereupon, the following takes place outside the
2 presence of the jury.)

3 THE COURT: All right. Court will be in recess until
4 nine o'clock in the morning. I do want to see the attorneys
5 in my chambers again briefly.

6 Thank you very much.

7
8 (Whereupon, Court was in recess for the evening.)

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1 Wednesday, August 13th, 2008

2
3 THE COURT: All right. Is the State ready?

4 SOLICITOR MORIN: State's ready.

5 THE COURT: Defense ready?

6 MR. SHEALY: Yes, Your Honor.

7 THE COURT: All right. I'm going to put on the record
8 at this point in time my ruling yesterday concerning the two
9 witnesses, Mr. Shealy, that you were offering to offer
10 extrinsic evidence of statements that were made by the
11 individual. I am reversing that ruling. I will allow those
12 witnesses to testify concerning that particular matter based
13 on the fact that it's my finding that impeachment is already
14 taken place by your asking about those conversations. That
15 then gives you the right then to -- and he has denied making
16 any such statements, and based on that statement, that
17 testimony by him is my ruling that you do have the right to
18 place extrinsic evidence on the record.

19 MR. SHEALY: Thank you, Your Honor.

20 THE COURT: Now, anything further before we begin this
21 morning from the State?

22 SOLICITOR MORIN: No, sir.

23 THE COURT: Anything further from the defense?

24 MR. SHEALY: No, Your Honor.

25 THE COURT: Bring the jury in.

1 (Whereupon, the following takes place within the
2 presence of the jury.)

3 THE COURT: Morning. I trust everyone had a good
4 evening. We at least got a little rain last night. So,
5 that was a good thing. And I will put on the record that
6 all jurors have returned to the courtroom this morning.

7 As I indicated, we will continue the trial of the case
8 this morning. When we broke the defense was in the process
9 of calling its witnesses.

10 You may now call your next witness.

11 MR. SHEALY: Thank you, Your Honor.

12 Your Honor, we would recall Jessica Bullock.

13 THE COURT: Miss Bullock, come forward and be resworn.

14 JESSICA BULLOCK, being first duly
15 sworn, testified as follows:

16 THE COURT: Miss Bullock, have a seat in the witness
17 stand please. Again, state your name for the record

18 WITNESS: Jessica Bullock.

19 THE COURT: Mr. Shealy, your witness.

20 MR. SHEALY: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MR. SHEALY:

23 Q Miss Bullock, would you, you're -- you testified
24 yesterday afternoon, is that correct?

25 A Yes, sir.

Jessica Bullock - Direct examination
by Mr. Shealy

1 Q Okay. And just, just to remind the jury, what's your
2 nickname?

3 A Desa.

4 Q Desa?

5 A Yes, sir.

6 Q And how old are you?

7 A Nineteen.

8 Q Okay. And you live here in Gaffney, South Carolina?

9 A Yes, sir.

10 Q And I believe we established that your mother married
11 Dick's nephew?

12 A Yes.

13 Q Is that true?

14 A Yes, sir.

15 Q Okay. All right. Now, let -- yesterday you talked
16 about one incident, a conversation you had with Jarvis.

17 Do you remember that?

18 A Yes, sir.

19 Q Okay. And did you have another incident regarding
20 Jarvis and, and this murder case?

21 A Yes, sir.

22 Q Okay. Now where did that take place?

23 A Like up the road from Craig Wood Manor.

24 Q Okay. And about when did it take place?

25 A Probably like two weeks after our first conversation.

Jessica Bullock - Direct examination
by Mr. Shealy

- 1 Q All right. I believe you said your first conversation
- 2 was when?
- 3 A The first of August.
- 4 Q So, about two weeks into August?
- 5 A Yes, sir.
- 6 Q All right. And what was going on there?
- 7 A He was arguing with another young man, and they were
- 8 like going back and forth. The dude told him you don't want
- 9 to touch me, like you don't want to fight me, I can like
- 10 whoop your tail.
- 11 Q Okay. Were they getting ready to fight?
- 12 A Yes, sir.
- 13 Q And you were there?
- 14 A Yes, sir.
- 15 Q You wanted to see the fight?
- 16 A Yes, sir.
- 17 Q Okay. So, you were a spectator to this fight?
- 18 A Yes, sir.
- 19 Q Do you know who the other person was?
- 20 A No, sir.
- 21 Q Okay. And, and after they did this talk back and
- 22 forth, what did you hear Jarvis say?
- 23 A He said I've already got away with killing a man and I
- 24 can do it again.
- 25 Q Okay. And then what happened?

Jessica Bullock - Direct examination
by Mr. Shealy

1 A The other boy ran off.

2 Q Okay. Now, are you particularly close to Dick?

3 A Not really, sir.

4 Q Okay. You live in Gaffney?

5 He lives in Blacksburg?

6 A Yes, sir.

7 Q Do you visit often with him?

8 A No, sir.

9 Q Thank you. I have no further questions.

10 THE COURT: Mr. Morin, your witness.

11 CROSS-EXAMINATION

12 BY SOLICITOR MORIN:

13 Q If I understand you correctly, there was gonna be a
14 fight?

15 A Yes, sir.

16 Q And the other boy said he was gonna hurt Jarvis?

17 A Yes, sir.

18 Q And all Jarvis did was say that and the boy ran off?

19 A Yes, sir.

20 Q Okay. Now, you have a brother, isn't that correct?

21 A Yes, sir, I have three.

22 Q All right. What are your brother's names?

23 A Rydell, Marcus, and Shaquil.

24 Q Rydell?

25 A Uh-huh. (Affirmative).

Jessica Bullock - Cross-examination
by Solicitor Morin

- 1 Q And?
- 2 A Marcus.
- 3 Q Marcus.
- 4 And?
- 5 A Shaquil.
- 6 Q Shaquil.
- 7 Now, with your mom being married to Mr. Parker's
- 8 nephew, has there not been some discussion somewhere in the
- 9 family about this case?
- 10 A With my---
- 11 Q Your mom hasn't talked about it?
- 12 I mean people talk about it in the neighborhood, right?
- 13 A We don't talk about it, no.
- 14 Q You don't talk about it.
- 15 A Not me and my mother.
- 16 Q But it's talked about?
- 17 A With me and my brothers?
- 18 Q Yeah.
- 19 A Yeah.
- 20 Q Okay. That's all the questions I have.
- 21 MR. SHEALY: No redirect, Your Honor.
- 22 THE COURT: You may step down, ma'am. Thank you very
- 23 much.
- 24 WITNESS: Thank you.
- 25 THE COURT: Mr. Shealy, you may call your next witness.

Jessica Bullock - Cross-examination
by Solicitor Morin

1 MR. SHEALY: Your Honor, our next witness is Scatisha
2 Allen.

3 THE COURT: Come forward and be sworn, ma'am. Right
4 over here.

5 SCATISHA ALLEN, being first duly
6 sworn, testified as follows:

7 THE COURT: Have a seat in witness stand please. State
8 your name for the record.

9 WITNESS: Scatisha Allen.

10 THE COURT: Your witness, Mr. Shealy.

11 DIRECT EXAMINATION

12 BY MR. SHEALY:

13 Q Miss Allen, do you go by a nickname?

14 A Scott.

15 Q Okay. Scott, how old are you?

16 A Seventeen.

17 Q And do you know -- well, where do you live?

18 A Almost in Chesnee.

19 Q Okay. And do you know Jarvis Thompson?

20 A I met him last year.

21 Q When -- about when last year did you meet him?

22 A Towards the end of the, July, early August.

23 Q Okay.

24 THE COURT: Ma'am, I'm gonna ask you to speak up just a
25 little bit. Having a hard hearing you myself. Want to be

Scatisha Allen - Direct examination
by Mr. Shealy

- 1 sure everybody hears you.
- 2 Q Now, do, do you know Travis or Dick Parker?
- 3 A My first time seeing him was the first day of court.
- 4 Q This week?
- 5 A I heard of him.
- 6 Q You've heard of him, but you don't know him?
- 7 A Hu huh. (Negative).
- 8 Q Okay. Now, did you have a conversation with Jarvis
- 9 about this murder case?
- 10 A Uh-huh. (Affirmative).
- 11 Q where did that take place?
- 12 A Down at his sister sister at the bottom of Craig wood.
- 13 Q Down at his sister's sister---
- 14 A Sister sister house.
- 15 Q ---house?
- 16 A Uh-huh. (Affirmative).
- 17 Q At Craig Wood Manor?
- 18 A Uh-huh. (Affirmative).
- 19 Q And tell -- what were y'all -- tell the judge, the jury
- 20 how that came about.
- 21 A well, we was being teenagers and enjoying the summer
- 22 and some conversation came about. And it was mentioned and
- 23 Travis name came up. But he didn't use Travis. He goes by
- 24 Dick. And then I said what about it. He said that he was
- 25 there for something he didn't do. I said well, how come

Scatisha Allen - Direct examination
by Mr. Shealy

1 this happened, how you know. He said because he ain't the
2 one that pulled the trigger. I did.

3 I asked Jarvis why do you got this man in jail for
4 something he didn't do because to my understanding I had
5 heard he just got out of jail. And he said because he had a
6 baby on the way, he had just had a baby. And I told him
7 that I had a child myself and I wouldn't want somebody
8 putting me in jail for something I didn't do.

9 Q And did he reply to that?

10 A Hu huh. (Negative).

11 He ended the conversation.

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

13 THE COURT: Mr. Morin, your witness.

14 CROSS-EXAMINATION

15 BY SOLICITOR MORIN:

16 Q Miss Allen, if I understand you correctly, you're
17 saying the first time you met Jarvis he told you this?

18 A Uh-huh. (Affirmative).

19 Q And this was some time in July or August of last year?

20 A Uh-huh. (Affirmative).

21 Q You've testified you have a child.

22 A Uh-huh. (Affirmative).

23 Q How old is your child?

24 A Two.

25 Q And who's the child's father?

Scatisha Allen - Cross-examination
by Solicitor Morin

- 1 A Her father don't stay down here.
- 2 Q I understand.
- 3 But what's the father's name?
- 4 SOLICITOR MORIN: Objection, Your Honor. Relevance.
- 5 THE COURT: He's on cross-examination. I'm gonna allow
- 6 him to go into any kind of relationships that she may have.
- 7 Go ahead.
- 8 Q Is that -- I just need to know his name.
- 9 A Anthony.
- 10 Q Is he Mr., is he Miss Bullock's brother?
- 11 A Hu huh. (Negative).
- 12 Q Are you certain about that?
- 13 A Uh-huh. (Affirmative).
- 14 I have a younger child too that I just had. That's
- 15 Miss Bullock's brother's child.
- 16 Q Oh, I see.
- 17 So, you have two children?
- 18 A Uh-huh. (Affirmative).
- 19 Q The second child, what's his father's name?
- 20 A Marcus.
- 21 Q Marcus Bullock?
- 22 A Giles.
- 23 Q Jones.
- 24 But it's Miss Bullock's brother?
- 25 A Uh-huh. (Affirmative).

Scatisha Allen - Cross-examination
by Solicitor Morin

1 Q So, her -- Miss Bullock's mother is your child's
2 grandmother?

3 A Uh-huh. (Affirmative).

4 Q And that's the same woman that's married to
5 Mr. Parker's nephew, is that correct?

6 A Uh-huh. (Affirmative).

7 But me and his family don't get along---

8 Q well---

9 A ---that well.

10 Q ---I understand that.

11 But I'm just asking you if that's the way -- I, I just
12 wanted to cover to see where that was.

13 A Uh-huh. (Affirmative).

14 Q Now, the second child that's Mr., Miss Bullock's
15 brother's child---

16 A Uh-huh. (Affirmative).

17 Q ---how old is that child?

18 A She's a month old.

19 Q A month old.

20 A Uh-huh. (Affirmative).

21 Q So, back when Jarvis, when you say Jarvis told you
22 this, you and Marcus were together?

23 A Hu huh. (Negative).

24 We didn't get together until the middle of August.

25 Q Till the middle of August?

Scatisha Allen - Cross-examination
by Solicitor Morin

1 A I didn't even know him then.

2 Q Just, just -- well, you've testified that it was in
3 July or August you met Jarvis?

4 A Uh-huh. (Affirmative).

5 Q And you're saying some time around that same time you
6 started seeing Marcus?

7 A Uh-huh. (Affirmative).

8 Q That's all the questions I have.

9 MR. SHEALY: No redirect.

10 THE COURT: You may step down, ma'am.

11 The defense may call its next witness.

12 MR. SHEALY: Your Honor, the defense calls Travis
13 Colston.

14 THE COURT: Mr. Gee, check outside of the courtroom to
15 see -- is it Colston?

16 MR. SHEALY: Colston, yes, sir. .

17 THE COURT: Has arrived.

18 BAILIFF: Your Honor, he's not out here.

19 Do you want me to go downstairs?

20 THE COURT: Please do. See if he's anywhere about the
21 courthouse.

22 BAILIFF: All right.

23 (Pause.)

24 BAILIFF: Your Honor, he's not about the courthouse.

25 THE COURT: All right. My understanding is, from our

1 discussions, is that this witness is under subpoena, is that
2 correct?

3 MR. SHEALY: Yes, Your Honor.

4 THE COURT: And what I'll do is I'm going to recess the
5 trial until 9:30 and give you an opportunity to see if you
6 can ascertain his whereabouts.

7 Ladies and gentlemen of the jury, I'm gonna ask you
8 retire to the jury room at this point in time. As always,
9 I'll ask you not to begin any discussions until I've advised
10 you to do so.

11 You may retire to the jury room.

12 Thank you very much.

13 (Whereupon, the following takes place outside the
14 presence of the jury.)

15 THE COURT: For the record, it's my understanding that
16 you have spoken with this witness this morning from our
17 pretrial conference, and the witness indicated he was on his
18 way to the courthouse. That was some probably about 25
19 minutes ago. My understanding is the distance that he would
20 have to travel would take less time than that to arrive.

21 Is that a correct statement, Mr. Shealy?

22 MR. SHEALY: Yes, Your Honor. Assuming he's riding,
23 riding a bicycle even.

24 THE COURT: Yes, sir, and it's not a long distance I
25 don't believe from what I understand. But, but I'll give

1 you until 9:30. That would be probably some 40 minutes
2 after we had talked and he was suppose to have been on his
3 way.

