

RECEIVED

Jul 26 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

XAVIER M. POLITE,

APPELLANT

APPELLATE CASE NO. 2023-001026

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MELODY J. BROWN
Senior Assistant Deputy Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-3727

ATTORNEY FOR APPELLANT

DUFFIE STONE
Solicitor, Fourteenth Judicial Circuit
PO Box 1880
Bluffton, SC 29910
(843)779-8477

ATTORNEYS FOR RESPONDENT

VOLUME I

PAGES 1-500

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED JUNE 12, 2023	1
DEFENSE CHALLENGE PURSUANT TO <u>BATSON V. KENTUCKY</u>	45
COURT OVERRULES <u>BATSON</u> CHALLENGE	51
TESTIMONY	59
TODD DUNCAN (<i>IN-CAMERA</i>)	
Direct Examination by Ms. Malone.....	59
Cross-Examination by Mr. Tolley	69
ARGUMENT REGARDING VOLUNTARINESS OF DEFENDANT STATEMENT	72
COURT’S RULING OF DEFENDANT STATEMENT AS VOLUNTARILY GIVEN PURSUANT <u>JACKSON V. DENNO</u>	78
ARGUMENT REGARDING ADMISSIBILITY OF SURVEILLANCE CLIPS	82
ARGUMENT REGARDING ADMISSIBILITY OF STATEMENTS BY UNAVAILABLE DECLARANT MR. SINGELTON.....	99
STATE’S MOTION TO ADMIT CELL PHONE RECORDS OF CO-DEFENDANT CHANNON PRESTON.....	109
RESPONSE BY MS. TOLLEY	112
COURT’S RULING ALLOWING ONE PHOTOGRAPH FROM CHANNON PRESTON CELL PHONE RECORDS.....	113
STATE’S MOTION TO ADMIT 9-1-1 CALL	118
RESPONSE BY MS. TOLLEY	119
REBUTTAL BY MS. JONES	121
STATE’S MOTION TO ADMIT FACEBOOK PROFILE OF CHANNON PRESTON	124
STATE’S MOTION TO ADMIT JAIL CALL	126
RESPONSE BY MS. TOLLEY	126

COURT’S RULING ADMITTING 9-1-1 CALL.....132

COURT’S RULING ADMITTING FIRST BODY CAMERA VIDEO STATEMENT OF MR. SINGLETON.....137

TRIAL TRANSCRIPT DATED JUNE 13, 2023142

STATE’S RENEWS MOTION TO ADMIT SECOND AND THIRD BODY CAMERA VIDEO STATEMENT OF MR. SINGLETON.....155

RESPONSE BY MR. PAULK155

COURT’S RULING DISALLOWING SECOND AND THIRD BODY CAMERA VIDEO STATEMENTS OF MR. SINGLETON.....157

OPENING STATEMENT BY MS. JONES.....176

OPENING STATEMENT BY MS. TOLLEY181

TESTIMONY

 ALLYSON MOREIRA

 Direct Examination by Ms. Jones183

 Cross-Examination by Ms. Tolley186

STATE’S OBJECTION TO GANG REFERENCE.....187

COURT’S RULING DISALLOWING GANG REFERENCE.....192

STATE OBJECTS TO ADMISSION OF CAD REPORT.....196

COURT’S RULING DISALLOWING ADMISSION OF CAD REPORT200

TESTIMONY

 ALLYSON MOREIRA

 Continued Cross-Examination by Ms. Tolley204

 CYNTHIA STEWART

 Direct Examination by Ms. Jones207

 Cross-Examination by Ms. Tolley211

 JOSEPH DRISCOLL

 Direct Examination by Ms. Jones214

 Cross-Examination by Ms. Tolley222

 Redirect Examination by Ms. Jones.....230

Recross-Examination by Ms. Tolley.....	230
BRIAN ABELL	
Direct Examination by Ms. Jones	232
Cross-Examination by Ms. Tolley	237
CHELSEA SERONKA	
Direct Examination by Ms. Jones	239
Cross-Examination by Ms. Tolley	248
ADAM DRAISEN	
Direct Examination by Ms. Jones	256
Cross-Examination by Ms. Tolley	273
Redirect Examination by Ms. Jones.....	277
Recross-Examination by Ms. Tolley.....	278
COLT MOSS	
Direct Examination by Ms. Jones	279
DANIEL IRELAND	
Direct Examination by Ms. Jones	285
Cross-Examination by Ms. Tolley	315
ERIN LYNN	
Direct Examination by Ms. Jones	316
JENNIFER SNIDER	
Direct Examination by Ms. Jones	332
DEFENSE OBJECTION TO SEARCH WARRANTS.....	334
RESPONSE BY MS. JONES	346
COURT FINDS SEARCH WARRANTS ADMISSIBLE	353
TESTIMONY	
JENNIFER SNIDER	
Continued Direct Examination by Ms. Jones	354
Cross-Examination by Ms. Tolley	388
Redirect Examination by Ms. Jones.....	396
Recross-Examination by Ms. Tolley.....	398
JIM TUNIS	
Direct Examination by Ms. Jones	400
Cross-Examination by Ms. Tolley	407

TRIAL TRANSCRIPT DATED JUNE 14, 2023415

JURY ISSUE COLLOQUY419

TESTIMONY

KENNETH LABADIE

Direct Examination by Ms. Jones431
 Cross-Examination by Ms. Tolley435

DAVID GLOVER

Direct Examination by Ms. Jones437
 Cross-Examination by Ms. Tolley443
 Redirect Examination by Ms. Jones.....445

DEFENSE OBJECTION TO ADMISSION OF PHOTOGRAPH FROM CHANNON
 PRESTON CELL PHONE RECORDS450

COURT OVERRULES DEFENSE OBJECTION TO ADMISSION OF ONE
 PHOTOGRPAH FROM CHANNON PRESTON CELL PHONE RECORDS.....450

DEFENSE OBJECTION TO FACEBOOK PROFILE OF CHANNON PRESTON450

COURT OVERRULES DEFENSE OBJECTION TO ADMISSION OF FACEBOOK
 PROFILE OF CHANNON PRESTON458

TESTIMONY

TODD DUNCAN

Direct Examination by Ms. Jones460

DEFENSE OBJECTION TO PORTIONS OF VIDEO.....512

DEFENSE MOTION FOR A MISTRIAL512

RESPONSE BY MS. JONES514

REBUTTAL BY MS. TOLLEY.....515

COURT DENIES DEFENSE MOTION FOR A MISTRIAL.....517

TESTIMONY

TODD DUNCAN

Continued Direct Examination by Ms. Jones530

Cross-Examination by Ms. Tolley	541
STATE’S OBJECTION TO GANG REFERENCE	551
STATE’S MOTION FOR A MISTRIAL	553
RESPONSE BY MS. TOLLEY	553
COURT DENIES STATE’S MOTION FOR A MISTRIAL	553
TESTIMONY	
TODD DUNCAN	
Continued Cross-Examination by Ms. Tolley	557
Redirect Examination by Ms. Jones.....	560
ZACHARIAH CUSHMAN	
Direct Examination by Ms. Jones	562
CHAD SMITH	
Direct Examination by Ms. Jones	565
Cross-Examination by Mr. Paulk.....	580
Redirect Examination by Ms. Jones.....	585
TIMOTHY FRENCH	
Direct Examination by Ms. Jones	586
Cross-Examination by Mr. Paulk.....	598
SUSAN PRESNELL	
Direct Examination by Ms. Jones	601
COLLOQUY REGARDING ADMISSIBILITY OF JAIL CALL.....	613
COURT’S RULING TO ALLOW PORTIONS OF JAIL CALL	638
TRIAL TRANSCRIPT DATED JUNE 15, 2023	649
DEFENSE MOTION TO PLAY JAIL CALL TO ENTIRETY.....	656
COURT’S RULING ALLOWING ENTIRETY OF JAIL CALL	658
COLLOQUY REGARDING JURY CHARGES	659
TESTIMONY	
JEFFREY MAXWELL (<i>IN-CAMERA</i>)	

Direct Examination by Ms. Jones	683
Cross-Examination by Mr. Paulk.....	687
DEFENSE OBJECTION TO ADMISSION OF JAIL CALL	690
RESPONSE BY MS. JONES	690
COURT’S RULING TO ADMIT JAIL CALL	694
TESTIMONY	
JEFFREY MAXWELL	
Direct Examination by Ms. Jones	696
STATE RESTS	701
DEFENSE RENEWS OBJECTIONS TO JAIL CALL, VIDEO STATEMENTS OF MR. SINGLETON, AND SEARCH WARRANT	705
TESTIMONY COLLOQUY WITH DEFENDANT	706
TESTIMONY	
XAVIER POLITE	
Direct Examination by Mr. Paulk	713
Cross-Examination by Ms. Jones.....	731
Redirect Examination by Mr. Paulk.....	754
Recross-Examination by Ms. Jones	759
DEFENSE RESTS	759
DEFENSE MOTION FOR A DIRECTED VERDICT	761
COURT DENIES DEFENSE MOTION FOR A DIRECTED VERDICT	763
CHARGE CONFERENCE.....	765
CLOSING ARGUMENT BY MS. JONES	786
CLOSING ARGUMENT BY MS. TOLLEY.....	806
REBUTTAL CLOSING ARGUMENT BY MS. JONES	813
JURY CHARGE	815

VII

VERDICT	851
DEFENSE RENEWS MOTION FOR A DIRECTED VERDICT.....	859
RESPONSE BY MS. JONES	861
COURT DENIES DEFENSE MOTION FOR A DIRECTED VERDICT	861
TRIAL TRANSCRIPT DATED JUNE 16, 2023	865
SENTENCING	872
INDICTMENTS	875
CERTIFICATE OF COUNSEL	881

STATE OF SOUTH CAROLINA	IN THE GENERAL SESSIONS COURT
COUNTY OF BEAUFORT	2020GS-07-02185, -086, -2312

-----)	
State of South Carolina)	
)	
Plaintiff,)	
vs.)	TRANSCRIPT OF JURY TRIAL
	VOLUME I
	PAGES 1 - 141
XAVIER M. POLITE,)	
Defendant.)	

June 12, 2023
 Beaufort, South Carolina

B E F O R E:

The Honorable Robert J. Bonds, Judge Presiding

Kymerlee M. Williams, CSR/RPR
 Official Circuit Court Reporter III
 Post Office Box 8091
 Beaufort, South Carolina 29903

A P P E A R A N C E S

Appearing for The State of South Carolina:

Mary Jones, Esquire
Sarah Malone, Esquire
14th Circuit Solicitor's Office
102 Ribaut Road
Beaufort, South Carolina 29902

Appearing For the Defendant:

Juan Tolley, Esquire
Seth Paulk, Esquire
Deputy Public Defender
Fourteenth Circuit Public Defender's Office
P.O. Box 545
Beaufort, South Carolina 29901

INDEX

PROCEEDINGS:	5
JURY SELECTION	5
WITNESS: TODD DUNCAN	
Direct Examination (M)	59
Cross-Examination (T)	69
PROCEEDINGS CONTINUED	140
CERTIFICATE OF REPORTER	141

EXHIBIT LIST******

ITEM NO.	DESCRIPTION	PAGE
C-1	Thumb drive	130
C-2	Rap Sheet	130
C-3	Rap Sheet	130
C-4	Miranda form	130
C-5	DVD	130
C-6	DVD	130
C-7	DVD	130
C-8	Email	130
C-9	DVD	130
C-10	DVD	130
C-11	DVD	130
C-12	Video	130
C-13	Still photo	130
C-14	Still photo	130
C-15	DVD - 911 call	130

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

PROCEEDINGS

MONDAY, JUNE 12, 2023

BEAUFORT, SOUTH CAROLINA

(The following proceedings were held in open court. All parties were present.)

THE COURT: Thank you, Solicitor.