4 MR. SHEALY: Yes, Your Honor.

5 THE COURT: And maybe you can make a phone call and
6 determine his whereabouts.

7 MR. SHEALY: And just for the record, even prior to
8 talking to him, I talked to someone there and so we made
9 several attempts---

10 THE COURT: When you say there, where supposedly is he?

11 MR. SHEALY: where he lives, right.

12 THE COURT: All right.

13 MR. SHEALY: So---

14 THE COURT: All right. I understand you've made
15 efforts to get him here, and, of course, the Court issued a
16 bench warrant yesterday for his arrest. As of yet, he has
17 not appeared. But I'll give you that additional time to see
18 if you can determine his whereabouts.

19 MR. SHEALY: Thank you, Your Honor.

20 THE COURT: I'll remain on the bench. But Court is in
21 recess.

22 (Whereupon, a short recess was taken at this time.)

23 THE COURT: Are you ready to proceed, Mr. Shealy?

24 MR. SHEALY: We are, Your Honor.

25 THE COURT: State ready?

Travis Colston - Direct examination
by Mr. Shealy

1 SOLICITOR MORIN: State is ready.

2 THE COURT: Bring the jury in.

3 (Whereupon, the following takes place within the
4 presence of the jury.)

5 THE COURT: The record will reflect that all jurors
6 have returned to the courtroom.

7 Mr. Shealy, you may now call your next witness.

8 MR. SHEALY: Thank you, Your Honor.

9 At this time we call Travis Colston.

10 THE COURT: Sir, come forward to my left to be sworn.

11 TRAVIS COLSTON, being first duly
12 sworn, testified as follows:

13 THE COURT: Have a seat in the witness stand please.
14 State your name for the record.

15 WITNESS: Travis Lamar Sentell Colston.

16 THE COURT: Mr. Shealy, it's your witness.

17 MR. SHEALY: Thank you, Your Honor.

18 DIRECT EXAMINATION

19 BY MR. SHEALY:

20 Q Mr. Colston, would you tell the jury where you live?

21 A I live on [REDACTED] Street.

22 Q Here in Gaffney, South Carolina?

23 A Yes, sir.

24 Q Now, do you know Travis Parker also known as Dick
25 Parker?

Travis Colston - Direct examination
by Mr. Shealy

- 1 A Yes, sir.
- 2 Q How do you know him?
- 3 I mean what, what, how, what name do you know him by?
- 4 A Travis. I know him by -- I call him all kind of names.
- 5 Q Okay. Okay. But you're familiar with Travis, with
- 6 Travis?
- 7 A Yes, sir.
- 8 Q Okay. Now, do you remember June 22nd, 2007?
- 9 A I remember -- yeah, I remember the day that somebody
- 10 got killed.
- 11 Q Did you hear something?
- 12 A Yeah, I heard about it. I stay on the same West End.
- 13 Q Okay. This is at West End, is that right, [REDACTED]
- 14 Street?
- 15 A Yes, sir.
- 16 Q And did you listen to the police scanner that day?
- 17 A I didn't listen to the scanner. I just heard word of
- 18 mouth.
- 19 Q Okay. Now, that day, did Travis Parker come to your
- 20 house?
- 21 A No, sir, not that I recall.
- 22 Q Okay. Now, it's real important that you think about
- 23 that day.
- 24 Okay. Now, do you recall---
- 25 SOLICITOR MORIN: I object.

Travis Colston - Direct examination
by Mr. Shealy

1 THE COURT: what's the objection?

2 SOLICITOR MORIN: He's asked the question and he's
3 answered it. He's on direct and he's not---

4 THE COURT: well, I, I don't know what he's gonna ask
5 next.

6 SOLICITOR MORIN: Okay.

7 THE COURT: The objection at this time is overruled.
8 I'll allow you to go ahead, Mr. Shealy.

9 Q Do you recall him ever coming to your, your house to
10 see you or to see anybody that day?

11 A No, sir.

12 Q Thank you. Have no further questions.

13 THE COURT: Your witness, Mr. Morin.

14 CROSS-EXAMINATION

15 BY SOLICITOR MORIN:

16 Q Mr. Colston, did I understand your name is Travis
17 Sentell?

18 A Travis Lamar Sentell Colston.

19 Q And I didn't get how you know Travis Sentell Parker?

20 A From Gaffney, man. We know everybody. It's small.

21 Q Okay. Mr. Colston, you, in '97, you were arrested.
22 You got convicted for armed robbery, isn't that right?

23 A Yes, sir.

24 Q And [REDACTED] is on a corner, is that right?

25 [REDACTED] isn't, isn't it sort of on the corner of two

Travis Colston - Cross-examination
by Solicitor Morin

1 streets?

2 A Yes, sir, I can't recall the other street. My house
3 sits right here.

4 Q Right.

5 A And it's another street run like this.

6 Q Right.

7 A Broad Street is in front.

8 Q Okay. I don't have any other questions of this
9 witness.

10 THE COURT: Mr. Shealy, redirect?

11 MR. SHEALY: Yes, Your Honor.

12 I'm sorry?

13 THE COURT: You may redirect.

14 MR. SHEALY: Thank you, Your Honor.

15 REDIRECT EXAMINATION

16 BY MR. SHEALY:

17 Q Mr. Colston, the fact that you've been convicted of
18 armed robbery, does that have anything to do with your
19 testimony here today?

20 A No, sir, I was 16 years old. That's---

21 MR. SHEALY: Thank you, Your Honor. That's all I have.

22 THE COURT: Recross?

23 SOLICITOR MORIN: No, sir.

24 THE COURT: You may step down.

25 Defense may call its next witness.

1 MR. SHEALY: Your Honor, the defense rests.

2 THE COURT: Does the State wish to call any witnesses
3 in reply or rebuttal?

4 SOLICITOR MORIN: No, sir.

5 THE COURT: All right. Ladies and gentlemen of the
6 jury, that completes the testimony in the case. And I
7 realize I'm popping you up, sending you out, and that sort
8 of thing. But we're gonna need to set up a few things for
9 the closing arguments. It's gonna take a few minutes.

10 So, I'm gonna allow you to retire to the jury room. As
11 always I'll tell you don't begin any discussions until I've
12 advised you to do so.

13 You may retire to the jury room.

14 Thank you very much.

15 (Whereupon, the following takes place outside the
16 presence of the jury.)

17 THE COURT: All right. At this time, either side wish
18 to make any motions?

19 The State?

20 SOLICITOR MORIN: None from the State.

21 THE COURT: Defense?

22 MR. SHEALY: Renew our motion for directed verdict on
23 the same grounds as---

24 THE COURT: Same ruling. Motion denied.

25 Now, as to the -- I had requested of the attorneys,

1 during our pretrial conference this morning, any specific
2 request for charge, and I think both attorneys said the
3 standard or general charge that I would use would be
4 sufficient.

5 Is that correct?

6 SOLICITOR MORIN: That's correct.

7 THE COURT: Is that correct?

8 MR. SHEALY: That's correct.

9 THE COURT: All right. I'll give you ten minutes, ten
10 minutes or so to get ready for your closing argument.

11 Court's in recess for about ten minutes.

12 (Whereupon, a short recess was taken at this time.)

13 THE COURT: All right. Are we ready for the State?

14 MR. SHEALY: I am, Your Honor.

15 THE COURT: Is the State ready?

16 SOLICITOR MORIN: State's ready.

17 THE COURT: Defense ready?

18 MR. SHEALY: Yes, Your Honor.

19 THE COURT: Bring the jury in.

20 (Whereupon, the following takes place within the
21 presence of the jury.)

22 THE COURT: All right. The record will reflect that
23 all jurors have returned to the courtroom. I think we have
24 all of our, all of our equipment ready to, to go for closing
25 arguments and I told you that once all of the evidence has

1 been presented that we would allow the attorneys to go
2 forward with their closing arguments or statements in this
3 case. The defense goes first.

4 Mr. Shealy, you may proceed.

5 MR. SHEALY: Thank you, Your Honor.

6 Thank you, Your Honor.

7 THE COURT: Yes, sir.

8 MR. SHEALY: Well, it's, it's over. You're not gonna
9 get any more evidence. Now, you are gonna get to look at a
10 lot of evidence again while you're doing your deliberation.
11 But no more new evidence is going to come in. All the
12 testimony has been taken. The -- and now it's, it's about
13 ready to be handed off to you.

14 Now, if I may say something -- it's not my recollection
15 of the facts. Okay. It's your recollection of the facts.
16 The same thing as the solicitor. He'll tell you that.
17 well, I think he'll tell you that.

18 We both, both have spent a lot of time with written
19 reports. Spent a lot of time with statements that you've
20 heard us talk about during examination, cross-examination.
21 We've, we've had live testimony while we're on our feet
22 trying to keep track of who said what. Plus we, in our
23 mind, we're thinking about what we want them to say or what
24 we think they're gonna say. So, sometimes either one of us
25 is gonna misquote the facts as you, as you remember them.

1 Understand this. It's y'all's memory of the facts.
2 Not ours. And I think the judge will tell you that.

3 As to the law, you'll don't have any choice. The judge
4 is gonna tell you what the law is, and one of the things
5 he's gonna talk to you about is reasonable doubt. I've
6 already talked to you about reasonable doubt in the opening
7 argument. Something that causes you to hesitate.

8 Now, in my opening argument I asked you to do several
9 things. I asked you to rely on your collective experience.
10 Each of you is important in, in determining this case. Each
11 one of you has to have input in order to come to a united
12 verdict, and it's important that each one of you enter into
13 these deliberations.

14 Now, things I ask you to look out for, indicia of
15 truthfulness. Some of the specific things I said was spin,
16 the way they sat in the chair, the way they answered the
17 questions. And, and use your experience as to whether
18 somebody's being truthful to you or not.

19 Examples of that we'll get into it deeper. An example
20 of it is on skin.

21 You remember Special Agent Thrower from the SLED
22 office?

23 It appears he does not have a dog in this fight, is
24 that correct?

25 I mean he's just a technician. He comes in and he's

1 gonna tell you that this is a 9-millimeter Luger bullet, and
2 this is a 9-millimeter Luger shell. He doesn't marry them
3 up together. He doesn't say who shot him.

4 But what does he say to the significance for the
5 State's case?

6 He goes into detail about the ejection of the bullet.
7 Okay. He goes into detail. He says; you know, there's a
8 lot of 9-millimeter Luger pistols. They're also known as
9 9-millimeter Parabellum. There's a lot of makers. There's
10 a lot of models out there.

11 He said most of them eject to the right. A few eject
12 straight up. One model ejects to the left. He also says
13 that the, the ones that eject to the right sometimes eject
14 to the left. He said that happened to him. And sometimes
15 it ejects straight up. And you don't know how far it's
16 going to eject because that depends on if the gun's moving
17 and there's wind and if there's all this other stuff.

18 Okay. Now, I call you back to State's Exhibit No. 10.
19 All right. Oh, sorry. I forgot to hit black screen.

20 Okay. Y'all remember this exhibit. Here's Sarratt
21 Street. Here's Marion and here's Peachtree. And this is
22 drawn by Detective Segina.

23 Now, we had some testimony, which we're gonna get into
24 later, that -- well, Nicole's testimony about driving around
25 was totally unclear, and I -- we don't admit this, but the

1 only way that she could be at a stop sign at 310 Sarratt
2 Street would be if she was right here. Okay. That's where
3 the shooting took place according to her.

4 If the passenger side is on this side, if he's shot
5 from here, that shell casing would either go to the right,
6 to the left, or straight up. It would not go to Piedmont
7 Street, to Piedmont Street.

8 If you believe Jarvis, that he shot as we're turning
9 the corner, it would go to the right, to the left, or
10 straight up. Once again, it would not go to Piedmont
11 Street.

12 If you believe Sedrick, he says it was shot somewhere
13 around here. And in this case, this is where the spin comes
14 in because it would go either to the right, to the left, or
15 straight up.

16 Now, we submit to you that one of the things that
17 accompanies this exhibit -- am I correct, this is, this is
18 part of the same exhibit?

19 SOLICITOR MORIN: (Nods affirmatively.)

20 MR. SHEALY: One of the things that accompanied the
21 exhibit is a key that Detective Segina prepared. This
22 bullet, I'm sorry, this bullet was found in the middle of
23 Peachtree Street right off the manhole cover. And you'll
24 see all this whenever you go back into your deliberations.

25 That bullet was 170, 170.5 feet down the sidewalk to

1 the swing set. The swing set being here. 170.5 feet.
2 That's over a half a football field. That's over 50 yards
3 away. A whole block away from where Sedrick says it came
4 from.

5 We submit to you, even if the bullet came out the
6 right, which most likely it did, we don't know, we don't
7 have the pistol, but only one model ejects to the left.
8 Even if somehow or another it went to the, to the left, it
9 would not travel, that's beyond our experience, it would not
10 travel 170 feet.

11 Now, as -- I ask you what, to look to the way that they
12 sat and answered questions. You remember how Nicole sat.
13 She squirmed. I asked a question, she would repeat the same
14 question back to me. And then sometimes she would just go
15 on a rampage. In fact, one time I even asked the judge for
16 his help to get her to be responsive to the question. And a
17 lot of times she totally disavowed her prior statement.
18 That was her, the, the way her, the aspect of her physical
19 being. You can look at them and tell if they're telling the
20 truth. You know that. You deal with that everyday in your
21 life.

22 And interest -- I submit to you everybody that got up
23 here that testified had an interest. Don't know what all of
24 them were. But if I was a police officer, and I was
25 investigating this crime scene, I certainly would want

1 people to think that I did a very good job. And so, my
2 interest would be to maximize positive, minimize the
3 negative. However, in this particular case I don't believe
4 that there was much contention between the police and the
5 defense. Most of the contention was what actually happened.
6 As to the physical evidence that was presented, there's not
7 much of any type of dispute.

8 I asked you to be skeptical. I didn't ask you just to
9 be skeptical, skeptical of the State's witnesses. You can
10 be skeptical of our witnesses as well. But you got to be --
11 you just can't buy into something simply because you think
12 you're suppose to. You got to challenge it. Use your
13 experiences. And remember that example I gave you about
14 hesitating before you act.

15 Do you buy that hamburger that's out of date or do you
16 not?

17 Just the hesitation, there is a reasonable doubt as to
18 the freshness of that hamburger.

19 Okay. Now, let's get down to the, what happened here.
20 This was a relatively long trial by Cherokee County
21 standards. This is the third day that we've gone into.
22 You've heard from a, a large number of witnesses. I think
23 the testimony was presented very efficiently. But a whole
24 lot of information got presented. It's our -- what I want
25 to do is I want to look at that information.

1 Nicole. She told you that she knew Travis as Dick.
2 The -- well, first off, let's talk about her testimony. We
3 don't know where she was. Her testimony, her testimony was
4 that she was going down Marion Street away from the post
5 office. And remember you've had several people testify that
6 the post office, excuse me, is up here. I'm sorry. Yeah,
7 up here. Up above Marion Street. That you follow that way
8 up Marion Street that you would eventually come to the rear
9 entrance of the post office. She said she was driving away
10 from Marion, away from the post office down Marion Avenue.

11 You remember I tried to draw a map, and I had Marion
12 Street down there and I messed that up. She came down and
13 she said -- and we put post office up here, and she said she
14 was going away from the post office. And when she got to
15 310 Sarratt, I believe it's 310 Sarratt, she made a right
16 turn and she drew a little line to show right turn on mine,
17 on my map. And, and then she said she came out by the post
18 office.

19 Then the solicitor got up and made a big deal about
20 ripping off my map and tearing it up. Not tearing it up,
21 but wadding it up and throwing it away. And now he's gonna
22 try to get her, straighten her out.

23 So, she -- he has her drive, draw Marion Street. They
24 put post office up at the top, and he comes out with the
25 same map that I had. She's going down there. She takes a

1 right turn.

2 And then Detective Segina got up and testified to you
3 that if you were driving away from the post office, and you
4 got to 310 Sarratt, and made a right turn, there is no road
5 there. You'd either end up in somebody's yard or in his
6 driveway. He couldn't remember if there was a driveway
7 there or not. But there's certainly no way back to the post
8 office.

9 Now, she told you that a car approached and she
10 panicked. Well, I submit to you that a car, if a car did
11 approach, that's her car. That if anybody could make an
12 identification as to the shooting, cause she said the car
13 approached while the shooting was going on, if anybody could
14 make a identification of the shooting, it's whoever was in
15 that car. And she doesn't know if she's been made or not.
16 That's when she takes off.

17 She says that they shot at a group of guys. Yet,
18 Sedrick said that no, Mr. Foote was not with them. He was
19 somewhere around that, that corner. But there were two
20 other, two other guys in the front yard. She said she took
21 Jarvis to the top of Open Air, and she also told you that
22 she washed her car prior to all this taking place.

23 Now, may I have a moment, Your Honor?

24 THE COURT: You may.

25 MR. SHEALY: I'm looking for the exhibit of the car. I

1 thought I had it here at the top.

2 (Pause.)

3 MR. SHEALY: well, there was an exhibit of the car at
4 the Blacksburg Police Department. I thought I had it right
5 here at the top. But I'll use a, a different exhibit. This
6 is Exhibit 24.

7 Her car windows are darkly tinted. You can see how
8 darkly tinted they are. There's a better picture of it when
9 she's in front of the Blacksburg Police Department, and
10 we'll find that before you go back into your deliberation so
11 that you can see it. But her, her windows are deeply
12 tinted.

13 Now, how's that important?

14 well, first off, we'll talk more about this, about
15 Mr. Foote's identification. But second off, if you remember
16 Mr. Haney's statement when they drove off from the post
17 office, from the barber shop, Mr. Haney was the barber that
18 ran the barber shop, she, he said that she, that he didn't
19 see the woman that was driving. But he could look through
20 the window and see the silhouette of a woman driving. I
21 submit to you, through those windows, that's not possible.

22 Now, Jarvis. Once again, he knows Travis as Dick.
23 Now -- and, once again, his testimony was that as they
24 turned on to Marion Street from Sarratt Avenue, they shot
25 him. In other words, they were in the process of turning

1 this corner. Sedrick tells you he was sitting on the front
2 porch of this house. Sedrick tells you that there were two
3 other guys in the front yard of the house.

4 I'd submit to you that if a car was turning around this
5 corner and was firing a gun, these three people would of
6 immediately looked up to where the gunshot was coming, for
7 no other reason than self preservation, and they would of
8 seen the car. Now, those other two men didn't come in and
9 testify.

10 Now, I submit to you that the burden is on the State to
11 prove my, my client's guilt. I submit to you that whatever
12 they had to say would not of helped the State.

13 But Sedrick did come in and testify and he said he
14 didn't see a car and that the bullet shot was somewhere
15 around the corner of the house. So, if he looked up quickly
16 and the bullet was from somewhere around the corner of the
17 house, he wouldn't see the car.

18 So, where, where was the bullet fired?

19 well, we don't know. But he did say, Jarvis did say
20 they went towards the post office. Not away from the post
21 office.

22 Another thing I didn't understand is how, when the car
23 was approaching the stop sign or at the stop sign, how or
24 why would Travis take off his cap and his shirt and throw
25 them in the back seat and then somehow or another gain

1 possession of a pistol and then roll down the window and
2 then fire the pistol?

3 None of that makes any sense to me.

4 Another question is where was the gun at all that time?

5 We'll go into more detail about how Travis, Dick was
6 dressed. But that gun had to have been in the car because
7 they went -- the first they're at Open Air Trailer Park.
8 They were at the barber shop, and they were in the car. And
9 the barber shop, they're there long enough both of them get
10 haircuts. And yet, you see the clothing that he wore up on
11 that occasion. He doesn't even have pockets.

12 So, where was the gun?

13 Now, granted, he, he -- well, we'll talk about that in
14 a moment.

15 Nicole told you she was scared of Travis after the
16 shooting. Oh, you put me and my children in danger, and,
17 and she didn't know what he was going to do.

18 But what did Jarvis say?

19 She throwed him out at the fire station. Throwed him
20 out. That sounds like a woman who's in control.

21 And why would she take him, throw him out first and
22 then take Jarvis last?

23 And of course, everybody agrees that Jarvis was taken
24 home last, and he wasn't taken home and where he got let out
25 there was disputes about. But nevertheless, that was their

1 opportunity to discuss what they were gonna say happened.

2 That -- she knew that somebody possibly identified her
3 car, and she knew she was gonna have to be talking to the
4 police sooner or later. And so, she wanted to get with
5 Jarvis and that's what they did.

6 Neither one of them have been charged with anything.
7 Not one single thing.

8 Now, she said she, she took Jarvis to the top of Open
9 Air. Jarvis says no, she took him to the bottom of Open
10 Air. She says she asked him well, what are you gonna say
11 about this, and he says I know nothing. He says they didn't
12 talk when they, after they threw Travis out of the car.

13 He says right after he got out of the car at Open Air
14 Trailer Park he immediately saw two police officers.
15 Immediately saw two police officers. And you understand
16 Travis isn't anywhere around. He's already been throwed out
17 of the car. She has just let him out. We don't know if
18 he's in the vicinity or not.

19 What did he do with the two police officers that he saw
20 within two minutes of getting out of the car?

21 Did he go and tell them what happened?

22 No.

23 He kept his mouth shut.

24 I submit to you that's at least accessory after the
25 fact. Kept his mouth shut until a day or two later when the

1 police asked him to come in and talk to them, and at that
2 time he's known.

3 Now, he showed, I don't know if it's Detective Segina
4 or Detective Ramsey, but he showed one of the detectives
5 where they went on Broad Street. They turned out, and we
6 got all that in testimony, it turned out that was [REDACTED]
7 Street. Travis Colston, doesn't have a dog in this fight,
8 says he lives at [REDACTED] Street. Remember hearing about
9 the shooting. That's how he remembered the day. And he
10 said, Travis, and he knew him, knows him as Travis, which is
11 unusual here, but Travis didn't come by to see him that day.
12 Yet both Nicole and Jarvis said that they went there, they
13 wait, Dick went in there, and he was gone for like ten
14 minutes and finally she sent Jarvis to go get him and
15 there's a long visit. They both said that after they left
16 [REDACTED] Street, which apparently Dick was never at, that
17 Dick gave them direction.

18 Now, their directions were different. The directions
19 given to Nicole would of had her go around in a circle. The
20 directions given Jarvis were, were fairly accurate. You had
21 a whole map of the thing, and, and you heard the testimony.
22 He said that Sarratt Avenue had speed bumps and, and that
23 was confirmed by the police officers.

24 The -- what, what they're doing is making it sound like
25 that they knew Mr. Foote was there, that, or, at least, that

1 Dick knew that Mr. Foote was there and he vectored him in
2 right to it and got prepared right before they got to him to
3 shoot.

4 They didn't ride by, see him, and then go around the
5 block and come back. They're saying that this was planned
6 out, that he knew he was there, or that they don't say that,
7 but by the, by the implications, and that he shot him.

8 But what does Sedrick Littlejohn say?

9 I'm sorry. My mouth keeps getting dry.

10 what did Sedrick Littlejohn say?

11 Mr. Foote is rarely there. The only way they could of
12 come across Mr. Foote is that they have happened to ride by
13 and that he happened to be there.

14 Now, how they prepared and, and got the, the gun I
15 don't know. We don't know. I wish we did. If Dick was
16 there, he, he would of told you. But he doesn't know.

17 Now, the 9-1-1 tape. As I understand it, they will be
18 taking that -- I think you'll be taking that back to listen
19 to or, if, if not, if you want to hear it, you can ask to
20 hear it. But we submit to you that if you listen to it,
21 about four minutes in, you're gonna hear Sedrick say oh,
22 they went past. I think he's talking about the ambulance.
23 And you're gonna hear Officer, Sergeant Taylor's testimony,
24 not testimony, but questions about I think he's asked who
25 shot you or who shot him or something like that.

1 Okay. And then you're gonna hear a much fainter voice,
2 and you're definitely gonna hear the word Parker. I want
3 you to listen to that, to listen to it closely. I'll submit
4 to you he's not saying Travis Parker. He's saying Chris
5 Parker. But that's for you to determine. Not, not for me
6 or for the solicitor.

7 Now, another interesting thing that I could not
8 understand was the testimony of Sedrick Littlejohn and the
9 testimony of Sergeant Taylor. Sergeant Taylor, when he got
10 the 9-1-1 call, he responded in four minutes or less. When
11 he arrived upon the scene, he saw Mr. Foote come from around
12 the corner and follow -- well, I think he glanced off the,
13 the swing set and fall to all fours. Okay. You remember
14 that.

15 The interesting thing about that is Sedrick Littlejohn
16 says he called 9-1-1 after he saw Mr. Foote come around the
17 corner and collapse and was on all fours in the front yard.
18 What that tells you is either Sedrick Littlejohn is mistaken
19 or Sergeant Taylor is mistaken or Sergeant Taylor responded
20 to a 9-1-1 call before the 9-1-1 call was made.

21 Now, that's, that's just something y'all are gonna have
22 to thrash out as to what happened. But that was the
23 testimony and we went over it several times with both of
24 them. I submit to you I don't think Sergeant Taylor
25 responded to a 9-1-1 call before it was made.

1 The large part of the identification of the, of Dick is
2 something that I think the, is called a dying declaration.
3 They're saying that Mr. Foote identified Travis as his
4 killer because he believed he was dying, and that, I submit
5 to you, this is argument, but I, I submit to you that the
6 idea is that if you're dying, you want to get right with
7 Your God.

8 The problem with that is twofold. If -- Mr. Foote's
9 dying and he's trying to tell people who killed him. He
10 knows it's a Parker, and he knows it's a Parker from
11 Blacksburg and he says that. But apparently from the
12 testimony he says that.

13 There's quite a number of Parker's from Blacksburg,
14 Blacksburg. Even the EMS worker, Mr. Edelmeyer, told you
15 that.

16 But does he say it's Travis Parker?

17 No, no.

18 The dispatcher says it's Travis Parker and he overhears
19 them. And like a, a drowning man grabbing on to a floating
20 log, he holds on to that because that's the only thing he
21 can think of. He's been shot. He's mortally wounded. So,
22 the name was suggested to him. He didn't come up with that
23 name. It was suggested to him and he latched on to it.

24 Now, I submit to you that as the car went by, he wasn't
25 expecting to get shot. As the car went by, he got shot. As

1 the car went by, he, the best he could of done was seen the
2 side of the car. And as the car went by, while this front
3 window might of been open, all the other windows are tinted,
4 and the inside of that car is dark. No light came on when
5 you roll down the window. We asked that. It was dark.
6 It's -- we can't cross-examine -- we can't ask Mr. Foote
7 what he saw, what he didn't see. But that's what we call
8 objective evidence. That would of restricted his view.

9 Detective Segina drew the, the map here, and I must say
10 I -- well, I think I got it turned around. Yeah, I got it
11 turned around the wrong way. I'm sorry.

12 I think this is one of the most precise crime scene
13 drawings I've seen. He was in charge of the crime scene,
14 and he tells you on his report that the shell casing is not
15 on Sarratt Avenue. It's not on -- well, it's on the
16 intersection of Marion and Peachtree Street, and it's the
17 location, I submit to you, if it was fired at that corner,
18 it would be under the car.

19 So, how did that shell casing get there?

20 I don't know.

21 Is that shell casing related to this shooting?

22 I don't know.

23 It, the -- I'm -- apparently I thought the 9-millimeter
24 Lugers were rare. But apparently they're a lot of them.
25 Maybe that came from a whole different thing. We don't

1 know.

2 But it's a -- the coincidence of finding a 9-millimeter
3 Luger shell casing at the crime scene is incredible. And in
4 fact, that this, Mr. Foote was shot with a 9-millimeter
5 Luger bullet is incredible. So, I, I, I'd say that that,
6 that coincidence for it not to have been involved would,
7 would of been unbelievable.

8 Now, Detective Henson. Detective Henson, once again,
9 has no dog in this fight. Okay. They bring him
10 fingerprints. They bring him fingerprints from the front
11 doors. They bring him fingerprints from the back door, and
12 he tells you none of those fingerprints were Dick's. None
13 of them.