**

JURY SELECTION

THE COURT: Good morning, ladies and gentlemen. Good morning. My name is Bobby Bonds. I'm a resident circuit judge for the fourteenth judicial circuit. The fourteenth judicial circuit is comprised of Colleton, Hampton, Allendale, Jasper and Beaufort. I live in Walterboro.

I have been assigned by the Chief Justice to preside over a term of General Sessions or Criminal Court here in Beaufort this week. Now, ladies and gentlemen, I've got some remarks I've got to read to you, okay? And the reason I've got to read them, State law requires that I read them to you, but I want to tell you right now I understand this is a sacrifice being here. It's a sacrifice of your time. I know there are

1 other places you'd rather be, but I promise you
2 -- and this is going to be a time-consuming
3 process this morning, but I will tell you,
4 unlike movies, TV or books, we've got to get it
5 right the first time, or do everything we can do
6 to get it right the first time, because you
7 can't just say cut and reshoot the scene. And I
8 promise you we're dealing with very serious
9 matters here, serious to the State, serious to
10 the defense, so I appreciate your time, I
11 appreciate your listening, and we'll move as
12 quickly as we can under those parameters, all
13 right?

14 So, ladies and gentlemen, I now have
15 certain questions to ask you to determine your
16 qualifications, folks, as jurors in this Court.
17 These questions determine your general
18 eligibility concern. The State law requires
19 that I ask these questions, and, quite frankly,
20 some of the questions are very personal, and you
21 may not want to stand in the presence of your
22 fellow jurors and disclose this information
23 openly.

24 And so after each question what I'm gonna
25 do is, I'm going to ask if any juror needs to

1 respond, I'm going to ask you to stand after
2 each question. Now, if you don't want to stand,
3 that's fine, and at the end of the process,
4 ladies and gentlemen, I'm gonna give you a
5 chance to come forward and speak with me
6 privately. We don't want any member of the jury
7 panel to suffer any embarrassment, so if you
8 don't want to stand, make a mental note and
9 remember to come forward at the end, when I ask
10 you to do so. It's essential that we have
11 accurate information.

12 So the questions concerning qualifications
13 to serve as jurors are as follows: Is any
14 member of the jury panel not a citizen of the
15 United States? If so, please stand. All right,
16 let the record reflect that no one's standing.
17 Any member of the jury panel not a resident and
18 citizen of Beaufort County, South Carolina? If
19 so, please stand.

20 Okay, let the record reflect no one's
21 standing.

22 Is any member of the jury panel unable to
23 read, write, speak or understand the English
24 language? If so, please stand. All right, let
25 the record reflect no one's standing.

1 Does any member of the jury panel have less
2 than a sixth-grade education or its equivalent?
3 If so, please stand. All right, let the record
4 reflect that no one's standing.

5 Is any member of the jury panel unable,
6 because of mental or physical infirmities, to
7 render efficient jury service this week? If so,
8 please stand. All right, let the record reflect
9 no one is standing.

10 All right, ladies and gentlemen, I'm gonna
11 repeat this question twice, because it's got a
12 couple parts to it. Any member of the jury
13 panel been convicted by guilty plea or trial in
14 a state or federal court of record of a crime
15 punishable by imprisonment for more than one
16 year, and your civil rights have not been
17 restored by pardon or amnesty? Ladies and
18 gentlemen, punishable by more than one year
19 means that you could have received a sentence of
20 more than one year, regardless of what sentence
21 you may have actually received.

22 So I'll go back and read that again. Has
23 any member of the jury panel been convicted by
24 guilty plea or trial, in a state or federal
25 court of record, of a crime punishable by

1 imprisonment for more than one year, and your
2 civil rights have not been restored by pardon or
3 amnesty; and, again, punishable by more than one
4 year means that not just if you received a year,
5 but if you could have received a sentence of one
6 year, regardless of what it may have actually
7 carried? If that applies to you, ladies and
8 gentlemen, I'd ask you to please stand.

9 All right, let the record reflect no one's
10 standing. Any member of the jury panel a Clerk
11 or Deputy Clerk of Court, Constable, Sheriff or
12 other commissioned Law Enforcement Officer, a
13 Probate Judge, a County Commissioner,
14 Magistrate, or other County Officer or employed
15 within the walls of any courthouse? If so,
16 please stand. Yes, sir, and your number,
17 please?

18 PERSPECTIVE JUROR: 333.

19 THE COURT: 333, yes, sir.

20 PERSPECTIVE JUROR: I've retired from
21 Barnwell County Sheriff's Department.

22 THE COURT: From where?

23 PERSPECTIVE JUROR: Barnwell County
24 Sheriff's Department.

25 THE COURT: All right, yes, sir, okay,

1 thank you very much.

2 PERSPECTIVE JUROR: Okay.

3 THE COURT: At this point I'm looking --
4 and we'll get into that later, but that's fine,
5 I don't -- any member of the jury panel who is
6 -- or anybody else who is a Clerk, Deputy Clerk,
7 Constable, Sheriff, other commissioned Law
8 Enforcement Officer, a Probate Judge, County
9 Judge, Commissioner, Magistrate, or other County
10 Officer or employed within the walls of any
11 courthouse?

12 All right, and what was your number, again,
13 sir? I'm sorry.

14 PERSPECTIVE JUROR: 333, sir.

15 THE COURT: Thank you.

16 CLERK: Sir, what County did you say you
17 worked in?

18 PERSPECTIVE JUROR: Barnwell.

19 THE COURT: Where is that, sir?

20 PERSPECTIVE JUROR: Massachusetts.

21 THE COURT: So you're retired?

22 PERSPECTIVE JUROR: Yes, sir --

23 THE COURT: Okay.

24 PERSPECTIVE JUROR: -- from the Sheriff's
25 Office, but I'm not officially retired.

1 THE COURT: Okay.

2 PERSPECTIVE JUROR: I'm still working.

3 THE COURT: You live in Beaufort --

4 PERSPECTIVE JUROR: Yes.

5 THE COURT: -- and you're still working in
6 Massachusetts?

7 PERSPECTIVE JUROR: No, sir.

8 THE COURT: Okay, but still working,
9 perhaps not in law enforcement; is that right?

10 PERSPECTIVE JUROR: That's correct.

11 THE COURT: Gotcha, okay, all right. All
12 right, is there any member of the jury panel who
13 has previously served on jury duty in Circuit
14 Court, and that's not City Court, Federal Court
15 or Magistrate's Court, during this calendar
16 year? Have you served in Circuit Court during
17 this calendar year? So it's 2023, and it's
18 June, so, basically, from January 1 of 2023 to
19 now, anybody served on Circuit Court that's been
20 here in this courthouse? If so, I need you to
21 stand. All right, let the record reflect no one
22 is standing.

23 All right, is there any member of the jury
24 panel who has served as a member of the Beaufort
25 County Grand Jury during the past several years?

1 If so, please stand. And if you're wondering
2 what the Beaufort County Grand Jury is, I will
3 tell you, if you have to ask yourself that
4 question, then the question doesn't apply to
5 you, because if you've served on a Grand Jury
6 you know, because it's a year long commitment.
7 Don't worry, this is a one-week commitment,
8 okay, but that's why I say you will know if you
9 served on Grand Jury. So I'm assuming nobody
10 served on the Beaufort County Grand Jury the
11 past several years. If you have, I need you to
12 stand. All right, let the record reflect
13 nobody's standing.

14 Folks, that's it, that's the qualifying
15 questions. I've got a few more questions for
16 you, but we're off to a good start, I thank you
17 very much, all right?

18 So what we're gonna do now, ladies and
19 gentlemen, we're gonna move to jury exemptions,
20 all right? The State law provides for several
21 exemptions to jury service. An exemption does
22 not mean you're not qualified to serve, it
23 simply means that you have the right to say I
24 choose not to serve, okay? The first one's kind
25 of easy. If you are 65 years of age and you

1 want to be somewhere else, and you're willing to
2 stand and admit it, and remember you're under
3 oath, ladies and gentlemen, you're under oath,
4 but if you're 65 or older, you don't wish to
5 serve this week, you wish to use your exemption
6 you can. If you are 65 or older, we'd love to
7 have you here, okay, but if you're 65 or older
8 and you want to be excused, I'd ask you to stand
9 at this time. All right, let the record reflect
10 no one's standing.

11 All right, ladies and gentlemen, another
12 exemption concerns prior jury service. No
13 person is required to serve as a juror more
14 often than once every three calendar years.
15 Therefore, if any member of the jury panel has
16 served on jury duty during the last two calendar
17 years, you may be exempt from service this week,
18 if you choose to be exempted. And please note
19 again, that doesn't apply if you were in Federal
20 Court, Magistrate's Court or City Court. So if
21 this exemption applies to you, and you wish to
22 be exempted, I'd ask that you please stand. All
23 right, let the record reflect nobody's standing.

24 All right, persons who have served as Grand
25 Jurors in the last five calendar years may also

1 be exempt from jury service. If any member of
2 the jury panel has served on a Grand Jury during
3 the last five calendar years, you may be exempt
4 from service this week, if you choose to be
5 exempted. If this exemption applies to you, I'd
6 ask that you please stand. All right, let the
7 record reflect nobody's standing.

8 All right, ladies and gentlemen, the next
9 question deals with those of you who have legal
10 custody of young children, and I'd ask that you
11 listen, because the question's got several
12 parts, all of which must apply before you can be
13 considered to be exempted on this basis. You
14 may be exempted from jury service, if you have a
15 child under the age of seven years, you have
16 legal custody of your child or children, you
17 have the principle care, custody and control of
18 your child or children, and you're unable to
19 make arrangements for the adequate care of your
20 child or children while performing jury duty.
21 If all of these requirements apply to you, then
22 you may be exempted on this basis. If this
23 exemption applies to you, and you wish to be
24 exempted, please stand. All right, come on
25 right over here, ma'am, I'm gonna have you'all

1 come around.

2 BAILIFF: Right over here, please.

3 THE COURT: Hey, ma'am, come on up.

4 BAILIFF: Juror 59, Your Honor.

5 THE COURT: 59?

6 BAILIFF: 59.

7 THE COURT: Hey, yes, sir, come on up.

8 PERSPECTIVE JUROR: I have an infant.

9 THE COURT: An infant? And you don't have
10 anyone to watch them this week?

11 PERSPECTIVE JUROR: No, sir.

12 THE COURT: And that puts -- I'm gonna
13 excuse you from service this week, thank you.
14 All right. Is that it?

15 BAILIFF: That's it.

16 THE COURT: I thought I had somebody else.

17 BAILIFF: No, Your Honor.

18 THE COURT: All right, was that all? All
19 right, great, thank you. All right.

20 BAILIFF: You're free to go.

21 THE COURT: Ladies and gentlemen, if you're
22 the primary caretaker of a person 65-years-old
23 or older, and you're unable to provide adequate
24 care for the person while performing jury duty,
25 you may be exempt from jury duty. If this

1 exemption applies to you, and you wish to be
2 exempted, please stand. All right, let the
3 record reflect no one's standing.

4 All right, ladies and gentlemen, if you are
5 the primary caretaker of a severely disabled
6 person, who's unable to care for himself or
7 herself, and cannot be left unattended, and you
8 are unable to provide adequate care for the
9 person while performing jury service, you may be
10 exempt from jury duty. If this exemption
11 applies to you, and you wish to be exempted,
12 please stand.

13 THE COURT: All right, ladies and
14 gentlemen, the next exemption involve those of
15 you who may be attending school at this time or
16 working in some capacity with a school. If this
17 exemption applies to you, and you wish to be
18 exempted, we'll transfer you to another term of
19 court, at which time will not conflict with your
20 school responsibilities. Is there any member of
21 the jury panel who's a full-time student,
22 schoolteacher, school crossing guard, school bus
23 driver, or who serves in any other school-
24 related function, who's unable to serve on jury
25 duty this week, as a result of that school

1 involvement? If so, I need you to stand.