14 I asked him were they Jarvis. Well, he didn't test for
15 Jarvis. He wasn't asked to test for Jarvis.

16 why not?

17 Because they might find Jarvis foot, fingerprints
18 there.

19 But the solicitor asked him, well, would you ordinarily
20 test for fingerprints if you knew the person had been there?

21 And what did Detective Henson say?

22 Well, it depends on the circumstances. It depend on
23 what I was asked to do, and, you know, that's the exact
24 correct answer, you know.

25 You know why?

1 Because he was asked to test for Dick's fingerprints.
2 Dick told you, in testimony, and he told the, Detective
3 Ramsey that he was in that car. They knew he was in that
4 car. They knew his fingerprints would be there and yet the
5 request was to test. He wasn't asked for, to test for
6 Jarvis' and so he didn't.

7 Wonder whose fingerprints those are?

8 SLED Agent Thrower, I've already told you about his
9 spin. Trying to explain the 170.5 feet of it going, the
10 bullet going in the wrong direction. I submit to you
11 that -- well, I'm not even gonna submit that. However, I
12 would like to remind you he has no idea who shot Mr. Foote.

13 Bridget Foote, the State would have you believe that
14 this is the root of all this evil. That they're -- I
15 believe that there's, they believe that there was bad blood
16 between Mr. Foote and Dick because of Bridget.

17 What did Bridget tell you?

18 That they had separated because Mr. Foote had found out
19 about Bridget and Travis.

20 Okay. But they had moved on. He was engaged. They
21 were still married. But he had agreed to pay for a divorce
22 and they were planning on getting a divorce. She also told
23 you that Mr. Foote didn't know Travis Parker. He only knew
24 a Dick Parker.

25 Now, it's true that Sedrick Littlejohn, on the stand, I

1 submit to you for the first time ever, all of a sudden
2 saying, said, he said Dick shot me, Dick shot me. He didn't
3 tell that to the police. He didn't tell that to Detective
4 Ramsey. He didn't tell that to Detective Segina. He didn't
5 tell that to the EMS workers, either one of the EMS workers.
6 All of the EMS workers testified he didn't say Dick Parker.
7 He said Travis Parker. I submit to you never -- on the, on
8 the tape you'll never hear Dick Parker.

9 So, don't know why Sedrick said that. But there you
10 have. And that was the first time I know of that he did it.

11 Joel Sexton. Joel Sexton, the guy that did the
12 autopsy. Now, he told you that, as a forensic pathologist,
13 he could come out to the scene, and, in, in order to
14 determine cause of death and examining the scene. But he
15 didn't do any of that. All he did was the autopsy. And he
16 told something that we all knew. That he was killed by a
17 gunshot. He also recovered the bullet and turned that over
18 to I believe Detective Clary.

19 Now, I asked him okay, here we've got an expert, a
20 scientist, the guy that knows all kinds of stuff. Suppose
21 to know the cause of death.

22 who shot Mr. Foote, I'm sorry, Mr. Foote?

23 He didn't know.

24 David Swank, the EMS worker, never heard the term Dick
25 Parker despite Sedrick's testimony.

1 Ken Edelmeyer, he knew a whole lot of Parker's in
2 Gaffney and Blacksburg and he told you he use to be a police
3 officer, a sheriff's deputy here in Cherokee County. He had
4 a long life of service to this county.

5 Mr. Haney, the guy at the barber shop, I couldn't
6 understand his testimony. I, I tried to have it read back
7 to me. I don't know what you heard him say. I heard him
8 say that my client was there saying that he was gonna burn
9 somebody. He didn't say who he was gonna burn and he was
10 just being boisterous in this barber shop where there's a,
11 pool tables, they're playing, rolling dices. That, that's
12 the ambiance of this place. That's the way they talk.
13 Nothing specific as to Mr. Foote.

14 Officer Ramsey, this is sort of interesting because, if
15 you remember when Dick testified, testified he got a phone
16 call, after he got a couple phone calls from Nicole, he got
17 a phone call from the police officer. As a result of that
18 phone call, he thought that police officer was Detective
19 Ramsey. As a result of that phone call, he went outside,
20 but there was nobody outside.

21 Okay. And then subsequently he, he goes to the
22 Blacksburg Police Department and turns himself in.
23 Detective Ramsey confirmed that. He said it wasn't me. I
24 didn't call back. But I believe it was and he told, told
25 you the officer he believed made that phone call.

1 I was surprised. But nevertheless, that corroborates
2 what Dick told you on, on his testimony.

3 He told you there's no charges at all on Nicole and
4 Travis. Don't know why. He told you that he talked to
5 Dick, and that Dick admitted being in the car. He admitted
6 going to the barber shop. But he denied and has always
7 denied going to West End, going to [REDACTED] Street or to
8 the scene of this shooting. He's always denied that.

9 Dick did everything he could to get himself in touch
10 with the police. He thought, and we'll go into that in more
11 detail, but he, he was told they wanted to talk to him.

12 So, what does he do?

13 He goes to the Blacksburg Police Department. Nobody's
14 there. He picked up the box phone. He calls, tells them,
15 hey, here I am. Tells them he's gonna come over to the, the
16 law enforcement center here. He thinks the jail is the law
17 enforcement center. He gets there. We know he got there
18 somewhere between 6:30 and seven o'clock. And he waits
19 there till after ten o'clock to be arrested. And he thought
20 they just wanted to talk to him. But he waited for them.

21 Now, that was confirmed by two detective officers, two
22 detention officers or who were detention officers at that
23 time.

24 The second one said well, at one time I went out and he
25 wasn't there. We don't know why he didn't see them. He

1 might of had to go to the bathroom.

2 who knows?

3 The second time he went out there, after ten o'clock,
4 he was there and he went and brought him in. He almost said
5 he arrested him. But he didn't say that. He backed off of
6 that. Dick wasn't hiding from anybody.

7 Now, let's look at the testimony of Dick. He didn't
8 hide any information. He, he gave you everything. He told
9 you about the drugs. He told you that, that he left his
10 drugs in the car. He told you that he paid Nicole in meth
11 for driving him around. He told you that. He told you that
12 when he got the phone call from Nicole he was suspicious,
13 and he told you about that conversation. He told you about
14 the second call from Nicole and being suspicious. He told
15 you those things. He told you about talking to that officer
16 that called. He told you all of that.

17 He thought that they had, that they had stopped Nicole
18 and found drugs in her car, and he thought Nicole had, had
19 ratted him out, and they were trying to leave him with, with
20 the drugs. And so, that's what he thought they were gonna
21 talk to him about.

22 He went -- he was preparing to talk to them. Still un,
23 thinking about that. He says I'll give you a written
24 statement. Just don't charge me with the, with the drugs.
25 But the officer replied, I believe it was Detective Ramsey,

1 I don't recall it, but the officer relied I'm not interested
2 in drugs. I want to know about the murder. Well, he wasn't
3 concerned about a murder cause he didn't know anything about
4 a murder. He told him that.

5 And what did he say?

6 All through that day he's been smoking blunts, he's
7 been smoking marijuana. I think he mentioned at least two
8 maybe three occasions. He said give me 72 hours to get the
9 marijuana out of my system so he can think straight, and
10 I'll give you a written statement.

11 Nobody ever came back for that written statement.
12 Nobody was interested in what Dick had to say except you.
13 And now you know what he has to say.

14 He told you he did Jarvis' hair, and, and when he got
15 it done, Nicole was there. He doesn't know why she was
16 there. He didn't call her. But Nicole was there and she
17 and Jarvis rode off.

18 He got his hair cut. He wanted -- well, he told you
19 who cut his hair, a fellow named Black. Got a little
20 details cut into his hair. Now he's done. He's ready to
21 go. He calls them. They come back. They pick him up. And
22 they go back to Blacksburg. He gets let out. He told you
23 where he got let out.

24 No idea that there's been a murder. Nobody said
25 anything about a murder. And he confirmed that he was in

1 the passenger, front passenger seat when he got into the
2 car, that Jarvis was in the back seat, that he got out
3 first, that Jarvis got taken last. He talked about he went
4 to try to turn himself in. And by my count, he spent about
5 five hours waiting to be arrested.

6 Now, the clothes that he wore. I want you to be
7 careful in handling the clothes because you saw they,
8 they've been in a confined area for, for a while. But his
9 clothes. Look at his clothes. He's got a tank top, a
10 T-shirt, and gym shorts without a pocket.

11 Well, how did you plan to pay for your haircut?

12 Well, I had a wallet that was draped over the waistband
13 of my shorts.

14 It's uncontroverted that those, that's the clothes that
15 he wore when he turned himself in. He tells you he wore
16 them all day. Nicole says well, he, she wasn't sure what he
17 wore and she rattled something off about khakis for a while,
18 khaki pants or khaki shirts, and she just didn't know.

19 The -- and I don't recall what Jarvis said about that.
20 But he wasn't particularly specific as to what he was
21 wearing either. But I submit to you you can't hide a gun in
22 those clothes.

23 Now, once again, he didn't hide anything from you. I
24 sort of wish he had. He told you how he hides his drugs
25 whenever he's wearing clothes like this. And I'm not gonna

1 go into detail about that. I think he went into enough
2 detail. But I submit to you that you can't hide a gun that
3 same way. The weight just wouldn't let you do it.

4 And then there were these two young ladies that
5 testified. Jessica Bullock had two separate instances where
6 Jarvis -- one was a conversation with Jarvis where he said
7 the truth be known, Dick didn't do it. I, I shot him and
8 they went into detail. You heard the detail. I'm not gonna
9 rehash it. And she wanted to know why he would do something
10 like that. And he told her why. Gave, gave her his motive
11 why he didn't want to come forward and admit to it.

12 Then later there's gonna be a fight. And at this --
13 particularly this age group, maybe every age group, there's
14 gonna be a fight, the natural response is to go watch it.
15 She goes to watch it and she hears the exchange between the
16 combatants and one of them is Jarvis Thompson. The other
17 guys says I'm gonna whip your ass, and Jarvis Thompson says
18 I've already killed one man and got away with it, I'll do
19 you too, or words to that effect. You remember what was
20 said. Okay. And that's sufficiently coward. The other
21 fellow ran off.

22 Jessica Bullock's mother is married to Travis' nephew
23 and that's, that's all. They're not close. They live in
24 separate towns. They don't visit.

25 The next person was Scatisha Allen. Scatisha doesn't

1 even know Dick. She just got here back in the end of, end
2 of July. Meets Jarvis and they're having a, she says
3 apparently teenagers talk being curious and talking, and she
4 asked him about it. And he told her and you'll remember
5 what she said. She said that he didn't -- he's in jail, but
6 he didn't kill her. I did. And she asked him about that
7 and she pursued it to the point of well, I've got babies of
8 my own and I couldn't, I couldn't do something like and she,
9 he had no response to that.

10 And then finally, Travis Colston. Poor Travis. He has
11 absolutely nothing to do with this case except for, as he
12 told you, Dick didn't put, Travis -- he knew him as Travis.
13 Travis didn't come to his house that day at all.

14 The solicitor wanted to sound like somehow or another
15 they're in cahoots because Travis Sentell Parker was
16 similar -- well, two out of three of his names were the same
17 as two out of the four of Mr. Colston's names. And
18 Mr. Colston has been convicted for armed robbery back when
19 he was 16. That didn't have anything to do with his
20 testimony. All he wanted to do was come forward and tell
21 you the truth and do his duty as a citizen, that we all see
22 it, and leave.

23 Now, taking all that together, that's everybody's
24 testimony that I've seen now. There's a lot of evidentiary
25 testimony for y'all to wade through. We submit to you that

1 in order for you to convict Dick Parker you're gonna have to
2 find that he's guilty beyond a reasonable doubt. The people
3 that say it was Dick Parker is Nicole Thompson.

4 Are you willing, are you willing to hang your hat on
5 that or any of her testimony?

6 Another person that says that is Jarvis Thompson. On
7 three different occasions he claimed to kill her. Three
8 separate occasions. Two separate people. We don't know how
9 many more people are out there. We just know about the two
10 people that came forward.

11 Mr. Foote, he knew a Parker shot him, a Parker from
12 Blacksburg. But he didn't know which one until dispatch
13 tells Sergeant Taylor and he overhears it and he grabs hold
14 of that name. But he never said it's Dick Parker. He only
15 knows this man here as Dick Parker.

16 Plus, he would of been peering into, if he even saw the
17 car, he would be peering into a car that was dark and had
18 tinted windows. And as you can see, Mr. Parker is dark
19 skinned.

20 Okay. Reliable identification no matter how
21 sympathetic the situation. That's not a reliable
22 identification. You've got to test even Mr. Foote's
23 identification as to who did it.

24 Thank you. After you do all this, I ask that you spend
25 as much time as you need to go through all this, and we feel

1 strongly that, once you do, that you will find that Travis,
2 also known as Dick Parker, is not guilty of this charge.

3 I ask that you hold the State to the, to the standard
4 of beyond a reasonable doubt as explained to you by the
5 judge. That's your duty. No matter how you may feel about
6 it personally, that's your duty. We ask that you do your
7 duty.

8 Thank you.

9 THE COURT: Mr. Morin, for the State.

10 SOLICITOR MORIN: Quick house cleaning. There's a
11 saying that a rose by any other name is still a rose.

12 Travis Parker, by any other name, is a person who
13 killed Maraine Foote.

14 How do we know?

15 How, how do we even know he was killed?

16 what's your burden, Mr. Morin?

17 we talked about -- Mr. Shealy told us about a duty.

18 My duty is to show, beyond a reasonable doubt, that
19 Travis Parker committed murder, the intentional killing of
20 another human with malice aforethought.

21 Doctor Sexton, and Mr. Shealy is right, he said in the
22 opening that he didn't dispute it. But my burden is my
23 burden and I make sure that I'm covered.

24 The bullet in this container came from Mr. Foote's
25 liver. He died from this. Doctor Sexton said no other

1 reason.

2 Okay. So, at that point, and it's undisputed by the
3 defense that we have an intentional killing of another human
4 being.

5 Now, who killed him?

6 Well, we have this 9-1-1 tape, and on it Mr. Foote
7 says, and you can hear it, and some of you heard it when it
8 was first played judging by your reaction, but you can have
9 it back there and you can listen to it, he says Parker.
10 Maybe he says something else on there. But it's clear he
11 says Parker.

12 That's where we start and I think starting with that
13 9-1-1 tape, but sometimes 9-1-1 tapes are not, without any
14 other thing, you can get confused.

15 So, what did I do?

16 I called the two people, Nicole Thompson and Jarvis
17 Thompson. They're not known by Parker at all. Nicole's
18 driving the car and it is true that I, with some emphasis,
19 took Mr. Shealy's map down because, as we've talked about,
20 this is a search for the truth, and at the time that I did
21 that I felt that was a search for confusion.

22 Now, she doesn't know the names of the street. She
23 said it several times. Mr. Shealy hounded her, what street,
24 which, if you notice, Mr. Colston, the last witness you
25 heard today, whose lived at [REDACTED] Street all his life on

1 the corner, he doesn't even know another name, the name of
2 the street that runs by his house.

3 what's the other name?

4 I don't know. It's a street there. I don't know the
5 name.

6 Mrs. Thompson says I looked one way, I turned right,
7 there's a shot.

8 Now, I don't know if she turned and went a little ways.
9 I don't know if it was shot as she was turning. And I don't
10 know how the shell casing got up there.

11 What I do know is she says that Mr. Parker was in the
12 front seat. Jarvis was in the back, we turned, and he shot,
13 and I said, screamed. And, and we've talked about --
14 Mr. Shealy used the word it doesn't make sense.

15 Well, to begin with, what -- it doesn't make sense to
16 me how somebody shoots somebody else. But nonetheless, she
17 screams. He's got a gun. And her testimony was she stopped
18 and he said sweet pea, you better drive.

19 Now, what's the reasonable thing to do with a man in
20 the front seat of your car with a gun that says you better
21 drive?

22 She drove.

23 She drove. And as soon as he got out, he drops her,
24 she drops him off.

25 And what does she do?

1 She goes straight to the police.

2 What possible thing could she do beyond that that would
3 caused her to be charged?

4 She's going as fast as she can to the police. She gets
5 there. And she says I was in a, driving a car, and Dick
6 Parker shot somebody on the West End. She does it so fast
7 that the officers are still out there trying to ascertain
8 what happened.

9 What else can a person do when they see that?

10 They go as quickly as they can to where they need to
11 be.

12 So, now you got Mr. Foote saying a Parker shot me.
13 We've got her reporting immediately I was driving a car, and
14 Travis Parker, or Dick Parker, or whatever you want to call
15 him. As she said, that man right there was in the front
16 seat of my car, and he shot out, and he told the police
17 right then.

18 Now, Travis -- then Jarvis comes up. And Jarvis says
19 well, we're going down the street, this street to go for
20 some speed bumps, and he turns and he remembers it being in
21 the turn, she remembers it being a little farther up.

22 When you get back in the jury room, there's gonna be
23 stuff that all of y'all remember and some things stuck out
24 for you and not for you. I don't know how I'd remember the
25 exact location. Had to be quite a, a thing to see somebody

1 shooting out the window. And I don't know how, how
2 Mr. Parker found out about him being there.

3 I know that he's in that car. The window goes down.
4 It's 5:30 on June 22nd. It's broad daylight. It's
5 probably lighter outside than it is right in this room, and
6 he sees, and he fires a shot.

7 Sedrick Littlejohn, you hear him. And that's another
8 thing I like about the tape. You can hear the emotion in
9 his voice. He's tore up.

10 He's tore up?

11 He's just sitting here and hears the shot and sees the
12 bleeding man. The people in the car, they're upset too. As
13 soon as the police come out and say Jarvis, you know about
14 this, he said yeah and they take him.

15 And what did he say?

16 He says the same thing.

17 And both of them say did you shoot somebody, and both
18 of them hear them say if not, I'm gonna go back and shoot
19 him again.

20 Now, malice aforethought, what is that?

21 what is that?

22 well, malice aforethought, as the judge is gonna tell
23 you, is the act of doing something with ill will, depraved
24 heart bent on mischief. He's gonna use words like that.

25 And it can be implied or it can be expressed. It can

1 be implied through the use of a deadly weapon. A gun. It
2 can be expressed I'm gonna shoot him again or, as Correy
3 Haney said, when he came in there he could tell he was
4 upset. And he said if he thinks he's gonna stay in Gaffney,
5 this is gonna burn.

6 Thirty minutes later, there's a shooting on the West
7 End.

8 Thirty minutes after what he hears that?

9 Twenty to thirty minutes later I hear the shots after I
10 saw that man get into the passenger side of the silver car.

11 Now, Mr. Haney said he thought this was a blue car, and
12 I showed him the picture and he said well, yeah, it could be
13 it.

14 Indicia of truthfulness. He doesn't have any -- he's
15 known Mr. Parker for several years. He doesn't know
16 Mr. Foote. It would of been easy for him to say, after I
17 showed him the picture, go, that's the car and go yeah, that
18 looks like the car. It definitely had tinted windows.

19 He could of said well, I saw her through the
20 windshield. It was Nicole Thompson. But he says he saw a
21 silhouette.

22 Is that consistent with those tinted windows in the
23 middle of the day at five o'clock, 5:30, in the middle of
24 June?

25 That's probably what he could see.

1 He's got no reason to lie. That guy is gonna burn.
2 Within twenty minutes, somebody's shot over here in Gaffney.
3 It's Mr. Foote. He's on the 9-1-1 tape saying Parker shot
4 me. We got two witnesses saying Travis Parker was in the
5 car. He saw Travis Parker get in that passenger seat and
6 drive over there. You got two eye witnesses that saw him
7 shoot. You got three people who heard him say I'm gonna do
8 something to this guy.

9 Jarvis yelled out Dick cause that's what he knew him
10 by. But if you know him by Travis or you know him by Dick
11 or you know him by Parker from Blacksburg or you know him by
12 Parker from Open Air Trailer Park, all of which he goes by,
13 and according to Mr. Colston, he may have other things
14 people call him too, it's still that man that fired the
15 shot.

16 Now, he says that Dick would of told you. So,
17 Mr. Parker gets up, and he gets on the stand, and he tells
18 you about he's not a murderer. He's just a convicted felon
19 who's trying to sell some meth and some crack. And he was
20 in the car. Everything that Nicole and Travis said till the
21 time they got to the, to the barber shop, true. Everything
22 about them picking him up and taking him back to Blacksburg,
23 true. This little part in the middle about me going to West
24 End, not true.

25 His witnesses that he's relying on to say he was trying

1 to turn himself in, Peeler and Tate. Now, of course,
2 Mr. Parker tells you I don't know where the city police is.
3 I don't know where the law enforcement center is. I
4 remember the jail being behind this building not over there.
5 Of course, he remembered good when he's talking about which
6 way the car was pointing at the barber shop. It's pointing
7 towards the jail. I'm trying to turn myself in.

8 Now, let me ask you this. Remember he says he's
9 turning himself in and he doesn't even know if there's
10 anything, charge on him.

11 Okay. He doesn't approach either of his own witnesses
12 and said hey, I'm here to turn myself in. He's sitting in
13 the parking lot. One of his witnesses says I ain't even see
14 him for a long time. Mr. Peeler came in, the last witness,
15 you saw him yesterday. I went out there and he wasn't
16 there. They sent me to get him. He wasn't there.

17 Where was he?

18 I don't know.

19 But I tell you this. He's saying that those are the
20 clothes he was wearing at the time. They're not consistent
21 with any witnesses.

22 And I asked him, I said, well, when you got dropped
23 off, believing him, believing his story that he got dropped
24 off in Open Air and not over by the fire department, how far
25 were you from your house?

1 Oh, I could almost touch it. I could almost touch it.
2 That's what he said. That's how close he was.

3 Then we got phone calls. He was out at Open Air for a
4 long time. And he, he wants you to believe that while he
5 was out there, and he was getting ready to turn himself in
6 for a charge he didn't even know what it was, even though he
7 didn't know where any law enforcement agencies were, except
8 for Blacksburg, which happened to be unmanned at the time,
9 it was manned fine when Nicole got there cause she walks in.
10 She said I walked straight in and said hey, there's a
11 shooting in Gaffney, and I was the driver. And the guy,
12 Dick Parker, he's the one who shot him. That's, that's --
13 at this point we're almost getting to the point where we're
14 past reasonable doubt. We're heading for the no doubt area.

15 Indicia of truthfulness. Mr. Shealy is fond of that
16 one.

17 Bullock and Allen. Both of them want you to believe
18 that Jarvis, who's not known by Parker at all, ever admitted
19 to shooting the, this person in August. Almost as soon as
20 they know. Almost as soon as they know. That was one of
21 the first things he said to both of them.

22 Now, is that true?

23 What's the indicia of truthfulness there?

24 What's their motivation?

25 Well, it turns out that Miss Bullock's talked to her

1 brothers about this case a lot. She said I talked to them a
2 lot. And I had to get up with Miss Allen because, according
3 to her testimony, I got a baby too. Of course, we found out
4 she's got two babies.

5 And who's one of the baby's daddies?

6 Miss Bullock's brother, who she talked to about the
7 case a lot.

8 And it just so happens that she remembers this
9 happening in August, which is the same time she met her
10 baby's daddy. Those are their two witnesses. They're
11 claiming there's a big fight, and those are the two
12 witnesses. They're both -- and I'll be, grant you they're
13 not directly related. But the grandbaby of her daughter is
14 related to Mr. Parker by marriage.

15 Mrs. Foote told you that her relationship to Dick is
16 why they broke up. And I don't know if that causes any,
17 caused her any long term problems between the two of them.
18 But that's how they know even other. And you use your
19 common sense about how that would affect the relationship
20 between Mr. Foote and Mr. Parker. I'll submit they weren't
21 friends.

22 Now, there's no evidence of any kind from anybody about
23 why the Thompson's, either one of them, who are not related
24 to each other and there's no evidence that they were, knew
25 Mr. Foote or knew anybody else out there or had anything

1 against him. But I asked Mrs. Foote even further, you wrote
2 a letter on behalf of the man accused of killing your
3 husband. And I understand y'all are separated. But you're
4 in here talking about evidence.

5 How did you know about the evidence in the case?

6 How did you know that the gun wasn't found?

7 Well, I just heard.

8 Mr. Parker says I was paying her bills before I got
9 arrested, and she's saying he should be let out. You don't
10 have the gun. I wish we had the gun. You know, there's
11 lots of things you can, you can want. But the judge has
12 told you it's not a perfect system. And I can't explain
13 everything that I, that you've seen. I can't explain how,
14 how that shell casing got there or could of gone a lot of
15 ways. I don't know.

16 Here's what I do know. I know that Mr. Foote
17 identified the person who shot him. He, he died within an
18 hour. You're gonna hear on that tape some of the last
19 things he ever said. And what he said was Parker.

20 And from there, what do we know?

21 Well, we know that he admits he was in the car with
22 the, the Thompson's and the Thompson's both say he was the
23 shooter and his name is Parker. And a rose by any other
24 name is a rose. And no matter what Mr. Parker wants to go
25 by, he's the one that killed Mr. Foote.

1 That's what the evidence shows. That's what the
2 testimony shows. That's beyond a reasonable doubt.

3 Mr. Haney had no reason to come in here and didn't want
4 to come in here.

5 I had to ask him, you're here under subpoena?

6 Yes, sir.

7 You don't want to be here?

8 No, sir.

9 What did you see?

10 I saw Travis. He got in the front seat of that car and
11 they drove off. And twenty minutes later I heard there was
12 a shooting on the West End right after he said he thinks
13 he's gonna be in Gaffney, he's gonna burn. And the only
14 witness they can come up with to support his I didn't go to
15 West End is Travis, Travis something Sentell Colston, who
16 says well, I was there all day and I didn't see him. But
17 he's also the fellow, as I pointed out earlier, he doesn't
18 even know the name of the street that runs by his house.

19 Also, we hear about Mr. Littlejohn saying came around
20 the house, side of the house and I called 9-1-1. I hung up
21 and called 9-1-1, and you can hear him on there. He's, you
22 know, you got to get somebody over here and the 9-1-1
23 operator we got to get -- what are you talking about?

24 He's dying.

25 You also heard him say he was up, he was on all fours.

1 There's evidence, there's a picture of where he was sitting
2 in the chair. I don't know what Officer Taylor said. He
3 was sitting right there. He certainly testified. Said he
4 didn't call until after he came around the corner and he
5 says that's where he saw him.

6 But we all -- there's no undisputed testimony he's
7 moving around in the yard. He's sitting in the thing.
8 He's, he's moving around. I don't know what Officer Taylor
9 thought that's where he was coming from or what.

10 But we're not arguing about whether he was shot. We're
11 not arguing about whether or not he was shot in the yard.
12 We're not arguing about the fact that he died from the shot.
13 We're not arguing about that he called 9-1-1, that the EMS
14 came.

15 Now, did he say just Parker or whatever, you start from
16 Mr. Foote saying, in response to Mr. Taylor's question, who
17 shot you, you start from Parker. It's on the tape. You can
18 hear -- Mr. Taylor says that's my voice asking him
19 Mr. Parker. That's Mr. Foote responding Parker. You start
20 from there.

21 And once you start from there and you go to two people
22 in the car who identified Parker, and then you go to
23 Mr. Haney who says I saw him get in the car and oh, his name
24 is Parker, and you get to Mrs. Foote and he says well, they
25 knew each other.

1 I -- did Mr. Foote know him as Travis?

2 Did he know him as Dick?

3 Does it matter?

4 Parker.

5 When he found out about me and Dick, we split up.

6 Now, maybe they were all fine and good about that and
7 maybe they weren't. But that's a connection between them.
8 And she's trying to help him.

9 He got some lotion. Watch out if you pick that lotion
10 up. It's leaking. Came out of the car. He puts some
11 lotion on his hands. Four to five hours later he turns
12 himself in. No fingerprints.

13 After Mr. Parker testified, after Mrs., Detective
14 Ramsey testified Parker said he was in the car, after that,
15 we still called -- they still wanted Mr. Henson to come in
16 to say there was no fingerprints. They're admitting he was
17 in the car.