2 All right, come on around, sir. And I also
3 want you folks to know this is probably a good
4 week to serve. It is only a one-week term of
5 court, okay? Sometimes there are multi-week
6 terms of Court, when a trial may last one, or
7 two, or three weeks, or however long they might
8 last, but this is gonna be a one-week term of
9 court. And I will also say that I have a feeling
10 that we -- if you're not selected on the first
11 jury, you may be in good shape, okay? But to
12 that extent, I do want you to know it's a one-
13 week term of court, and I didn't tell you that
14 for sure earlier, but I wanted to let you know
15 that, all right? Come on up, sir.

16 BAILIFF: Juror 225, Your Honor.

17 THE COURT: Hey, buddy.

18 PERSPECTIVE JUROR: How are you?

19 THE COURT: Good, man, what's up?

20 PERSPECTIVE JUROR: I'm a teacher, and I
21 really need to be in the classroom to get ready
22 for next year's term.

23 THE COURT: Well, you can just get it out
24 of the way now and then not worry about it if
25 you like.

1 PERSPECTIVE JUROR: Ok.

2 THE COURT: All right, sir, I'm gonna have
3 you stay with us, thank you.

4 THE COURT: Thank you very much, yes,
5 ma'am, thank you. All right, ladies and
6 gentlemen, is there any member of the jury panel
7 who's employed with the Department of
8 Corrections at a penitentiary? If so, and you'd
9 like to be exempted, please stand. All right,
10 let the record reflect nobody's standing.

11 All right, ladies and gentlemen, is there
12 any member of the jury who performs services for
13 a business, commercial or agricultural
14 enterprise, which are so essential to the
15 operation of the enterprise, that if you were
16 required to perform jury duty, the enterprise
17 would have to close or stop functioning? If so,
18 and you wish to exempted, please stand. All
19 right, let the record reflect nobody's standing.

20 Now, folks, that concludes the statutory
21 list of questions and exemptions for jury
22 service. It may be that you are qualified and
23 no exemptions apply to you, but jury service
24 this week would constitute an extreme hardship
25 for a particular reason. I cannot permanently

1 excuse a qualified juror from jury service, but
2 under extreme and compelling circumstances I may
3 excuse a juror from this term of court, and
4 transfer that juror to another term of court,
5 particularly jurors who have not been previously
6 transferred. Understand that general
7 inconvenience is not a sufficient reason to
8 transfer you to another term of court. To
9 justify a transfer to another term of court
10 service this week must constitute an extreme
11 hardship to you.

12 Folks, if you've got outpatient surgery
13 scheduled at the end of this week, that would be
14 an example of an extreme hardship. If it is
15 your 25th anniversary, and you have plans to
16 leave on Wednesday to fly to Acapulco, or
17 wherever you're going, that would be an example
18 of an extreme hardship. So those are the types
19 of things that we are talking about, but I am
20 willing to entertain and listen to anybody who
21 would want to come up.

22 So, again, ladies and gentlemen, now is the
23 chance for those of you who did not respond
24 earlier to any questions that I asked, and those
25 of you who have a compelling reason to request a

1 transfer of your jury service to another week,
2 come forward. If you believe you are
3 disqualified or exempt from jury service, or if
4 you have any questions about whether you are
5 disqualified or exempt, or if you want to be
6 transferred to another term of Court, I'd ask
7 that you please come forward at this time,
8 ladies and gentlemen.

9 THE COURT: Hey.

10 BAILIFF: Juror 307, Your Honor.

11 THE COURT: Yes, ma'am.

12 PERSPECTIVE JUROR: I have a vacation
13 scheduled to leave tomorrow.

14 THE COURT: All right. So what I will do
15 is I will transfer you to another term of court.

16 PERSPECTIVE JUROR: Thank you.

17 BAILIFF: Juror 281, Your Honor.

18 THE COURT: All right. Hello.

19 PERSPECTIVE JUROR: Hello.

20 THE COURT: Yes.

21 PERSPECTIVE JUROR: I am leaving out of
22 town tomorrow.

23 THE COURT: All right, ma'am, you've
24 already been transferred once.

25 PERSPECTIVE JUROR: This trip was planned

1 months ago.

2 THE COURT: Okay, have a good trip. We
3 will transfer you again.

4 All right, ladies and gentlemen,
5 congratulations, okay? Right now you're all
6 qualified to serve. That takes care of all the
7 jury qualification and exemption questions. Any
8 objection from the State, as it relates to the
9 questions that we've covered thus far? Any
10 additional questions that we need to cover
11 before we take a break, and then come back to
12 the actual questions concerning this matter?
13 Anything from the State?

14 MS. JONES: No, Your Honor.

15 THE COURT: Anything we've missed that
16 needs to be covered from the defense?

17 MS. TOLLEY: Nothing from the defense, Your
18 Honor.

19 THE COURT: All eight, thank you so much.
20 Folks, we're gonna take about 15 minutes. I'm
21 gonna have you come back in. At that point
22 we're gonna go and ask some specific questions,
23 as it relates to this particular case, we'll
24 select a jury. And let me just tell you what's
25 gonna happen. We're gonna select the jury. If

1 you are selected on the jury, I'm gonna send you
2 home, and I'm gonna give you some additional
3 instructions, and I'll bring you back tomorrow
4 morning. If you are not selected on the jury,
5 you're gonna call back tonight after 6:00, okay?
6 So bear with me, I'll get you back in here.
7 It's a time-consuming process, but, again, it's
8 a very important one. Thanks, be back in here
9 at 20 after, please, thank you.

10 (Jurors exit the courtroom.)

11 (RECESS)

12

**

13

JURY SELECTION CONTINUES

14

BAILIFF: All rise, the Court's back in
15 session.

16

THE COURT: Thank you, you'all can be
17 seated.

18

BAILIFF: All jurors are present, Your
19 Honor.

20

THE COURT: All right, Solicitor, you can
21 call your case.

22

MS. JONES: Your Honor, may it please the
23 Court?

24

THE COURT: Yes, ma'am.

25

MS. JONES: The State calls the case of

1 Xavier Maoshi Polite, Indictments 2020-GS-07-
2 2185, 2186, as well as 2312. He is here before
3 you on the charges of murder, possession of a
4 weapon during the commission of a violent crime,
5 and attempted murder.

6 THE COURT: All right, thank you,
7 Solicitor. So, ladies and gentlemen, we are
8 about to begin the trial of the case of the
9 State of South Carolina v. Xavier Maoshi Polite.
10 And before we select a jury, there are several
11 questions that I'm going to ask you. And I want
12 to remind each of you, ladies and gentlemen,
13 that you are still under oath.

14 Now, folks, I want you to know that the
15 indictments in this case charge the Defendant as
16 follows: Indictment 2020-GS-07-02185 alleges,
17 ladies and gentlemen, that in Beaufort County,
18 South Carolina, on or about November 18th, 2020,
19 the Defendant, Xavier Maoshi Polite did with
20 malice of forethought kill Steven Glover, and
21 Steven Glover did die as an approximate result
22 of Xavier Maoshi Polite's actions, to which the
23 Defendant did fire a gun toward the victim, and
24 the victim did die as a result of the gunshot
25 wound, all in violations of the Code of Laws of

1 South Carolina.

2 Ladies and gentlemen, the Defendant, this
3 Indictment of 2020-GS-07-02312, alleges that the
4 Defendant in Beaufort County, South Carolina, on
5 or about November 18th, 2020, and when I refer
6 to Defendant, I'm referring to Xavier Maoshi
7 Polite, did with intent to kill, and with malice
8 of forethought attempt to knowingly kill Cory
9 Singleton, to wit by shooting at Cory Singleton,
10 again, all in violation of the South Carolina
11 Code of Law.

12 And, finally, ladies and gentlemen,
13 Indictment Number 2022-GS-07-02186, alleges that
14 in Berkley, excuse me, Beaufort County, South
15 Carolina, on or about November 18th, 2020, the
16 Defendant, Xavier Maoshi Polite, did possess a
17 firearm, visibly displayed what appeared do be a
18 firearm during the commission of a violent
19 crime, ladies and gentlemen, to wit, murder
20 and/or attempted murder, ladies and gentlemen,
21 again, all in violation of the Code of Laws of
22 South Carolina.

23 Now, folks, these indictments they're
24 pieces of paper, they're not evidence in this
25 case. And I will tell you, again, because it's

1 so important, and I want to make sure you
2 understand, these indictments are not evidence.
3 They are the charging documents to basically get
4 this case in the Court, where we are today,
5 that's all.

6 Now, the Defendant, ladies and gentlemen,
7 has pled not guilty, and has requested a jury
8 trial. And the Defendant in this case, again,
9 is Xavier Maoshi Polite. And at this time what
10 I would like is, I would like for Mr. Polite and
11 his attorneys, if they could stand and introduce
12 Mr. Polite to the jury panel, and if they would
13 please introduce themselves.

14 Ms. Tolley?

15 MS. TOLLEY: Thank you, Your Honor, may it
16 please the Court? Good morning, I'm Juan
17 Tolley, I'm a criminal defense attorney here in
18 Beaufort County. I represent Xavier Polite with
19 my co-counsel, Seth Paulk.

20 THE COURT: Thank you so much.

21 All right, ladies and gentlemen, is there
22 anybody who is related by blood, connected by
23 marriage, or have any close, personal, business
24 relationship, or any relationship at all with
25 the Defendant in this matter, Xavier Maoshi

1 Polite? If that applies to you, I need you to
2 stand. All right, let the record reflect no
3 one's standing.

4 All right, is any member of the jury panel
5 related by blood, connected by marriage, or have
6 any type of close, personal relationship,
7 friendship, business relationship, or have been
8 represented in the past by Ms. Juan Tolley or
9 Mr. Seth Paulk, I need you to stand. All right,
10 let the record reflect no one is standing.

11 At this time I would appreciate the State
12 -- if the State could please introduce
13 themselves, I would appreciate that very much.
14 Solicitor?

15 MS. JONES: Thank you, Judge. Good
16 morning, my name is Mary Jones, and I'm an
17 Assistant Solicitor here in Beaufort County.
18 Assistant Solicitor is just a fancy word for
19 prosecutor. Seated with me for this week for
20 the duration of this trial is Sara Malone, she's
21 also an Assistant Solicitor, as well as
22 Investigator Todd Duncan, he is with the
23 Beaufort County Sheriff's Office.

24 You also see the gentleman in the back
25 right there with the yellow tie, Investigator

1 Dillon Hightower, he works with my office, and
2 will also be here this week with us. Thank you.

3 THE COURT: All right, Solicitor, thank you
4 so much. Any member of the jury panel related
5 by blood, connected by marriage, has any type of
6 business relationship, friends, acquaintances,
7 or been represented by any of the attorneys for
8 the State of South Carolina? If so, I'd
9 appreciate your standing at this time. All
10 right, let the record reflect nobody's standing.

11 MS. JONES: Your Honor, may we approach?

12 THE COURT: Come up.

13 (Bench conference.)

14 THE COURT: All right, ladies and
15 gentlemen, what I've got is a list of potential
16 witnesses in this case. I will tell you there
17 are 27. Now wait a second, don't worry, okay?
18 When you hear that you're like oh my gosh. Let
19 me tell you, some of these witnesses may be
20 called, some may not be called, some may be very
21 short witnesses. What happens is, everyone --
22 every potential witness is listed here, and the
23 reason is, because we want to make sure that
24 none of our jurors have any relationship with
25 these witnesses, okay?

1 So what I'm gonna do is, I'm gonna probably
2 go in groups of about ten. Now, ladies and
3 gentlemen, if you have any type of business
4 relationship, personal relationship, a
5 friendship, an acquaintance, if you're related
6 by blood, or connected by marriage to any of
7 these witnesses, what I need you to do is, I'm
8 gonna need you to stand up, come over here,
9 because I'm gonna come forward and ask you one
10 or two more questions, okay?