18 Why do we take fingerprints?

19 To show somebody was in the car.

20 Even at that point, when Mr. Haney, Officer Henson
21 testified, Mr. Parker already said I was in the car.

22 So, why is that -- where are we going with that?

23 The police is trying to come up with a sketch. They're
24 trying to collect evidence as best they can. If the shell
25 casing's over here, that's where it was.

1 In the end, ladies and gentlemen, it doesn't matter how
2 you know Travis Parker cause Mr. Colston said I know him as
3 Travis. Some people know him as Dick. I call him a lot of
4 things.

5 I call him Mr. Foote's murderer. I call him that
6 because Mr. Foote identified him, and, and the other
7 testimony supports that identification.

8 We're in here for a search for the truth. Mr.,
9 Mr. Shealy asked you, at the beginning, to do your duty, and
10 your duty is the evidence is beyond a reasonable doubt and
11 find him guilty. And the evidence I submit is beyond a
12 reasonable doubt. And some elements of the crime is beyond
13 any doubt.

14 So, I don't know what y'all were gonna remember his
15 name as after today. But I know y'all are gonna remember
16 he's the one that shot Mr. Foote. And when you get back
17 there --.

18 (Whereupon, a portion of the 9-1-1 tape was played for
19 the jury at this time.)

20 SOLICITOR MORIN: I count three times. He's dying and
21 he tells it.

22 THE COURT: Ladies and gentlemen of the jury, that
23 completes the final closing arguments by the counsel. It is
24 now my responsibility and duty to charge you concerning the
25 law that's to be applied in this case.

1 Now, I began the case by going over with you the
2 indictment in the matter. I'll do that again so that you'll
3 understand the charge which is before the Court.

4 The indictment, again, is the formal document that
5 brings this case before the Court and it informs the
6 defendant of the charge lodged against him. It informs this
7 Court of the charge to be tried in this case.

8 The indictment is, again, in Case Number 07-GS-11-1212.
9 The indictment is for the offense or crime of murder. The
10 indictment states that Travis Sentell Parker did, in
11 Cherokee County, on or about June 22nd of 2007,
12 feloniously, willfully, and with malice aforethought, kill
13 one Maraine Charles Edward Foote by shooting the victim and
14 that the victim died as a proximate result thereof all in
15 violation of Code Section 16-3-10 and 16-3-20 of the Code of
16 Laws of South Carolina, 1976 as amended, against the peace
17 and dignity of the State and contrary to the statute in such
18 case made and provided.

19 Now, the document is, again, simply the document that
20 brings the case before the Court and contains the charge
21 that is to be tried by this Court. I have informed you and
22 the defendant has pled not guilty to this indictment. That
23 plea puts the burden of proof upon the State to prove the
24 defendant's guilt beyond a reasonable doubt.

25 A person charged with a crime or offense in South

1 Carolina is never required to prove himself innocent of this
2 charge. I charge you it's an important rule of law that a
3 defendant, in a criminal case, no matter what the
4 seriousness of the charge might be, will always be presumed
5 to be innocent of the crime for which the indictment is
6 issued until and unless guilt has been proven to you by
7 proof beyond a reasonable doubt.

8 The presumption, presumption of innocence doesn't end
9 when you begin your deliberations. It accompanies the
10 defendant, the defendant throughout the proceedings and into
11 your deliberations until it has been removed from him by
12 proof which satisfies you of that defendant's guilt beyond a
13 reasonable doubt.

14 Many people describe the presumption of innocence
15 somewhat like the robe that I wear into this courtroom. It
16 remains about the shoulders of the defendant throughout the
17 proceedings and into the deliberations until it has been
18 striped from him by evidence that satisfies you of that
19 defendant's guilt beyond a reasonable doubt. The
20 presumption of innocence is not a mere legal phrase. It's
21 not just a legal theory. It's a substantial right to which
22 every defendant is entitled until and unless you, the jury,
23 are satisfied, from the evidence, of the defendant's guilt
24 beyond a reasonable doubt.

25 Now, you can probably tell from what I've told you so

1 far that the concept of proof beyond a reasonable doubt is
2 an important concept in our criminal law in this state and
3 in the, this country, and you may ask yourself well, just
4 what is meant by a reasonable doubt.

5 A reasonable doubt is that kind of doubt which would
6 cause a reasonable person to hesitate to act. The State has
7 the burden of proving the defendant guilty beyond a
8 reasonable doubt.

9 Now, some of you may have been involved in civil cases
10 at some point in time or been aware of civil cases, civil
11 cases. Civil cases are where someone has sued somebody for
12 monetary damages because of an injury, because of a breach
13 of contract, of some type. That's what a civil case is and
14 in those cases the standard of proof is different. It is
15 proof by the greater weight or the preponderance of the
16 evidence sometimes described as the scales of justice
17 tilting ever so slightly in favor of the plaintiff or ever
18 so slightly in favor of the defendant.

19 That's the standard of proof in a civil case. That
20 standard of proof does not apply in this case, a criminal
21 case. In a criminal case, the standard of proof is more
22 powerful than that. It is proof beyond a reasonable doubt.
23 Proof beyond a reasonable doubt is that kind of proof that
24 would leave you firmly convinced of the defendant's guilt.

25 Now, there's very few things in our human experience

1 and in our life that might happen that can be proven beyond
2 any doubt, and that's not the standard of proof to which the
3 State is placed in this case.

4 I will tell you that, if based on your consideration of
5 the evidence, you are firmly convinced that the defendant is
6 guilty of the crime charged, then you must find the
7 defendant guilty. However, on the other hand, if you think
8 there's a real possibility that the defendant is not guilty,
9 then you must give the defendant the benefit of the doubt
10 and find the defendant not guilty.

11 I told you, at the beginning of the trial, and I will
12 remind at this point in time that you and I have different
13 jobs or functions to perform in this courtroom. It's been
14 my responsibility to preside over the trial of the case.
15 I've had the duty of ruling on the admissibility of evidence
16 and the appropriateness of questions that may have been
17 asked during the presentation of the evidence. You are to
18 consider only the competent evidence that was admitted into
19 the record of this case.

20 If, during the trial, there was any testimony or any
21 other matter that I ordered to be stricken from the record,
22 you must disregard that matter, that testimony, that thing
23 that was stricken from the record in its entirety. You are
24 to consider only testimony which has been presented from the
25 witness stand which has been admitted into the record of the

1 case, and the exhibits that came in through that testimony
2 and any agreements that counsel may have been made as to the
3 facts.

4 I, again, have the additional duty of charging you
5 concerning the law, and I told you at the beginning of the
6 trial, I am the sole judge of the law in this case. The law
7 does not allow you to disagree with me concerning the law to
8 be applied in this matter. And I told you at the beginning
9 of the trial, if you walked into this courtroom with any
10 notion as to what the law is or what the law ought to be,
11 leave that notion outside of the jury room because, under
12 your oath as jurors, you're to take the law as I give it to
13 you, apply it to the facts as you find them to be, and
14 thereby reach a just and a true verdict in this case.

15 I will tell you now that if you took from anything that
16 I have done in the discharge of my duties as the presiding
17 officer of this trial that you believe gives some indication
18 as to how I believe you should determine the facts in this
19 case, you should disregard that notion in its entirety.
20 I've told you the law allows me no opinion on the facts or
21 how you find them, and I have no opinion on that particular
22 issue. You are the sole and exclusive judges of the facts,
23 therefore, and you should not take from anything that I have
24 done that I have an opinion concerning those matters that
25 are within your discretion and your decision.

1 Now, in every case, there's two type of evidence that
2 you're allowed to consider as a jury in reaching your
3 verdict, and I'll describe the two of, types of evidence
4 that I am referring to. The first type of evidence is what
5 we call direct evidence.

6 Now, direct evidence is testimony given by an
7 individual who claims to have direct knowledge of the facts
8 about which that person testifies. That means that they
9 actually saw the event, experienced the event, heard it,
10 felt it, touched it, smelled it. Somehow they have direct
11 knowledge of the facts about which they testified. That's
12 what we refer to as direct evidence.

13 The other type of evidence that you have the right to
14 consider is what is called circumstantial evidence. Now,
15 circumstantial evidence is different. It's a proof of a
16 chain of facts or circumstances that leads reasonably to an
17 inference of the existence of some other fact. It's proof
18 which establishes collateral facts from which some main fact
19 can be reasonably inferred.

20 Let me give you a very simple example of what is meant
21 by proof by circumstantial evidence. Let's say what
22 happened last night. You went to bed, looked outside your
23 home, the driveway was dry, the grass was dry, the trees
24 were dry, the street was dry. You slept well all night.
25 You woke up this morning and you looked outside. It wasn't

1 raining when you woke up. But you looked outside. There
2 was puddles in the driveway, water dripping off the trees.
3 The grass is wet. The street is wet.

4 You didn't see it rain. You didn't hear it rain. But
5 from the facts that you know to be true, you can reasonably
6 infer, at some time during the night, it, in fact, did rain.
7 That's what is meant by proof of collateral facts from which
8 some main fact can be reasonably inferred.

9 Now, the law makes absolutely no distinction between
10 the weight you, as a juror, can give to either direct or
11 circumstantial evidence nor is a greater degree of certainty
12 required of circumstantial evidence than of direct. It
13 is your job, as jurors, to weigh all of the evidence. Give
14 it the weight you think it deserves. And if, after weighing
15 all of the evidence, you're not convinced of the defendant's
16 guilt beyond a reasonable doubt, then you must find the
17 defendant not guilty. On the other hand, if you are firmly
18 convinced that the defendant is guilty, again beyond a
19 reasonable doubt, then you must find the defendant guilty.

20 Necessarily, as the finders of the fact, I told you, at
21 the beginning of the case, that it would be your
22 responsibility to determine the credibility or the
23 believability of each and every witness who testifies during
24 the trial. It becomes your duty, as a jury, to analyze that
25 testimony, evaluate the evidence, and determine which

1 evidence convinces you of its truth. I told you, in
2 determining believability of witnesses who testify in this
3 case, you should use your own good common sense in doing so.

4 You have the right to believe one witness against all
5 the others. You have the right to believe all the others
6 against one. I've told you, as a juror, you have the right
7 to believe all of what a witness told you, part of what a
8 witness told you, or none of what a witness told you.
9 You're the sole judges of the facts. Therefore, you are the
10 sole judges of the credibility or the believability of each
11 and every witness who testified in this case.

12 I told you, you have the right, using your own good
13 common sense, to consider such factors as whether or not the
14 witness has a stake in the outcome of the case, whether or
15 not the witness has a bias or prejudice for or against one
16 side or the other, whether or not the witness actually had
17 the ability to know or to experience or be able to testify
18 about the facts that that witness testified about, and
19 you've observed them as they testified, the way they spoke,
20 how they delivered the testimony. You can take all of those
21 factors into consideration. Again, use your own good common
22 sense, and reach a determination as to the credibility or
23 the believability, believability of the witnesses who
24 testified in this case.

25 Now, there was evidence presented in the case that some

1 of the witnesses may of made prior statements which are not
2 consistent with that witness' present testimony. You may
3 use that evidence to decide whether you believe the witness.
4 You may also use the evidence of earlier contradictory
5 statements to determine the truth of the statements made by
6 the witness. It's up to you to decide whether to believe
7 the earlier statements or the testimony given during the
8 trial.

9 If a witness has been shown to have testified
10 untruthfully concerning any material matter, you may
11 consider this in determining whether to trust the witness'
12 testimony as to other matters. You may reject all of the
13 testimony of that witness or give all or part of the
14 testimony the weight that you think it deserves.

15 Now, in every case before the Court, the issue of
16 identification of the defendant as the person who committed
17 the crime charged is a matter that has to be proven. It has
18 to be proven by the State to the same burden as the proof,
19 proof of all other issues in the case. That must be -- that
20 means it must be proven beyond a reasonable doubt. You must
21 be satisfied, beyond a reasonable doubt, of the accuracy of
22 the identification of the defendant before you can convict
23 the defendant.

24 Identification testimony is an expression or a belief
25 given by a witness. You must determine the accuracy of the

1 identification of the defendant. You must consider the
2 believability of the identification witnesses the same way
3 as any other witnesses who testified.

4 You can consider whether the witness had an adequate
5 opportunity to observe the offender at the time of the
6 offense. This will be affected by such things as how long
7 or short that time was, the lighting conditions, how far or
8 close were the parties apart when the identification took
9 place, whether the witness had a chance to see or know the
10 person identified in the past. Once again, I instruct you
11 the burden of proof on the State extends to every element of
12 the crime charged and that specifically includes the burden
13 of proving that identification beyond a reasonable doubt.
14 That is the identification of the defendant as the person
15 who committed the crime.

16 If, after examining all of the testimony, you have a
17 reasonable doubt as to the accuracy of the identification of
18 the defendant as the person who committed the crime, then
19 you must find the defendant not guilty. On the other hand,
20 if you're firmly convinced of the correct identification of
21 the defendant as the person who committed the crime, beyond
22 a reasonable doubt, you must find the defendant guilty.

23 Now, in every crime you must, there must be an element
24 of criminal intent that must, again, be proven by the State
25 beyond a reasonable doubt. And let me explain what I mean

1 by criminal intent.

2 In order to establish criminal liability, criminal
3 intent is required. For example, that's the mental state
4 that's required to be proven by the State for a particular
5 crime and that, that mental state might be purpose, intent,
6 knowledge, excuse me, recklessness, or criminal negligence.
7 Criminal intent must be proven by the State beyond a
8 reasonable doubt, and criminal intent is always a matter for
9 the jury to determine from the circumstances shown to exist
10 because we have no way of cutting open someone's head at the
11 time the crime is committed, looking inside, and being able
12 to see exactly what they intended to do at any given time.

13 So, criminal intent is always proven by inference, by
14 circumstantial evidence, from the facts and circumstances
15 shown to have existed at the time the crime was committed.
16 That's how you make a determination as to whether or not the
17 element requiring intent was present.

18 It's not necessary to establish criminal intent by
19 direct or positive evidence. It may be established, as any
20 other fact, by taking into consideration the facts and
21 circumstances shown to have existed at the time of the
22 incident or the alleged crime was committed.

23 Now, criminal intent is a mental state. It's a
24 conscious wrongdoing. It's up to you to determine what the
25 defendant intended to do at the time of this incident based

1 on the circumstances shown to have existed.

2 I also will talk, talk to you a little bit about expert
3 witnesses because we had a couple of witnesses who were
4 qualified as experts, and I told you at the time I will talk
5 to you in more detail about that when I gave my charge.

6 As I indicated at that time, the rules of evidence in
7 this state ordinarily do not allow a witness to give an
8 opinion concerning any matter in controversy before a Court.
9 An exception to that rule is made for a witness who has been
10 designated as an expert witness.

11 That's a witness who, because of their education, their
12 experience, or, or their participation in some art, science,
13 or profession, are designated as experts within that
14 particular field. A person who has been designated as an
15 expert is allowed to give opinions within their field of
16 expertise and state the reasons for those opinions.

17 You should consider the testimony of an expert witness
18 just like any other witness who testified in the case. Give
19 it the weight you think it deserves. If you decide that the
20 opinion of an expert is not based on sufficient education or
21 experience or you conclude that the reasons given for the
22 opinion are not sound then, or outweighed by other evidence,
23 you have the right, as the sole judges of the facts, to
24 disregard an opinion by an expert in its entirety. The
25 expert's testimony is to be given no greater weight simply

1 because we've designated that person as an expert. You
2 should weigh that testimony like you weigh every other
3 witness' testimony. You're not required to accept an
4 expert's opinion even though it may not be contradicted by
5 any other evidence.

6 All right. Now, the indictment in this case charges
7 the crime of murder. I'm going to go over that particular
8 offense with you in particular.

9 The defendant has been charged with murder in the
10 indictment, and the State must prove, beyond a reasonable
11 doubt, that the defendant killed another person with malice
12 aforethought.

13 Now, malice is a little -- it's a, it's a legal phrase
14 and let me go over what that means. Malice is hatred. It's
15 ill will or it's hostility towards another person. It's the
16 intentional doing of a wrongful act without just cause or
17 excuse with the intent to inflict an injury or under
18 circumstances that the law will infer an evil intent.

19 Malice aforethought, that phrase does not require that
20 the malice exist for any particular length of time before
21 the act is committed, but the malice must exist in the mind
22 of the defendant just before and at the time the act is
23 committed. Therefore, there must be a combination between
24 the evil intent, the malice, and the act that was committed.
25 Malice aforethought may be either expressed or inferred.

1 Again, that thing I was telling about, proof of something by
2 inference.

3 These terms express or inferred don't talk, don't mean
4 different kinds of malice. What they mean is the way in
5 which the malice is shown to exist. That is either by
6 direct evidence or by inference from the facts, by
7 circumstantial evidence.

8 Express malice is shown when a person speaks words
9 which express hatred or ill will for another person or which
10 express that hatred or ill will or that the person prepares
11 beforehand to do the act which was later committed. For
12 example, someone lying in wait for a person or any other
13 acts of preparation going to show that the deed was within
14 the defendant's mind would be an expressed malice.

15 Malice also can be inferred from conduct, conduct
16 showing a total disregard for human life. Malice may also
17 arise when a deed is done with a deadly weapon. A deadly
18 weapon is any article or instrument or substance which is
19 likely to cause death or great bodily harm. Whether an
20 instrument is used as a deadly weapon depends upon the facts
21 and circumstances of each case.

22 For example, many items have been deemed by the Court's
23 to be a deadly weapon and they include such things as
24 pistols, shotguns, rifles, daggers, knives, sling shots,
25 metal knuckles, razors, gasoline, fire bombs, Molotov

1 cocktails, and lighter fluid. All of those things have
2 been, depending on the way that they were used, deemed to be
3 deadly weapons in our Courts in the past. Those are just
4 examples of things that are deemed to be deadly weapons.

5 Now, ladies and gentlemen of the jury, there's going to
6 be two possible verdicts in this case, either guilty or not
7 guilt of the offense of murder. I told you, at the
8 beginning of the trial, that you must reach a unanimous
9 verdict in this case. That means each and every one of you
10 must agree upon the verdict before it becomes the verdict of
11 this jury.

12 Sir, the gentleman in the black shirt in the back row,
13 your name, sir?

14 JUROR: Danny Holmes.

15 THE COURT: Have a seat, Mr. Holmes.

16 (Juror complies.)

17 THE COURT: Mr. Holmes, you're gonna be the foreperson
18 of this jury. That means I am appointing you to deliver, to
19 preside over the deliberations of the jury as it goes
20 forward. That doesn't give you a greater say than any other
21 juror in the outcome of the case. It must be a unanimous
22 verdict before the verdict is reached. But you will preside
23 over the deliberations.

24 If, during the deliberations, the jury has any question
25 that you'd like to pose to the Court during the

1 deliberations, I'd ask first that the jury discuss it and
2 come up with a question so that you can write it down in
3 written form. Agree on the form of the question. Pass that
4 question to the bailiff. He will pass the, pass that to me.
5 The bailiff will be seated right outside the jury door, jury
6 room door.

7 Now, I'll tell you before you submit questions to me
8 that I can't answer each and every question that you might
9 have during your deliberations. The law doesn't allow me to
10 become involved in your decisions concerning the facts in
11 this case. We have separate functions there. I can respond
12 to questions about the procedure that we've used, about the
13 evidence that's been admitted, about questions concerning
14 the law that I have charged you, things of nature.

15 But whatever the question is, don't, don't -- I'm not
16 asking you to, in any way, edit the questions. Whatever
17 questions the jury has, write it down, submit it to me.
18 I'll decide the appropriate form of response that I can make
19 to the question that you might submit to me.

20 Also, it will be the foreperson's duty to record the
21 verdict once it's been reached. Write it down on the form
22 that I'm going to give you in a few minutes so that -- and
23 then sign it and submit it again by knocking on the door to
24 the -- informing the bailiff that a verdict has been
25 reached. You'll return to the courtroom to deliver the

1 verdict in court.

2 Now, I've gone over several things with you, and I want
3 to be sure that, again, that I haven't violated anyone's
4 rights in my charge to you. So, I'm gonna ask you this one
5 more time, to step into the jury room. Don't begin your
6 deliberations. This should not take very long. I'll have
7 you back and give you your final instructions and indicate
8 you can begin your deliberations in just a moment.

9 So, if you'd, at this time, please retire. Don't begin
10 your deliberations until I've brought you back to the
11 courtroom.

12 (Whereupon, the following takes place outside the
13 presence of the jury.)

14 THE COURT: Any objection to the charge from the State?

15 SOLICITOR MORIN: None from the State.

16 THE COURT: Any from the defense?

17 MR. SHEALY: NO, Your Honor.

18 THE COURT: I'm gonna ask that the attorneys come
19 forward, review the exhibits. Let's place them over on the,
20 maybe on the table over there once they've been reviewed. I
21 only want the properly admitted evidence presented to the
22 jury.

23 (Pause.)

24 THE COURT: All right. Is that an agreement then?

25 Now, who knows how to operate that?

1 SOLICITOR MORIN: It's---

2 THE COURT: I'm gonna ask the foreman---

3 SOLICITOR MORIN: It's pretty straight forward.

4 THE COURT: I'm gonna ask the foreman to step down and
5 let you show him how to do it.

6 SOLICITOR MORIN: Uh-huh. (Affirmative).

7 THE COURT: You want to unplug it so that he can, we
8 can carry it. I don't know where it's plugged in.

9 And the only thing on that tape is the tape that was
10 admitted into evidence is my understanding.

11 SOLICITOR MORIN: Yes, sir.

12 THE COURT: Just the one that has to do with this case.

13 MR. SHEALY: Yes, sir, and as far as the defense
14 understands from the State, that the tabs on the tape have
15 been removed so that it can not be erased.

16 THE COURT: Recorded over.

17 MR. SHEALY: Well, maybe that's it. I thought you did
18 that.

19 (Pause.)

20 THE COURT: All right. I'll ask the attorneys to step
21 to the bench please and review the verdict form.

22 SOLICITOR MORIN: Looks good to me, judge.

23 THE COURT: Any objection from the state?

24 Mr. Morin, any objection?

25 SOLICITOR MORIN: No, sir.

1 THE COURT: Any objection, Mr. Shealy?

2 MR. SHEALY: No, Your Honor.

3 THE COURT: All right. Anything further before I bring
4 the jury back for final instructions, either side?

5 MR. SHEALY: No, sir.

6 THE COURT: Bring the jury back.

7 MR. SHEALY: No, Your Honor.

8 (Whereupon, the following takes place within the
9 presence of the jury.)

10 THE COURT: Mr. Foreman, I'll ask you to sit in this
11 front seat on the front row. First seat. Thank you, sir.

12 The record will reflect that all jurors have returned
13 to the courtroom.

14 At this point in time I'm going to turn the case over
15 for your deliberations.

16 Wayne, if you'll pass that to the foreman for me
17 please, sir.

18 Sir, that is the verdict form that will be used by the
19 jury. Let me go over that with you briefly. At the top of
20 the page it indicates the county and state and the Court in
21 which this case is being conducted. It has the caption of
22 the case with the title and that's the State against the
23 defendant.

24 Below that is the actual verdict and then it's a one
25 question verdict. It has to do with, as to this indictment

1 for the charge of murder, you, the jury, unanimously find
2 the defendant, Mr. Parker, and the choices are either not
3 guilty or guilty.

4 Once the verdict has been reached, in other words,
5 unanimous decision has been made by the jury, you'll check
6 the appropriate line beside the appropriate verdict, and
7 then down below that is the place indicating for foreman to
8 sign it above the date, and I'd ask you to sign that. At
9 that time, knock on the door and inform the bailiff that a
10 verdict has been reached, and again, you'll be returned to
11 the courtroom for us to receive that verdict.

12 The, the evidence is here on the table. All that
13 evidence will be submitted back into the jury room so that
14 you can take a look at it. Also, the recorded, the playing
15 device, the boom box will be submitted as well.

16 Mr. Foreman, if you'll step down, Mr. Morin and
17 Mr. Shealy, if you'll step over and show him how to operate
18 that so he can play it for them.

19 SOLICITOR MORIN: The tape?

20 MR. SHEALY: It is not -- it's right here right now, in
21 here.

22 (Pause.)

23 THE COURT: It does plug into the wall, sir. So, it
24 will need to be plugged in there for you to play it. You
25 can resume your seat now.

1 (Foreman complies.)

2 THE COURT: All right. Now, ma'am, you are the
3 alternate in this case. You will not be going back into the
4 regular jury room with the other jurors. However, I am
5 going to have you seated in the other jury room that's
6 available. If, during the deliberations, one of the jurors
7 were to become ill, an emergency come up, something of that
8 nature, it may be necessary for you to join the jury in
9 deliberations. So, we're gonna put you somewhere where no
10 one will be talking with you. You're gonna be in isolation
11 for a little while. But if it became necessary for you to
12 go into the jury room, we would call on you for this
13 purpose.

14 So, at this point in time, ladies and gentlemen of the
15 jury, you may retire and begin your deliberations. The
16 bailiffs will deliver the exhibits to you, and continue your
17 deliberations until a verdict is reached.

18 You may retire at this time.

19 Ma'am, remain seated for just a second and we'll get
20 you.

21 (Whereupon, the following takes place outside the
22 presence of the jury.)

23 THE COURT: And if you'll take the alternate to the
24 other jury room.

25 Thank you, ma'am.

1 (whereupon, the following takes place outside the
2 hearing of the alternate juror.)

3 THE COURT: Any objection to my final instructions from
4 the State?

5 SOLICITOR MORIN: None from the State.

6 THE COURT: Any from the defense?

7 MR. SHEALY: No, Your Honor.

8 THE COURT: All right. Court will be in recess until a
9 verdict is reached.

10 Defendant remains in custody.

11 (Whereupon, the jury began deliberations at 11:28 and
12 returned with a question at 12:28.)

13 THE COURT: We have a question from the jury. They
14 want a transcript of the testimony of Correy Haney. I have
15 no way to produce a transcript. I will offer to play the
16 testimony for them.

17 Bring the jury back.

18 (Whereupon, the following takes place within the
19 presence of the jury.)

20 THE COURT: All right. Mr. Foreman, I have received an
21 inquiry from you concerning your desire to get a copy of the
22 transcript of the testimony of Correy Haney. Obviously we
23 don't have a transcript typed up. A copy of the transcript
24 is not available. We do have the tape of his testimony.
25 We're in a position to play that for you at this point in

1 time.

2 would that be helpful?

3 FOREMAN: Yes, sir.

4 THE COURT: All right. I'll ask the court reporter to
5 play the testimony of Correy Haney.

6 (Whereupon, the testimony of Correy Haney was played
7 for the jury at this time.)

8 THE COURT: Mr. Foreman, that concludes the testimony.
9 I am aware by the clock that shortly it is lunch time. So,
10 we will get an order for lunch. Only communicate with the
11 clerk concerning the orders for lunch and on no other
12 subject, and you may return to the jury room to continue
13 your deliberations.

14 (Whereupon, the note from the jury was marked as
15 Court's Exhibit No. 3 for identification purposes only at
16 this time.)

17 Ma'am, have a seat back in the other jury room.

18 Thank you very much.

19 (Whereupon, the following takes place outside the
20 presence of the jury.)

21 THE COURT: Any objection to the Court's response from
22 the State?

23 SOLICITOR MORIN: None from the State.

24 THE COURT: Any from the defense?

25 MR. SHEALY: None, Your Honor.

1 THE COURT: All right. We'll remain in recess until a
2 verdict is reached.

3 (Whereupon, the jury began deliberations again at 12:37
4 and returned with a verdict at 12:50.)

5 THE COURT: I've been informed by the bailiff there is
6 a verdict in the case.

7 Before I bring the jury in, I will mention to those who
8 are gathered that if you have any problem with your emotions
9 once the verdict is read, I want you, at this time, to leave
10 the courtroom. We do not tolerate celebrations or emotional
11 outbursts in connection with a verdict. So, if you have a
12 problem in controlling your emotions when the verdict is
13 read, I'd ask that you now leave the courtroom so that we
14 don't have a problem in that regard.