11 So I'm gonna list these names right now.
12 Cynthia Stewart of St. Helena, South Carolina,
13 Marvin Stewart, St. Helena, South Carolina,
14 David Glove, St. Helena, South Carolina, Joshua
15 Washington, St. Helena, South Carolina, Allyson
16 Moreira, Beaufort County Dispatch, Colt Moss,
17 Beaufort County Fire and Rescue, Dr. Erin
18 Presnell, Medical University of South Carolina,
19 Jennifer Nates with SLED, Megan Fletcher with
20 SLED and Chad Smith with SLED.

21 I'll go through those names one more time.
22 Cynthia Stewart of St. Helena, South Carolina,
23 Marvin Stewart, St. Helena, South Carolina,
24 David Glove, St. Helena, South Carolina, Joshua
25 Washington, St. Helena, South Carolina, Allyson

1 Moreira, Beaufort County Dispatch, Colt Moss,
2 Beaufort County Fire and Rescue Service, Dr.
3 Erin Presnell, Medical University of South
4 Carolina, Jennifer Nates with SLED, Megan
5 Fletcher with SLED and Chad Smith with SLED.
6 Anybody related by marriage -- blood or
7 marriage, connected with these in any way,
8 folks, I need you to stand up and come forward.
9 Come on around, ma'am.

10 BAILIFF: Come right this way, please,
11 ma'am.

12 THE COURT: Okay, ma'am, come on up.

13 BAILIFF: Juror 65, Your Honor.

14 THE COURT: Ma'am, thank you, was it one,
15 or more of those names that you recognize?

16 PERSPECTIVE JUROR: Just one

17 THE COURT: One? Who was that?

18 PERSPECTIVE JUROR: Allyson Moreira.

19 THE COURT: Do you know her personally?

20 PERSPECTIVE JUROR: No, sir.

21 THE COURT: So let me ask you this. Your
22 relationship - was it a coworker type of
23 relationship?

24 PERSPECTIVE JUROR: Co-worker.

25 THE COURT: Was it four or five years ago?

1 PERSPECTIVE JUROR: Yes.

2 THE COURT: Is that going to affect your
3 ability to be fair and impartial in this case
4 and be able to render a verdict?

5 PERSPECTIVE JUROR: No.

6 THE COURT: Do you think you'll be able to
7 do that?

8 PERSPECTIVE JUROR: Yes, sir.

9 THE COURT: Thank you, ma'am.

10 I appreciate it, you did exactly what you
11 were supposed to do, okay?

12 PERSPECTIVE JUROR: Thank you so much.

13 THE COURT: Sure thing. And, folks, err on
14 the side of coming up and talking to me. A
15 juror just said, and I'll share this with you,
16 said she just wanted me to know, and I said,
17 "That's exactly what you're supposed to be
18 doing," okay?

19 So a few more names, Kenneth Labadie, works
20 at Parker's Gas Station, or did, Joseph
21 Driscoll, Beaufort County Sheriff's Office,
22 Korey Ahrens, Beaufort County Sheriff's Office,
23 Chelsea Seronka, Beaufort County Sheriff's
24 Office, Brian Abell, Beaufort County Sheriff's
25 Office, Jeff Lauver, Beaufort County Sheriff's

1 Office, Daniel Ireland, Beaufort County
2 Sheriff's Office, Todd Duncan, Beaufort County
3 Sheriff's Office, Jen Snider, Beaufort County
4 Sheriff's Office.

5 I'll go through those names one more time,
6 Kenneth Labadie at Parker's, Joseph Driscoll,
7 Beaufort County Sheriff's Office, Korey Ahrens,
8 Beaufort County Sheriff's Office, Chelsea
9 Seronka, Beaufort County Sheriff's Office, Brian
10 Abell, Beaufort County Sheriff's Office, Jeff
11 Lauver, Beaufort County Sheriff's Office, Mike
12 Perkins, Beaufort County Sheriff's Office,
13 Daniel Ireland, Beaufort County Sheriff's
14 Office, Todd Duncan, Beaufort County Sheriff's
15 Office, Jen Snider, Beaufort County Sheriff's
16 Office. Related by blood, connected by
17 marriage, have a business relationship, friends,
18 acquaintances, any relationship or contact with
19 any of the individuals I just called out, I need
20 you to come around, okay?

21 BAILIFF: Juror 179, Your Honor.

22 THE COURT: Hey, ma'am.

23 PERSPECTIVE JUROR: Hello.

24 THE COURT: Yes, ma'am, was there one or
25 more than one of those names?

1 PERSPECTIVE JUROR: One.

2 THE COURT: Yes, ma'am, which one?

3 PERSPECTIVE JUROR: I know Mike Perkins'
4 son?

5 THE COURT: You know Mike Perkins' son?

6 PERSPECTIVE JUROR: Yes.

7 THE COURT: Will that affect your ability
8 to be fair and impartial and reach a verdict in
9 this case that is fair to both parties?

10 PERSPECTIVE JUROR: Yes, sir.

11 THE COURT: Thank you very much.

12 All right, ladies and gentlemen, is any
13 member of this jury panel related by blood,
14 connected by marriage, have any business dealing
15 with or any knowledge or relation with the
16 alleged victims in this case, or their family,
17 Steven Glover, who is alleged to have been
18 killed in this matter, and Corey Singleton, who
19 is alleged to have been I guess shot at, or was
20 attempted to be killed in this matter.

21 Anybody related by blood, connected by
22 marriage to these individuals, their families,
23 friends, business relationship, any connection
24 with them at all?

25 THE COURT: Sure. All right, folks, a few

1 more witnesses that I want to ask again. And I
2 get -- and I'm sorry this takes so long, but,
3 again, I promise you we are dealing with very
4 important matters, and, again, we don't have the
5 opportunity to do a do over, all right? I hope
6 you understand that. All right, so again, if
7 you're related by blood, connected by marriage,
8 have any relationship with these individuals at
9 all or their families, folks, I need you to
10 stand. Adan Draisen, Beaufort County Sheriff's
11 Office, Zach Cushman, Beaufort County Sheriff's
12 Office, Jim Tunis, Beaufort County Sheriff's
13 Office, Tim French, Beaufort County Sheriff's
14 Office, Jeff Maxwell, Beaufort County Detention
15 Center, Erin Lynn, formerly of the Beaufort
16 County Sheriff's Office, excuse me, Xavier
17 Polite, or Channon Preston.

18 So those names again, Adam Draisen, Zach
19 Cushman, Jim Tunis, Tim French, Jeff Maxwell,
20 Erin Lynn, Xavier Polite and Channon Preston.
21 If that applies to you, I need you to come
22 forward, please.

23 All right, ladies and gentlemen, I've got a
24 couple of other questions that I need to ask
25 you. And, again, I suspect that some of these

1 will require a few minutes, because these
2 questions will affect a good many of you, but,
3 again, thank you for bearing with me. All
4 right, ladies and gentlemen, I'd ask that you
5 please come forward, if you, or someone close to
6 you has ever been a victim of a violent crime,
7 and I'd ask also if you'd please come forward,
8 if you or someone close to you has presently
9 work or worked in the past in law enforcement.

10 So, again, those two questions I expect it
11 will take a bunch of you or affect a bunch of
12 you. Please stand folks, if you, or someone
13 close to you have ever been the victim of a
14 violent crime, and I'd ask that you please stand
15 if you, or someone close to you presently works,
16 or has worked in the past in law enforcement.
17 You can speak right there, but first --

18 BAILIFF: Juror 227, Your Honor.

19 THE COURT: Hey, ma'am. Yes, ma'am.

20 PERSPECTIVE JUROR: My son is in law
21 enforcement.

22 THE COURT: All right, so your son?

23 PERSPECTIVE JUROR: Yes, sir.

24 THE COURT: Let me ask you this. As the
25 evidence is presented, can you be fair and

1 impartial to all parties?

2 PERSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right, thank you very much.
4 Come on up, sir.

5 BAILIFF: Juror 149, Your Honor.

6 THE COURT: Do one of the questions apply
7 to you?

8 PERSPECTIVE JUROR: My brother-in-law is a
9 sheriff's deputy.

10 THE COURT: Yes, ma'am.

11 So let me ask you this, so the fact that
12 your brother-in-law is a Sheriff's Deputy --

13 PERSPECTIVE JUROR: Uh-huh.

14 THE COURT: -- is that going to affect your
15 ability to be fair and impartial in this case,
16 listen to the evidence that is presented, the
17 law that I instruct you, can you bring back a
18 verdict that is fair to the State and the
19 Defendant?

20 PERSPECTIVE JUROR: No, sir.

21 THE COURT: You would not?

22 PERSPECTIVE JUROR: Uh-uh.

23 THE COURT: You couldn't set that aside?

24 PERSPECTIVE JUROR: No, sir.

25 THE COURT: Oh you're excused. I excuse

1 you from this trial, thank you.

2 PERSPECTIVE JUROR: I'm sorry.

3 THE COURT: No, you're great, you're great,
4 that was, in fact, what you were supposed to do.

5 PERSPECTIVE JUROR: Okay.

6 THE COURT: All right, I forgot to say
7 something, and I don't know if this applies to
8 anybody else. If I have already excused you
9 from service on this jury, say from other
10 questions already, if I've excused you, you
11 don't need to come forward again, okay? But I
12 don't know that that applies to anybody else,
13 but if it did, you don't have to come forward
14 again.

15 Are there any further questions from the
16 State or the defense?

17 MS. JONES: Not from the State.

18 THE COURT: Okay, let me just ask right
19 now. Any objection to the jury selection
20 qualification process from the State?

21 MS. JONES: No, sir.

22 THE COURT: Anything, Ms. Tolley?

23 MS. TOLLEY: Not at this time.

24 THE COURT: Not at this time, okay, so
25 we'll go ahead and pick the jury. I just wanted

1 to make sure there was nothing I missed. Is
2 that satisfactory for Ms. Tolley?

3 MS. TOLLEY: Yes, sir.

4 THE COURT: All right.

5 That is all the questions. So, ladies and
6 gentlemen, let me tell you what's gonna happen
7 next. I'm gonna find this panel qualified, and
8 now what the Clerk is going to do is, I think
9 she's going to pull -- the computer's going to
10 pull some random numbers. From those numbers we
11 will then pull the jury, and they will be given
12 instructions as to how that process works. It
13 takes just a minute for the computer to pull the
14 numbers.

15 So as soon as they get that, we'll be ready
16 to go, and we'll pick a jury. We will have a
17 jury of 12, we will have three alternate
18 jurors, and then I will give some instructions
19 to the jury, as to instructions to the jury
20 panel about the rest of the week, so we're
21 almost there. Thank you.

22 CLERK: We are ready, Your Honor.

23 THE COURT: Strikes and five and 10,
24 Solicitor?

25 MS. JONES: Yes, sir.

1 THE COURT: Five and ten, Ms. Tolley?

2 MS. TOLLEY: Yes, sir.

3 THE COURT: Yes, ma'am.

4 CLERK: Two and one on the alternates,
5 correct, Solicitor?

6 MS. JONES: Yes, sir.

7 THE COURT: Ms. Tolley?

8 MS. TOLLEY: Yes, sir.

9 THE COURT: Thank you. All right, yes,
10 ma'am.

11 CLERK: If you'll please stand when I call
12 your number. Juror number 74. What say the
13 State?

14 MS. JONES: Please present the juror.

15 CLERK: What say the defense?

16 MS. TOLLEY: Please excuse this juror.

17 BAILIFF: You can sit down, sir, thank you.

18 CLERK: Juror number 88. What say the
19 State?

20 MS. JONES: Please present the juror.

21 CLERK: What say the defense?

22 MS. TOLLEY: Please swear the juror.

23 BAILIFF: Come forward, please, sir.

24 CLERK: Right his way. Number 246. What
25 say the State?

1 MS. JONES: Please present the juror.
2 CLERK: What say the defense?
3 MS. TOLLEY: Please excuse the juror.
4 BAILIFF: You can sit down, sir. Thank
5 you.
6 CLERK: Number 69. What say the State?
7 MS. JONES: Please present the juror.
8 CLERK: What say the defense?
9 MS. TOLLEY: Please seat the juror.
10 BAILIFF: Come forward, please, ma'am.
11 CLERK: Juror 231. What say the State?
12 MS. JONES: Please present the juror.
13 CLERK: What say the defense?
14 MS. TOLLEY: Please seat the juror.
15 BAILIFF: Come forward, please, sir.
16 CLERK: Number 236. What say the State?
17 MS. JONES: Please present the juror.
18 CLERK: What say the defense?
19 MS. TOLLEY: Please seat the juror.
20 BAILIFF: Come forward, please, ma'am.
21 CLERK: Number 278. What say the State?
22 MS. JONES: Please excuse the juror.
23 BAILIFF: You can sit down, ma'am. Thank
24 you.
25 CLERK: Number 22. What say the State?

1 MS. JONES: Please seat the juror.
2 CLERK: What say the defense?
3 MS. TOLLEY: Please seat the juror.
4 BAILIFF: Come forward, please, sir.
5 CLERK: Juror 134. What say the State?
6 MS. JONES: Please present the juror.
7 CLERK: What say the defense?
8 MS. TOLLEY: Please seat the juror.
9 BAILIFF: Come forward, please, ma'am.
10 CLERK: Juror 289. What say the State?
11 MS. JONES: Please present the juror.
12 CLERK: What say the defense?
13 MS. TOLLEY: Please swear the juror.
14 BAILIFF: Come forward, please, sir.
15 CLERK: Number 93. What say the State?
16 MS. JONES: Please present the juror.
17 CLERK: What say the defense?
18 MS. TOLLEY: Please excuse the juror.
19 BAILIFF: You can sit down, ma'am. Thank
20 you.
21 CLERK: Number 42. What say the State?
22 MS. JONES: Please present the juror.
23 CLERK: What say the defense?
24 MS. TOLLEY: I'm sorry, which number was
25 it?

1 CLERK: Number 42.

2 MS. TOLLEY: Please seat the juror.

3 BAILIFF: Come forward, please, ma'am.

4 CLERK: Number 99. What say the State?

5 MS. JONES: Please present the juror.

6 CLERK: What say the defense?

7 MS. TOLLEY: Please seat the juror.

8 BAILIFF: Come forward, please, sir.

9 CLERK: Number 250. What say the State?

10 MS. JONES: Please present the juror.

11 CLERK: What say the defense?

12 MS. TOLLEY: Please excuse the juror.

13 BAILIFF: You can sit down, ma'am, thank
14 you.

15 CLERK: 349. What say the State?

16 MS. JONES: Please present the juror.

17 CLERK: What say the defense?

18 MS. TOLLEY: Please excuse the juror.

19 BAILIFF: You can sit down, ma'am. Thank
20 you.

21 CLERK: Number 52. What say the State?

22 MS. JONES: Please present the juror.

23 CLERK: What say the defense?

24 MS. TOLLEY: Please excuse the juror.

25 BAILIFF: You can sit down, sir. Thank

1 you.

2 CLERK: 324. What say the State?

3 BAILIFF: 324?

4 CLERK: What say the State?

5 MS. JONES: Please present the juror.

6 CLERK: What say the defense?

7 MS. TOLLEY: Please swear the juror.

8 BAILIFF: Come forward, please, sir.

9 CLERK: 341. What say the State? 341?

10 PERSPECTIVE JUROR: Oh pardon me.

11 CLERK: What say the State?

12 MS. JONES: Please present the juror.

13 CLERK: All right. What say the defense?

14 MS. TOLLEY: Please excuse the juror.

15 BAILIFF: You can sit down, ma'am, thank

16 you.

17 CLERK: 308. What says the State?

18 MS. JONES: Please present the juror.

19 CLERK: What say the defense?

20 MS. TOLLEY: Please seat the juror.

21 BAILIFF: Come forward, please, sir.

22 CLERK: Number 187. What say the State?

23 MS. JONES: Please present the juror.

24 CLERK: What say the defense?

25 MS. TOLLEY: Please seat the juror.

1 BAILIFF: Come forward, please.

2 CLERK: Alternate number one, 34 -- excuse
3 me, 311. What say the State?

4 MS. JONES: Please present the juror.

5 CLERK: What say the defense?

6 MS. TOLLEY: Please seat the juror.

7 BAILIFF: Come forward, please, ma'am.

8 CLERK: Second alternate, 36. What say the
9 State?

10 MS. JONES: Please excuse the juror.

11 BAILIFF: You can sit down, ma'am, thank
12 you.

13 CLERK: Number 157. What say the State?

14 MS. JONES: Please present the juror.

15 CLERK: What say the defense?

16 MS. TOLLEY: Please seat the jurors.

17 BAILIFF: Come forward, please, ma'am.

18 CLERK: Alternate number three, number 10.

19 What say the State?

20 MS. JONES: Please present the juror.

21 CLERK: What say the defense?

22 MS. TOLLEY: Please excuse the juror.

23 BAILIFF: You can sit down, sir, thank you.

24 CLERK: Number 178. What say the State?

25 MS. JONES: Please excuse the juror.

1 BAILIFF: You can sit down, sir, thank you.

2 CLERK: Number 175. What say the State?

3 MS. JONES: Please present the juror.

4 CLERK: Wha say the defense?

5 MS. TOLLEY: Please seat the juror.

6 BAILIFF: Come forward, please, sir.

7 THE COURT: All right, thank you, Madam
8 Clerk. All right, so we've got our 12 jurors
9 and three alternates; is that correct from the
10 State?

11 MS. JONES: Yes, sir.

12 THE COURT: From the defense?

13 MS. TOLLEY: Yes, sir.

14 THE COURT: All right, so let me ask you at
15 this time, are there any motions or matters that
16 need to be brought to the Court's attention
17 concerning jury selection, jury qualification,
18 any of the processes this morning from the
19 State?

20 MS. JONES: No, sir.

21 THE COURT: From the defense?

22 MS. TOLLEY: Just one issue, if we could
23 approach, Your Honor.

24 (Bench conference.)

25 THE COURT: All right, ladies and

1 gentlemen, we're getting close. I'm sorry, but
2 there's one matter that's got to be taken up
3 outside of your presence. I'm gonna ask if
4 you'all folks here, if you would just step
5 outside, I'm gonna try to get you back in here
6 in ten minutes.

7 To my jurors here, I'm gonna ask that you
8 go with the Bailiff, and he will take you back
9 to the jury room, and keep you locked up there
10 for ten minutes. I'll get you back in here as
11 soon as I can. Thank you.

12 (Jury exits the courtroom.)

13 BAILIFF: The jury's cleared, the doors are
14 closed, Your Honor.

15 THE COURT: All right, thank you. All
16 right, so let me understand, I think, Ms.
17 Tolley, you've got a motion that you want to
18 make, ma'am, on behalf of your client, Mr.
19 Polite?

20 MS. TOLLEY: I do, Your Honor.

21 THE COURT: All right, and what's that
22 motion, ma'am? I'm happy to hear it.

23 MS. TOLLEY: We would make a Batson motion,
24 Your Honor. I believe the Solicitor struck
25 juror number 278, a black female, and we believe

1 that it was for a racially mutual reason.

2 THE COURT: All right, hold on one second.
3 I just want to make sure I -- all right,
4 Solicitor, she's made a Batson motion. She's
5 alleged that -- she's established a prima facia
6 case, at least at this point, that the juror
7 that you struck was a member of a particular
8 class or status, and so to that extent, I think
9 now the burden shifts to you, Solicitor, so if
10 you could provide me with a racially neutral
11 reason, as it relates to your strike, I believe
12 that would be your burden at this point to move
13 in. Go ahead, I'm happy to hear from you.

14 MS. JONES: Certainly, Your Honor. Juror
15 number 278 has prior arrests here in Beaufort
16 County, she has prior actions with Beaufort
17 County Law Enforcement Officers. One of them
18 even went to a trial in 2018.

19 I think because of that that would -- well,
20 I know that trial occurred. The other two
21 jurors I struck, as well, Your Honor, they were
22 a white male and a white female. I struck them
23 for the same exact reasons, they both had prior
24 interactions with law enforcement. Nobody asked
25 that when the jury is selected to be a silent

1 majority, a prior involvement with law
2 enforcement. And I did seat two black females
3 on the jury --

4 THE COURT: Okay.

5 MS. JONES: -- one as an alternate.

6 THE COURT: And so what's the -- tell me,
7 again, and I'm sorry, you were going quickly,
8 and I appreciate that, but what is the
9 interaction that Juror 228 had?

10 MS. JONES: She was arrested in 2016 for
11 public disorderly conduct, and again in 2018 for
12 assault and battery, and she did have a trial,
13 and was found not guilty in 2018.

14 THE COURT: All right, hold on one second.

15 MS. JONES: I'm happy to hand up the rap
16 sheet, if you would like.

17 THE COURT: Yeah. Ms. Tolley, would you
18 like to look at your copy of the rap sheet of
19 that individual then?

20 MS. TOLLEY: Sure, thank you, Judge. It
21 says that she was found not guilty, so --

22 THE COURT: Yes, ma'am.

23 MS. TOLLEY: -- she's being removed from
24 the jury because of that --

25 THE COURT: Well --

1 MS. TOLLEY: -- which seems pretextual.

2 THE COURT: All right, well, hold on one
3 second. Well, and I'll give you an opportunity
4 to do that. All right, I think that the
5 proponent has -- or the State has presided or
6 presented what appears to be a racially neutral
7 explanation, and so at this point let me hear
8 from you, ma'am, on why you believe it is not
9 racially neutral.

10 Go ahead.

11 MS. TOLLEY: We would say that it's
12 pretextual, and it's not racially neutral,
13 because we specifically asked the jury during
14 the qualification process whether or not
15 anyone's been convicted of a crime. And there's
16 a reason why we differentiate between someone
17 who's convicted of a crime, and someone who is
18 charged with a crime. And in this case, she was
19 arrested and found not guilty. She is eligible
20 to sit on this jury; therefore, to excuse her
21 for being -- having an arrest would be
22 pretextual.

23 We only have -- we have a limited number of
24 diverse jurors within this pool. There are only
25 so many that will be in the pool. That my

1 client is entitled to a jury of his peers, and
2 his peers don't necessarily look like the people
3 that are on the jury currently. And so -- but
4 she was struck, and she's one of the few
5 African-American women who was called to be a
6 part of this particular jury panel would seem to
7 be pretextual.

8 THE COURT: All right. Hold on.

9 MS. TOLLEY: And the other thing is, we're
10 not able to run criminal histories of a jury
11 member, so we don't know who else on the jury
12 panel has been arrested in the past, and who is
13 already seated on the jury or a part of the
14 jury.

15 THE COURT: Well, I mean to that extent I
16 think that that argument, quite frankly, is
17 potentially an argument for another day. I do
18 think you have the ability to -- I know you've
19 got the ability to run a -- well, I don't know
20 if you can go get a SLED rap sheet, or you could
21 certainly go on the public index, and so you did
22 have conceivably an opportunity to try to get at
23 a great deal of that information, but I'm not
24 going to go and sit here today and say, well,
25 and get into the merits of the Solicitor having

1 access to a rap sheet, for lack of better words,
2 I'm using air quotes, if I say rap sheet, I
3 don't know, NCIC reports, or whatever the
4 individual name of the document is. But what
5 I'm hearing the Solicitor say, and I don't know
6 that anybody has any reason to doubt her, I'm
7 assuming she's got documents to show that,
8 basically, if she struck anybody, the people she
9 struck all had interaction with law enforcement.
10 Now, granted the one year, the question you made
11 reference to, Ms. Tolley, that's talking about,
12 basically, excluding somebody from service if
13 you've been convicted of a crime that carries
14 punishment of more than a year.