15 Is the State ready?

16 SOLICITOR MORIN: State is ready.

17 THE COURT: Defense ready?

18 MR. SHEALY: Defense is ready, Your Honor.

19 THE COURT: Bring the jury in.

20 (Whereupon, the following takes place within the
21 presence of the jury.)

22 THE COURT: Mr. Foreman, the bailiff informs me that a
23 verdict has been reached, is that correct?

24 FOREMAN: Yes, Your Honor.

25 THE COURT: Please pass the form to the bailiff.

1 (Foreman complies.)

2 THE COURT: Madam Clerk, you may publish the verdict.

3 CLERK: Indictment 2007-GS-11-1212, the State of South
4 Carolina versus Travis Sentell Parker, indictment for
5 murder, we, the jury, unanimously find the defendant, Travis
6 Sentell Parker, guilty. Signed by the foreperson, Danny
7 Holmes.

8 Ladies and gentlemen of the jury, is this the verdict
9 of you all, please indicate by raising your right-hand.

10 (Whereupon, all jurors raise their hands at this time.)

11 CLERK: Thank you.

12 THE COURT: Anything further from the State before we
13 release the jury?

14 SOLICITOR MORIN: No, sir.

15 THE COURT: Anything further from the defense before I
16 release the jury?

17 MR. SHEALY: Not concerning the jury, Your Honor.

18 (Whereupon, the jury was dismissed at this time.)

19 THE COURT: Anything from the State at this point in
20 time?

21 SOLICITOR MORIN: No, sir.

22 THE COURT: Anything from the defense?

23 MR. SHEALY: Yes, Your Honor.

24 First, something that I use to think was a motion for
25 judgment notwithstanding the verdict, but Judge Clary taught

1 me that it's a renewal, renewal of a motion for directed
2 verdict. We do renew that motion on the same grounds that
3 we did before.

4 THE COURT: All right. Motion will be denied for the
5 same reasons.

6 MR. SHEALY: The second is, Your Honor, we move for a
7 new trial and the basis for that is this is a very
8 complicated trial, very lengthy trial. There were an
9 incredible number of inconsistencies that all, even
10 testimony needed to be waived. There was tremendous amount
11 of physical evidence that needed to be gone through, and yet
12 the appeal came in, I don't, I don't know exactly how long,
13 about an hour, hour and a half. We submit that the jury
14 could not have deliberated thoroughly enough to arrive at
15 the verdict they arrived at.

16 So, we would ask for a new trial.

17 THE COURT: All right. The Court's not privy to the
18 jury's deliberations. However, the question that was asked
19 and in reviewing of the testimony indicates that the jury
20 was, in fact, reviewing the testimony and the various
21 witnesses who did testify and weighing that evidence. And
22 based on my observation of the jury and its process, motion
23 would be denied.

24 MR. SHEALY: Thank you, Your Honor.

25 THE COURT: Anything further?

1 MR. SHEALY: I wish there was, Your Honor. But we have
2 no further motions.

3 THE COURT: All right. Your documentation?

4 SOLICITOR MORIN: Yes, sir.

5 THE COURT: Did any of the jury wish to return?

6 BAILIFF: No, sir.

7 THE COURT: Did not think so.

8 Okay.

9 SOLICITOR MORIN: I have a couple of documents, Your
10 Honor, on sentencing.

11 MR. SHEALY: Your Honor, do you want us here at the
12 table or do you want us at the bar?

13 THE COURT: I'm sorry?

14 MR. SHEALY: Do you want us here at the table or---

15 THE COURT: Table will be fine.

16 Pass the paperwork up.

17 SOLICITOR MORIN: Your Honor, there's another document
18 from the State with regard to sentence I would like to
19 enter.

20 THE COURT: All right, sir.

21 SOLICITOR MORIN: Your Honor, the defendant was
22 served -- there's documentation in the file already. He was
23 served in October of 2007 with the State's motion of intent
24 to seek life without parole. I have a true copy, certified
25 copy of the indictment. He was convicted on April 28th,

1 1997. He was originally indicted for murder. He pled
2 guilty to voluntary manslaughter, a most serious offense.
3 This being the second most serious offense. I hand that up
4 and ask to be made a part of this record.

5 THE COURT: All right. Any objection to these
6 documents?

7 MR. SHEALY: I wish there were, Your Honor.

8 THE COURT: All right.

9 MR. SHEALY: They're not.

10 THE COURT: All right. Be made a part of the record.
11 Anything further?

12 SOLICITOR MORIN: That's all from the State, Your
13 Honor.

14 THE COURT: Anything from the defense?

15 MR. SHEALY: Yes, Your Honor.

16 Nevertheless, despite the State's notice of intent to
17 seek life imprisonment, and in spite of the fact that I
18 believe your hands are tied, I would like you to know a
19 little bit about Travis.

20 THE COURT: Yes, sir.

21 MR. SHEALY: Your Honor, I think it's, it's come out,
22 I've represented other, quite a number of Parker's, Travis'
23 relatives, and I represented Travis on the manslaughter
24 charge. And one thing I can say about them is that I have
25 never knowingly received a lie from them. Maybe law

1 enforcement has. Maybe other people have. But I don't
2 know.

3 But I've talked to about the whole family when they
4 come and they interview them and talk to them. Everything
5 they ever told me checks out. That's why I was surprised
6 that our defense, which I thought was a, as good a defense
7 as we possibly could have under the circumstances, worked as
8 well as it did. The -- when I went before -- just so you'll
9 know, Travis is 29 years old. He is a barber by trade. He,
10 he is engaged to be married to Mary Camp and not Bridget
11 Foote. He's -- he has one child. The child is one years
12 old. He does have his GED.

13 Your Honor, I believe -- well, what I'm holding here,
14 I'm sure you noticed, it's, you seem to notice a whole lot
15 in the courtroom, but this is the document that I
16 cross-examined Travis with. This is my notes from my first
17 interview with Travis and nothing ever changed.

18 We've got this case ready for trial two different
19 occasions. We met a number of times. And I met him a
20 number of times with his family. And whenever I detected
21 somebody's name in the interview, I would tell the family I
22 need to see this person, need to talk to this person, and
23 they would go out and they'd find him.

24 I, I don't have an investigator in my office. The
25 family always was there with them to support him, worried

1 about him.

2 And I understand that he's, he's been charged with
3 manslaughter. And I understand -- I mean he's been
4 convicted of manslaughter. But I understand that now he's
5 convicted of, over his plea of not guilty, of murder. But I
6 do want you to know, Your Honor, that, that the, in this
7 case, that Travis maintained his innocence, participated in
8 his defense, and everything that he told me in his defense
9 checked out. And I appreciate the fact that he did
10 participate, and there were times that, that I don't, I
11 don't know if he lost faith in me or not. But I know there
12 was at least three different lawyers that he consulted with.

13 But ultimately, he gave me the honor of defending him,
14 and I just would like for you to know all that, Your Honor.

15 Thank you.

16 He may wish to address the Court.

17 THE COURT: Mr. Parker, anything you want to say?

18 DEFENDANT: Your Honor, all I can understand, I really
19 can't -- let me stand up.

20 THE COURT: Yes, sir.

21 DEFENDANT: I can't really understand, you know, what's
22 saying, how they found me guilty. The jury done what they
23 done, you know what I mean. All I can say is if they
24 turned -- they send me, send me to -- I'll fight it, you
25 know what I'm saying, because I don't understand, me knowing

1 the law and me doing time, I know that the hand of one is
2 the hand of all. Three people, three people in the car, and
3 the crime is committed.

4 There's no possible way that two other people could not
5 know that I'm fixing to go commit a crime. By committing
6 the crime, they could not see a gun. They say it was a
7 9-millimeter Luger. I have it on me. There's no possible
8 way.

9 So, this for -- I feel like that they turned me over to
10 the State so they could walk free. They committed the
11 crime, and gave me to the State for them. All because they
12 knew I had committed a crime before, you know what I mean.

13 when I came home from jail, I had, haven't been in
14 trouble. I got out in '05. I worked. I start taking care
15 of my little girl. Fighting custody of my little girl.

16 There's no possible way a woman could make me go back
17 to prison and lose my little girl. I can find females. But
18 the way that objection goes to the jury, the jury found what
19 they seen and the defense. And when -- soon as I -- so,
20 therefore, I'm stuck with that. They hit me with guilty.

21 But as far as me willing to murder a person over a
22 female to leave my little girl, that would never happen,
23 Your Honor. So, when I get to where I'm going to, I'm gonna
24 fight to come back, you know what I'm saying.

25 I don't want a life sentence. But I did receive papers

1 from him. And I told him when he brought me the paper I was
2 gonna fight because I didn't kill nobody. I wasn't gonna do
3 the first time. I done it, but it was an accident. And I
4 pleaded guilty to it. They didn't have to chase me down or
5 fight me. I pled guilty on my own because I made a mistake.
6 And because I made that mistake, they put on me more life.

7 So, always have to look and see her name on me for my
8 mistake. I'm grown now. I know not to play with guns. I
9 didn't play with no gun when I came down here. It was
10 enough time to check for gun powder residue and everything.
11 They didn't check me. They got hair off my hands.
12 Everything. They refused to check me because they didn't
13 want me to be innocent.

14 So, therefore, now I'm stuck with a guilty plea of,
15 verdict and I got to wait and see what kind of, what you
16 gonna, how much you gonna give me. It's gonna be the State.
17 You gonna choose something else to give me. I wish you
18 wouldn't give me life because I don't feel I could do life.
19 But I have to do it, give it to me. I'm gonna fight it, get
20 off of me. But I wouldn't like to have it. That's honest.

21 That's all I have to say, Your Honor.

22 MR. SHEALY: Thank you, Your Honor.

23 THE COURT: All right. Anything further from the
24 defense?

25 MR. SHEALY: Your Honor, nothing for the record.

1 THE COURT: You can be seated, sir. You can be seated,
2 sir. You can sit down.

3 Thank you.

4 MR. SHEALY: When he talks about the hand of one is the
5 hand of all, what he's talking about is he feels he was
6 framed. He -- I'm concerned that if there's future
7 litigation that someone might say that he admitted to taking
8 in it. But that's another -- what he was saying.

9 THE COURT: Thank you.

10 Anything else, Mr. Morin?

11 SOLICITOR MORIN: No, sir.

12 THE COURT: It's my understanding that this would serve
13 as a second strike, is that right?

14 SOLICITOR MORIN: Yes, sir.

15 THE COURT: All right. Mr. Parker, the Sentence of the
16 Court is you be confined to the State Department of
17 Corrections for a period of your life without parole.

18 Good luck to you, sir.

19 Court's in recess.

20

21 * * *END OF REQUESTED TRANSCRIPT OF RECORD* * *

22

23

24

25

C E R T I F I C A T E

I, Pamela E. Green, Official Court Reporter for the Seventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Spartanburg County, South Carolina, on the 11th, 12th, and 13th day of August, 2008.

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

January 22nd, 2008

A handwritten signature in cursive script, reading "Pamela E. Green", is written over a horizontal line.

PAMELA E. GREEN, Court Reporter

FORM 5

010CP-110860

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

County of CHEROKEE)TRAVIS PARKER #240822)

Full name and prison number (if any) of Applicant)

v.)

State of South Carolina)

APPLICATION FOR

POST-CONVICTION RELIEF

BRADY HILL

2010 NOV - 2 AM 11:27

RECEIVED
CLERK OF COURT
CHEROKEE COUNTYINSTRUCTIONS B READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention LEIBER CORRECTIONAL INSTITUTION
RIDGEVILLE, SOUTH CAROLINA
2. Name and location of Court which imposed sentence COURT OF GENERAL SESSIONS
CHEROKEE COUNTY
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
(a) INDICTMENT FOR MURDER

- (b) _____
- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) AUGUST 13, 2008 (LIFE SENTENCE)
- (b) _____
- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty X
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
THOMAS E. SHEALY PUBLIC DEFENDER FILED THE APPEAL
8. If you answered Ayes@ to (7), list:
- (a) the name of each Court to which you appealed:
- i. SOUTH CAROLINA COURT OF APPEALS
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. (PENDING)
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. (PENDING)
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. UNKNOWN
- ii. _____
- iii. _____
9. If you answered Ano@ to (7), state your reasons for not so appealing:
- (a) _____

- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) TRIAL COUNSEL WAS INEFFECTIVE
- (b) _____
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) COUNSEL FAILED TO PRESENT WITNESSES ON MY BEHALF
- (b) COUNSEL FAILED TO PREPARE CASE FOR TRIAL
- (c) COUNSEL FAILED TO RAISE CRUCIAL OBJECTIONS DURING THE TRIAL
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? _____
13. If you answered Ayes@ to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____

iv. _____

(c) the disposition thereof:

i. N/A

ii. _____

iii. _____

iv. _____

(d) the date of each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. N/A

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

NO

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. N/A

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. N/A

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court. State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) GROUND SET FORTH ABOVE ONLY RAISED IN POST CONVICTION RELIEF
- (b)
- (c)
17. Were you represented by an attorney at any time during the course of:
- (a) your arraignment and plea? _____
- (b) your trial, if any? YES
- (c) your sentencing? YES
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? YES
18. If you answered "yes" to one or more parts of (17), list:
- (a) the name and address of each attorney who represented you:
- i. THOMAS SHEALY PUBLIC DEFENDER GAFFNEY, SOUTH CAROLINA
- ii. JOSEPH SASITZ III CHIEF PUBLIC DEFENDER COLUMBIA, SOUTH CAROLINA
- iii.
- (b) the proceedings at which each such attorney represented you:
- i. TRIAL LEVEL
- ii. APPEAL
- iii.

19. State clearly the relief you seek in filing this application:

NEW TRIAL

20. Are you now under sentence from any other court that you have not challenged?

NO

Revised 3/2003

STATE OF SOUTH CAROLINA

County of CHEROKEE

VERIFICATION

I, TRAVIS PARKER, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Annie Parker

SWORN to and subscribed before me this 16
day of Sept. 2010 at _____

[Signature] (L.S.)
Notary Public

My Commission Expires: Dec 12, 2017

100-443886-2 A 11-27
BOSTON, MASSACHUSETTS