15 She says that she struck two other
16 individuals who were white for the same reason,
17 that they had prior interaction with law
18 enforcement on their sheet. And I guess
19 violations that would not -- or interaction that
20 would not prohibit her or exclude them from
21 being eligible to serve. Yes, ma'am, go ahead.

22 MS. TOLLEY: We would just ask if those
23 individuals were convicted.

24 MS. JONES: No. Your Honor, number 36 was
25 a white female. She has a 2007 malicious injury

1 to real property arrest, who the public index
2 says she was FTA on, so it's still pending. I
3 actually was surprised she came to Court today.
4 And then 178 is the other individual, again, a
5 white male, he has -- it's from Dayton, Ohio, I
6 couldn't confirm a conviction, but it's an
7 assault charge. I don't see a disposition.

8 THE COURT: All right, let's make those
9 documents a Court's exhibit.

10 MS. JONES: Okay.

11 THE COURT: Ms. Tolley, would you agree
12 with those documents to be a Court's exhibit?

13 MS. TOLLEY: Yes, sir.

14 THE COURT: The one she handed you and the
15 others. What I will rule is, I think that she
16 has given a racially neutral reason for the
17 strike, and so as such, I'm going to
18 respectfully deny your Batson motion, based upon
19 the fact that you identified the class, but she
20 has responded, and I've allowed your argument,
21 and I just don't believe that -- I believe that
22 she has given a racially neutral reason, and I
23 find out of the totality facts and circumstances
24 that have been presented to me, that you have
25 not met your burden.

1 And so with all due respect, I'll deny your
2 motion, okay?

3 (Court Reporter marks Court's Exhibit
4 Number 1 admitted into evidence.)

5 (Court Reporter marks Court's Exhibit
6 Number 2 admitted into evidence.)

7 THE COURT: Any other motions you want to
8 make, Ms. Tolley?

9 MS. TOLLEY: Not at this time, Your Honor,
10 thank you.

11 THE COURT: Okay. Let's get the jury back
12 in then.

13 (Jurors enters the courtroom.)

14 BAILIFF: All jurors are present, Your
15 Honor, and the door is closed.

16 THE COURT: All right, thank you. All
17 right, ladies and gentlemen, we'll allow the
18 jurors we have selected a chance to come in
19 here, and then I'll talk to you'all in just one
20 second.

21 BAILIFF: Your Honor, the jury has entered
22 the courtroom.

23 (Jury enters the courtroom.)

24 THE COURT: Thank you. All right.

25 BAILIFF: All present, Your Honor.

1 THE COURT: All right, thank you very much.
2 Jurors, I'm gonna send you home this afternoon.
3 I need you to be back here at 9:30 tomorrow
4 morning. You will report back to the jury room,
5 okay?

6 Now, I want to let you know a couple
7 things, I'll repeat it tomorrow; it's a slow,
8 deliberative process, I've already talked to you
9 about why. Number one, you are not to talk
10 about this case with anyone, including your
11 fellow jurors. I repeat, you do not talk with
12 your fellow jurors about this case until I tell
13 you to do so, and that's going to be at the
14 close of the trial, at the close of all the
15 evidence and my instruction on the law, that's
16 when you deliberate.

17 You can talk about anything you want; you
18 can talk about how great this gentleman is for
19 wearing a Washington t-shirt.

20 Is it the Commanders?

21 THE JUROR: Oh yeah.

22 THE COURT: Commanders, okay? How brave
23 that's got to be to wear that shot. You can
24 talk about whatever you want, but you cannot
25 talk about this case.

1 Two, overnight, most important, I don't
2 need any detectives. I don't need anybody
3 researching this matter. I don't need anybody
4 going online looking things up. I don't know
5 if there's anything online or not, I don't want
6 you doing it. I don't want you looking up
7 information about the lawyers involved in the
8 case, the Judge, the Bailiffs, the Clerks of
9 Court, you don't do any research on this matter,
10 because everything you're going to hear comes
11 from this witness stand testimony or exhibits as
12 I had mentioned, so do not conduct any research
13 about this matter. Don't talk about this
14 matter.

15 What else? I'm forgetting something else.
16 Don't talk about it, don't research it. TV, I
17 don't think there's gonna be any TV news
18 articles, anything like that, uh-uh, I don't
19 want you to look at, or if something pops up in
20 your face, get it out of there, I don't want you
21 reading it or looking at it. I don't think
22 there's gonna be anything impressive about this
23 matter.

24 So I think with that, anything else
25 concerning what I instructed to the jury from

1 the State?

2 MS. JONES: No, sir.

3 THE COURT: No, sir. Ms. Tolley?

4 MS. TOLLEY: Nothing, Your Honor.

5 THE COURT: All right, folks, I look
6 forward to seeing you all back tomorrow morning
7 at 9:30 to the jury room, okay? Thank you.
8 Yeah, hold on one second.

9 (Jury exits the courtroom.)

10 THE COURT: All right, to my juror panel --

11 BAILIFF: The jury has cleared, Your Honor.

12 THE COURT: I wanted them to leave, because
13 the first thing I want to tell you'all, you'all
14 made it, okay? They've got to work, all right?
15 They've got to work.

16 And so what I'm gonna tell you is this, I
17 know what a sacrifice it is, I mean that, but
18 this is a service that you provide to your
19 County. You choose to live here, this is where
20 you live, you make it your home. We deal with
21 very important matters in this Court, and truly
22 when the Clerk said we couldn't do what we do
23 without you, and that's just the absolute truth.

24 Now, what I'm gonna do is, I'm gonna ask
25 that you'all call back tonight after 6:00. I

1 feel relatively certain that what will happen is
2 they'll tell you to call back tomorrow night
3 after 6:00. I don't know that, but I feel that
4 there's a high probability that will be the
5 message.

6 So with that having been said, I thank you
7 for coming in. Call back tonight after 6:00,
8 and they will have instructions for you. Thank
9 you so much.

10 CLERK: Please give us your badges on the
11 way out, and if you need a work excuse, please
12 see me across the hall.

13 (Unselected jurors exit the courtroom.)

14 BAILIFF: Jurors cleared, the door is
15 closed, Your Honor.

16 THE COURT: All right, I understand that
17 there are several motions that we need to take
18 up this afternoon, and so would there be any
19 problem with just coming back at 2:15? It's
20 almost 1:15, coming back at 2:15 and starting
21 the motions? Is that satisfactory with the
22 State?

23 MS. JONES: Yes, sir.

24 THE COURT: Is that satisfactory to
25 defense?

1 MS. TOLLEY: Yes, sir.

2 THE COURT: All right, are there any other
3 matters that we need to take up now, before we
4 break for lunch?

5 MS. JONES: Not from the State.

6 THE COURT: How about you?

7 MS. TOLLEY: Not from the defense.

8 THE COURT: All right, great, so we'll be
9 back here at 2:15, and we'll start with the
10 motions and go from there, okay?

11 MS. TOLLEY: Thank you, Your Honor.

12 MS. JONES: Thank you.

13 THE COURT: Thank you'all.

14 (Lunch recess.)

15 (The following proceedings were held in
16 open court. All parties were present.)

17 **MOTIONS HEARING**

18 **

19 THE COURT: As I understand, we have
20 motions we need to take up this afternoon.
21 Solicitor?

22 MS. JONES: Thank you, Your Honor.

23 Judge, I think we can jump right in with
24 the Jackson v. Denno. Mr. Polite gave two
25 statements. I did already provide those

1 statements to Your Honor. One was on-scene and
2 is, roughly, 13 and a half minutes, and then the
3 second one is at BCSO Investigations, I believe
4 it's in its entirety it's about 34 minutes, but
5 actually Mr. Malone is going to be handling the
6 Jackson v. Denno hearing.

7 THE COURT: All right, any reason not to
8 start there, Ms. Tolley?

9 MS. TOLLEY: No, Judge.

10 THE COURT: All right, okay, Solicitor.
11 Yes, ma'am.

12 MS. TOLLEY: We did have a motion about
13 sequestering the witnesses. I don't know if
14 it's appropriate at this point or not.

15 THE COURT: That's -- yes?

16 MS. JONES: I have no objection. We can
17 start it now?

18 THE COURT: Yeah, go ahead, we'll --

19 MS. JONES: If you'all --

20 THE COURT: I think that's sufficient to
21 sequester the witnesses. Do you also want to
22 sequester your witnesses during the trial
23 itself?

24 MS. TOLLEY: That's fine.

25 THE COURT: All right, and so certainly I

1 don't think the State has any objection to that.

2 Correct, Ms. Tolley?

3 MS. TOLLEY: No objection.

4 THE COURT: All right, thank you.

5 MS. JONES: Thank you.

6 THE COURT: Yes, ma'am.

7 MS. MALONE: Yes, Your Honor. The State
8 will first call Investigator Todd Duncan.

9 * * *

10 **TODD DUNCAN**

11 * * *

12 being first duly sworn, testified as
13 follows:

14 THE COURT: Your witness, yes, ma'am.

15 MS. MALONE: Yes, Your Honor.

16 **

17 **DIRECT EXAMINATION**

18 BY MS. MALONE:

19 Q. Investigator Duncan, what agency do you
20 work with?

21 A. I work for the Beaufort County
22 Sheriff's Office.

23 Q. And how long have you been there?

24 A. Roughly, 12 years.

25 Q. And as part of your job, can you

1 describe what your primary responsibilities are
2 as an investigator with the Beaufort County
3 Sheriff's Office?

4 A. Yes, I'm the Staff Sergeant over the
5 Northern Investigations Division. I carry
6 basically a lot of work cases, follow-up on
7 cases, I respond to cases. We also have an on-
8 call schedule, but we typically work on more
9 major type cases.

10 Q. And as part of your job, does that
11 include conducting interviews?

12 A. Yes, ma'am.

13 Q. And do you recall conducting any
14 interviews in your investigation of the shooting
15 of Steven Glover?

16 A. I do.

17 Q. And were any of those interviews done
18 with Xavier Polite?

19 A. Yes, ma'am.

20 Q. And can you describe when and where
21 those statements were made?

22 A. I'd first interviewed Mr. Polite on the
23 side of the road in front of [REDACTED] Eddings Point
24 Road. That was my initial interview with him,
25 and then I also later interviewed him at our

1 Investigations office.

2 Q. Okay, and were both of those done on
3 the afternoon of the incident itself?

4 A. Yes, ma'am.

5 Q. And what was that date?

6 A. That was November -- I don't even
7 remember the actual date itself.

8 Q. And can you describe who else was
9 present for that first interview at the scene?

10 A. I did, primarily, the first interview
11 by myself. Investigator Snyder walked up at one
12 point during the interview, but mostly it was
13 just me.

14 Q. And that second interview that occurred
15 at the Beaufort County Sheriff's Office, who
16 else was present for that interview?

17 A. It was myself and Master Sergeant
18 Draisen who also investigated.

19 Q. Okay. And can you describe the
20 physical surroundings of where those two
21 interviews were held?

22 A. Yeah, like I said, the first one was on
23 the -- in front of the house at [REDACTED] Eddings
24 Point Road, it was recorded on our body-camera.
25 We were talking in front of a vehicle.

1 Q. Okay.

2 A. And the second one is back at -- which
3 would now be our old Investigations office in
4 our interview room, and it was recorded as well
5 too.

6 Q. And do you recall about how long the
7 Defendant was questioned in those two
8 interviews?

9 A. I'd say the first one was probably 15
10 to 20 minutes, somewhere in there. The second
11 one was longer than that.

12 Q. But you'd say both were under an hour?

13 A. Yes, ma'am.

14 Q. Okay. And at any points did the
15 Defendant appear to have any mental or physical
16 disability that would have indicated to you that
17 he -- or affected his ability to understand what
18 was going on?

19 A. No, ma'am.

20 Q. Did he appear to be under the influence
21 of any drugs or alcohol?

22 A. No. He answered questions precisely
23 and consistently.

24 Q. Okay. And at any time were there
25 breaks between the interviews?

1 A. Yes.

2 Q. Okay. And was he ever denied access to
3 the phone, or food, or water during this time?

4 A. Denied, no. Actually, I believe I gave
5 him a bottled water there too.

6 Q. Okay, and at any point in time did
7 anyone threaten or promise him, in order to
8 elicit a statement?

9 A. No, ma'am.

10 Q. Okay. And was the Defendant under
11 arrest at the time of either one of those
12 statements?

13 A. The very first one, he was detained at
14 that point, so we were gathering some additional
15 information from other parties involved and
16 other evidence. He was under arrest during the
17 second interview.

18 Q. Okay, and at any time when you were
19 conducting the first interview, was the
20 Defendant asked whether or not he would
21 voluntarily return to the Police Department for
22 additional questioning?

23 A. Yes, he was asked.

24 Q. Okay, and once he was arrested, was he
25 subjected to any interrogation?

1 A. Any interrogation? No, ma'am.

2 Q. Or questioning?

3 A. Yes, we did go over some questions.

4 Q. All right, and was he advised of the
5 nature of that interrogation?

6 A. Yes, ma'am.

7 Q. And was he given any Miranda warnings
8 prior to any questioning?

9 A. Yeah, on the first interview I
10 Mirandaed him too, which he said he understood.
11 And at the second interview we went over a
12 Miranda form that we have in our office, which
13 he filled out completely.

14 MS. MALONE: May I approach, Your Honor?

15 THE COURT: Yes, ma'am.

16 BY MS. MALONE:

17 Q. I'm just gonna show you what's been
18 marked Court's Exhibit 4.

19 Do you recognize that document?

20 A. Yes, ma'am, this our Beaufort County
21 Sheriff's Office Miranda warning form. That's
22 the one I was speaking about that we complete
23 during the second interview.

24 Q. And during the questioning -- or during
25 the time after you provided Miranda warning, did

1 the Defendant appear to have any difficulty
2 understanding those rights?

3 A. No, ma'am.

4 Q. Did he appear to -- or, sorry, did he
5 willingly sign consenting to questioning on that
6 Miranda form?

7 A. He did.

8 Q. And at any time did he request an
9 attorney --

10 A. No.

11 Q. -- prior to questioning?

12 A. No, ma'am.

13 Q. And did he indicate those responses on
14 that Miranda form?

15 A. He did.

16 Q. And I apologize if I already asked, at
17 any point did the Defendant ask for an attorney?

18 A. No, ma'am, he did not.

19 Q. Okay. And to the best of your
20 recollection, was his statement freely and
21 voluntarily given to them?

22 A. Yes, ma'am.

23 Q. And was -- were each of those
24 statements recorded?

25 A. Yes.

1 MS. MALONE: And, Your Honor --

2 THE COURT: Yes, ma'am.

3 MS. MALONE: I know that you have already
4 been provided a copy of both of these
5 interviews. I'm happy to walk through the
6 statements that were given through questioning,
7 or happy to have them played, it's at your --

8 THE COURT: Well, I actually reviewed the
9 video at the scene in its entirety. I reviewed
10 a 37-minute video that was done at the Station,
11 and I have also reviewed a 26- or 27-minute
12 video that appears to be a condensed version of
13 the interview at the Station.

14 So I have reviewed those three matters. I
15 mean whatever you'all want to do, or whatever
16 Ms. Tolley wants to do as it relates to that,
17 but I have reviewed those matters. Ms. Tolley,
18 do you want her to play those, or --

19 MS. TOLLEY: If Your Honor's already
20 reviewed those.

21 THE COURT: I reviewed every one of them.

22 MS. MALONE: Okay.

23 BY MS. MALONE:

24 Q. At this time, I'm just gonna show you
25 what's been marked as State's Exhibit 5.

1 Do you recognize that item?

2 A. Yes, ma'am.

3 Q. And can you describe it?

4 A. This is the interview with Xavier
5 Polite on-scene with me, and I've initialed the
6 CD.

7 MS. MALONE: Your Honor, at this time the
8 State requests to admit State's Exhibit 5 --
9 Court's Exhibit 5.

10 THE COURT: Any objection?

11 MS. TOLLEY: No objection, Your Honor.

12 THE COURT: All right, admitted without
13 objection, yes, ma'am.

14 (Court's Exhibit 5 admitted into evidence.)

15 BY MR. MALONE:

16 Q. Do you recognize what's been marked as
17 Court's Exhibit 6?

18 A. Yes, it's the second interview with Mr.
19 Polite at the interview -- at the Investigations
20 Office. This is the full copy; I initialed this
21 one.

22 Q. Thank you.

23 MS. MALONE: The State would also request
24 to admit Court's Exhibit 6, Your Honor.

25 MS. TOLLEY: Without objection.

1 THE COURT: And that's the full-length
2 version that was done at the squad room?

3 MS. MALONE: Yes, Your Honor.

4 THE COURT: All right, great, thank you.
5 All right, it's admitted without objection.

6 COURT REPORTER: Well, did you admit 4?

7 MS. MALONE: I'm sorry.

8 THE COURT REPORTER: I don't have Court's
9 Exhibit 4 as being admitted.

10 MS. MALONE: I'm sorry, the State will move
11 to admit Court's Exhibit 4.

12 THE COURT: Sure, any objection, Ms.
13 Tolley, to the Miranda form that he signed?

14 MS. TOLLEY: No objection, Your Honor.

15 THE COURT: All right, so State's 4 -- hold
16 on one second, Court's Exhibit 4 is the Miranda,
17 okay, yes, ma'am.

18 (Court's Exhibits 4 and 6 admitted into
19 evidence.)

20 BY MS. MALONE:

21 Q. All right, and so just to recap, so at
22 no point did the Defendant appear to not
23 understand what you were asking?

24 A. No, ma'am.

25 Q. And his answers appeared to be all

1 freely and voluntarily given?

2 A. Yes.

3 Q. And he was never coerced or promised
4 anything to make those statements?

5 A. No.

6 MS. MALONE: No further questions from the
7 State, Your Honor.

8 THE COURT: Cross-examination, Ms. Tolley?

9 MS. TOLLEY: Thank you, Your Honor.

10 THE COURT: Yes, ma'am.

11 **

12 **CROSS-EXAMINATION**

13 BY MR. TOLLEY:

14 Q. Good afternoon, Officer Duncan.

15 A. Good afternoon.

16 Q. So on November 18th of 2020 at [REDACTED]
17 Eddings Point Road, when you questioned Mr.
18 Polite, was he standing on the side of the road?

19 A. Yes, ma'am.

20 Q. It was in November, so it would have
21 been cold outside?

22 A. Yes, ma'am.

23 Q. And he wasn't wearing a coat?

24 A. Actually, I believe he did have a coat
25 on, if I recall correctly. It was a green long-

1 sleeved type of coat jacket.

2 Q. Did he have a shirt on underneath that
3 jacket?

4 A. No, ma'am.

5 Q. Okay. Was the jacket open?

6 A. I believe so.

7 Q. And when he was at the Police Station,
8 there's a portion of that video, where he's just
9 laying on the table sleeping; is that correct?

10 A. Sleeping? I would say no, but he does
11 put his head down on the table, yes.

12 Q. Okay. And there was a period during
13 that interview, where you came in, and you said,
14 "Why are you so sleepy, man?"

15 A. Yes.

16 Q. Okay. And was there any conversation
17 about whether or not he had consumed any
18 marijuana that day?

19 A. Yes, earlier that day I believe he said
20 he smoked two marijuana blunts.

21 Q. Okay, and that would have been before
22 you interviewed him at the Eddings Point Road
23 address?

24 A. Yes, ma'am.

25 Q. And before the Police Station?

1 A. Yes, ma'am.

2 Q. Okay. And when you were in the room
3 with Mr. Polite, were you wearing a gun?

4 A. Yes, ma'am, I always have my gun on.

5 Q. Was the other officer wearing a gun?

6 A. Yes, ma'am.

7 Q. And he wasn't free to leave?

8 A. No, ma'am.

9 Q. Okay. And when he was on the side of
10 the road, there were lots of police officers out
11 there weren't there?

12 A. Absolutely.

13 Q. Okay. And you were wearing a gun?

14 A. Yes, ma'am.

15 Q. And the other officers were wearing
16 guns?

17 A. Yes, ma'am.

18 Q. There were police cars out there?

19 A. (Indicated affirmative response.)

20 Q. Are you nodding, yes?

21 A. Yeah, yeah, I'm sorry, I thought you
22 were continuing your question. Yes, absolutely,
23 it was a homicide that just occurred at base.
24 We had a lot of police cars, absolutely, we had
25 our guns on us --

1 Q. Uh-huh.

2 A. -- which is normal practice.

3 Q. Okay.

4 MS. MALONE: I think that's all the
5 questions I have, Your Honor.

6 THE COURT: Thank you. Any redirect?

7 MS. MALONE: Nothing further from the
8 State, Your Honor.

9 THE COURT: Ms. Tolley, anything else,
10 ma'am, or are you good?

11 MS. TOLLEY: Nothing else, Your Honor.

12 THE COURT: All right, great. All right,
13 thank you so much. You can call your next
14 witness.

15 WITNESS: May I step down?

16 THE COURT: Oh sure.

17 MS. MALONE: There are no further witnesses
18 for the State, Your Honor.

19 THE COURT: Okay. Ms. Tolley?

20 MS. TOLLEY: Your Honor, we would say that
21 the statement was not freely and voluntarily
22 given, the statement at the [REDACTED] Eddings Point
23 Road. Mr. Polite was just pulled out of the
24 house; he's standing on the side of the road.
25 It was cold outside, he wasn't wearing a coat,

1 or he was allegedly wearing a jacket, but the
2 jacket was open, meaning he had no shirt on
3 underneath it. There was some conversation
4 about him having smoked marijuana, so there's a
5 question about whether or not he was
6 understanding what was going on.

7 THE COURT: Hold on one second, Ms. Tolley.
8 I was just trying to remember, are you saying he
9 had his bare stomach showing?

10 MS. TOLLEY: Yes, sir.

11 THE COURT: Well, let's tee that up to see
12 it, I just don't remember that. I remember him
13 having some type of -- I don't want to call it a
14 hoody, but he had on something, and I can't
15 remember what color it was, maybe green, I don't
16 know, but --

17 MS. TOLLEY: It was green.

18 THE COURT: It was green?

19 MS. TOLLEY: Yes.

20 THE COURT: Okay, I remember that. I don't
21 remember him --

22 MS. TOLLEY: I think when he came out maybe
23 his shirt was open.

24 THE COURT: Yeah, yeah, yeah, yeah, yeah,
25 hold on one second. Okay.

1 All right, well, I've got a picture of it
2 right here, and that answers my question.

3 MS. TOLLEY: All right.

4 THE COURT: I see he may or may not have
5 had something underneath this -- almost like a
6 warmup jacket, or what I call a warmup jacket --

7 MS. TOLLEY: It is.

8 THE COURT: -- for a ball player. All
9 right, thank you, Ms. Tolley, that helps me. Go
10 ahead, I didn't mean to cut you off, ma'am.

11 MS. TOLLEY: It was in November.

12 THE COURT: Yes, ma'am.

13 MS. TOLLEY: It was cold outside; he was
14 standing on the side of the road. There was
15 some conversation about whether or not he had
16 smoked marijuana.

17 So there's some question about whether or
18 not he fully understood what was going on. He
19 also testified that there were many police
20 officers out there, that they were all carrying
21 guns, there were police cars out there, all of
22 which would create an intimidating circumstance
23 for any individual under those circumstances,
24 which would make it a situation where he felt
25 like he had to speak.

1 And so for that reason we believe that the
2 first interview was not freely and voluntarily
3 given. At the second interview there was
4 testimony that during the interview, or prior to
5 the interview, he was in the room with his head
6 on the table. The officer came in and said,
7 "Why are you so sleep?" Which was some
8 indication that, you know, he was groggy,
9 perhaps drowsy, perhaps not in the state of mind
10 to give a free and voluntary statement.

11 So based on all of those reasons, we would
12 say that the statements were not freely and
13 voluntarily given. And if I misspoke about the
14 jacket, I apologize. I think when he came out
15 of the house, and I don't have it pulled up, his
16 jacket was open.

17 THE COURT: Well, I don't know that you
18 misspoke, I just wanted to make sure that what I
19 was visualizing in my mind was, in fact, what --
20 and I think as you've described, I don't know
21 that what you described is necessarily
22 different, but what my review of the jacket was,
23 it was zipped up, maybe a lot like my robe is
24 zipped up now, where it looked like maybe he
25 didn't have anything on underneath there, but

1 had on, from my review of this, had on a -- had
2 on some type of jacket or warmup sweater, I'm
3 not sure what you would call it. All right.
4 You know, my job hearing the Denno case is to
5 look at, and to understand that the burden in
6 this case is on the State, not on the Defendant,
7 to prove by a preponderance of the evidence that
8 the Defendant waived his rights and did so
9 voluntarily make a statement.

10 The State must show that the statement was
11 voluntary and taken in compliance with Miranda.
12 What I would say in this case is, Ms. Tolley,
13 you know, I watched the video. What I saw with
14 the video is, he did say he was tired at the
15 scene. He told the officer that, but at the
16 scene he was very engaged in the conversation.
17 And despite the fact that he was given his
18 Miranda rights there, he was engaging in
19 conversation with the officer. He didn't ever
20 indicate that he was cold.

21 I just didn't see the actions of somebody
22 who was intimidated by an officer, nor did I find
23 the conversation -- nor do I believe the
24 conversation was intimidating at the scene. I
25 believe that statement was given voluntarily.

1 And also the fact that he did reference, in
2 fact, that he had smoked marijuana earlier in
3 the day, or sometime prior to his statement, I
4 will say that I just don't think he appeared to
5 be under the influence of marijuana.

6 Again, based upon the level of engagement
7 between he and the officer. At the interview
8 room he made reference to the fact that he was
9 tired at least twice, maybe three times. And he
10 was leaning down over the table, I observed
11 that, but he just didn't appear -- I don't think
12 he ever nodded off. It doesn't appear that he
13 did. He was engaged in the conversation. There
14 were never -- as it relates to the marijuana,
15 there was no hesitation in his response, he was
16 engaged in the conversation. He never asked,
17 "Could you repeat yourself," or "what did you
18 say?" Conversations that things that people who
19 are falling asleep, or who may not have been in
20 their right mind, things that they would
21 normally be asking when you are involved in a
22 conversation with an officer that lasted 30 or
23 40 minutes, or however long this lasted.

24 I think that the State has shown by the
25 greater weight of the preponderance of the

1 evidence that he didn't appear to be under the
2 influence, I don't believe he was under duress,
3 he was given water, he drank that water. And,
4 in fact, he -- at the scene he talked about
5 having a frog in his throat, or he needed some
6 water at the scene, and at the station house
7 they gave him some water, and he drank that.

8 It appears Miranda rights form was given to
9 him, he filled it out, and, again, he had no
10 problem understanding these questions. There
11 was testimony to that, and I know that from my
12 own personal observations, he didn't ask for an
13 attorney.

14 And so to that extent, I think the State
15 has met its burden by the preponderance of the
16 evidence and as shown by the totality of the
17 circumstances, the State was voluntarily and
18 knowingly -- and done so knowingly waiving his
19 Miranda rights. And so for those reasons I
20 think the statement itself was not subject to
21 any type of duress.

22 All right, yes, ma'am? So I would
23 respectfully grant that motion, and find that it
24 was not given under duress, and I believe that
25 he has, in fact waived his rights, and so his

1 statements, or portions of the statement may be
2 admitted in this matter.

3 MS. MALONE: Thank you, Your Honor.

4 THE COURT: Uh-huh.

5 MS. JONES: Thank you, Judge, and just for
6 the Court's information, I did provide the
7 redacted BCSO interview to Ms. Tolley at the
8 beginning of the month. I don't know if she's
9 objecting to anything else within that
10 recording.

11 And there also is a portion in the on-scene
12 interview, where Investigator Duncan says
13 something to the effect of, "People are calling
14 your name, the streets are saying it was you and
15 Channon." That part has been redacted for trial
16 purposes.

17 THE COURT: So, Ms. Tolley, let me ask you
18 this, while we're talking about the statements
19 now, I understand that you may disagree with my
20 ruling, as it relates to the voluntariness of
21 the statements, I understand that.

22 Now, what I want to know is, you've been
23 provided, basically, the statements that I
24 believe they plan on entering into evidence. So
25 what I want to know is, are there problems or

1 issues that you have with the statements that
2 they provided you? Because I'm assuming you've
3 had an opportunity to review those statements,
4 as have I, so that's what I'm asking, ma'am.

5 MS. TOLLEY: I have, Your Honor. They're
6 planning on introducing the redacted version of
7 the police interview at the Station --

8 MS. JONES: Uh-huh.

9 MS. TOLLEY: -- and was there a redacted
10 version of the [REDACTED] Eddings Point Road as well?

11 MS. JONES: There was, we just redacted
12 that over the weekend, and I can get Ms. Tolley
13 a copy of it; but I will say the portion that
14 was redacted was, I believe, 8:32 to 9:32, and
15 that included the colloquy about people in the
16 streets saying it was you, which is clearly
17 inadmissible.

18 MS. TOLLEY: Okay, I'm willing to take a
19 look at that, but it sounds like if that's the
20 only thing, then it should be fine.

21 THE COURT: All right. So let me ask you
22 this, Ms. Tolley, what about the other redacted
23 copy that they provided you, which is the same
24 copy that I reviewed, that ran approximately 27
25 minutes long, ma'am, what concerns, if any, do

1 you have about that video, ma'am? Because
2 that's while we're on video, let's talk about
3 that.

4 MS. TOLLEY: I don't have any concerns
5 about it. I'll take look at it again, just to
6 make sure, but I'm not aware of anything else
7 that needs to be redacted, if the Court is going
8 to allow the statements in. I will say that I
9 think in his statements the only thing he says
10 is, "Man, we were defending ourselves."

11 And so whether or not that's hearsay or
12 falls within any of the exceptions of the
13 hearsay, would be part of our argument as well.

14 THE COURT: Now, you'd want that in,
15 wouldn't you?

16 MS. TOLLEY: Well --

17 THE COURT: I don't know, I'm asking, I
18 mean --

19 MS. TOLLEY: I mean I think that's really
20 the only thing he says during the course of the
21 interview, so --

22 THE COURT: Well, have you listened --

23 MS. TOLLEY: I have.

24 THE COURT: Well, let me ask you this --

25 MS. TOLLEY: I have listened to it. There

1 are other things that he says, but --

2 THE COURT: All right, well, okay. So let
3 me ask you this, what other motions do we have?

4 MS. JONES: Judge --

5 THE COURT: We'll consider coming back to
6 that.

7 MS. JONES: Okay.

8 THE COURT: Let's --

9 MS. JONES: We have surveillance footage in
10 this case, Judge.

11 THE COURT: Right.

12 MS. JONES: By way of history, [REDACTED]
13 Stonewood, it was the residence where Corey
14 Singleton lived, Steven Glover was just
15 visiting. Corey had surveillance cameras
16 through a blank system. It's similar to Ring,
17 it's an Amazon-based --

18 THE COURT: Right.

19 MS. JONE: -- camera system. Corey
20 provided those videos on-scene to Investigators
21 Able and Draisen with the Sheriff's Office. He
22 told three different officers, "I have
23 surveillance, let me get my phone, it's inside,
24 I can show you my videos."

25 They then escort him inside, they retrieve

1 his phone, and he shows them videos on-scene.
2 He then emails videos to Investigator Draisen
3 with five separate clips of the incident.
4 Subsequent to that, Mr. Singleton has died of a
5 drug overdose.

6 I think the normal route would have had him
7 be the authenticator of that surveillance video.
8 I think that's what we're used to, but I am
9 seeking to move it in through Master Sergeant
10 Draisen.

11 THE COURT: So this video, what does this
12 video show?

13 MS. JONES: It shows -- there's five
14 separate clips. The first clip shows the white
15 minivan pulling up, and Mr. Singleton walking
16 down the front stairs of the home. The next
17 clip shows the two shooters on either side of
18 the van, both armed.

19 You can see guns in their hands. One of
20 the shooters, who is Channon Preston says to
21 Xaiver Polite, "Hey, man, why'd you run out," or
22 "Hey, man, why do you want to get him?" To
23 which Xavier responds, "I ran out, I ran out."
24 The next clip is a clip of Corey Singleton
25 running around the house, but it's the same

1 timeframe of that first clip, it's just a second
2 camera view.

3 There has been -- the fourth clip is the
4 van pulling forward slightly. Mr. Glover is
5 dead on the ground already, Mr. Singleton is
6 gone, and you see the driver's side open, and
7 then the clip ends.

8 And then the final clip is the van pulling
9 away from █████ Stonewood.

10 THE COURT: What's Parkers -- does Parkers
11 have a video?

12 MS. JONES: That is --

13 THE COURT: I'm a little confused.

14 MS. JONES: Okay. There is Parker's
15 surveillance, Judge. After the shooting Mr.
16 Preston, Mr. Polite, as well as another man --

17 THE COURT: Okay.

18 MS. JONES: -- Steven -- or David Glover go
19 to Parkers.

20 THE COURT: Okay, so the Parkers was
21 something that transpired afterwards?

22 MS. JONES: Yes.

23 THE COURT: The video that you're talking
24 about is the video that occurred at the alleged
25 scene of the crime?

1 MS. JONES: Yes, sir.

2 THE COURT: Okay.

3 MS. JONES: And the Parkers video I have
4 the General Manager from Parkers --

5 THE COURT: And so the individual who owned
6 or lived at the house and managed or oversaw the
7 Ring doorbell system is now deceased?

8 MS. JONES: It was his system, yes.

9 THE COURT: Did he live there?

10 MS. JONES: He did.

11 THE COURT: And he lived there with other
12 folks?

13 MS. JONES: At the time he lived by
14 himself.

15 THE COURT: And so he gave the officer
16 snippets of the -- or he gave them the video,
17 and you'all cut to seven minutes, or what?

18 MS. JONES: No, and I have Master Sergeant
19 Draisen here to testify, if that --

20 THE COURT: Okay.

21 MS. JONES: -- would be easier.

22 THE COURT: All right.

23 MS. JONES: What it was is, he did not pay
24 for his subscription to Blink, so when the
25 camera was motion activated, it would pick up a

1 few seconds, and it would record those few
2 seconds, those would then go to his phone. So
3 the videos that he gives to BCSO are ones that
4 -- because it just happened, they're still on
5 his phone, and he can email them to the
6 Sheriff's Office, but, yes, he showed them on-
7 scene, and then they were emailed to Master
8 Sergeant Draisen.

9 THE COURT: All right, Ms. Tolley, what's
10 your position?

11 MS. TOLLEY: Your Honor, we would say that
12 those videos should not come in. They are
13 problematic on many levels. One is, under South
14 Carolina Rules of Evidence, there's a
15 requirement that they be authenticated. Under
16 South Carolina Rules of Evidence 403, evidence
17 that causes confusion is -- should be excluded,
18 lack of personal knowledge, South Carolina Rules
19 of Evidence 602, any officer that's going to be
20 testifying and trying to get it into evidence,
21 doesn't have any personal knowledge that that is
22 exactly what happened, and it's an accurate
23 video.

24 We don't -- South Carolina Rules of
25 Evidence 1002, are a requirement that it be an

1 original. And South Carolina Rules of Evidence
2 802, hearsay.

3 THE COURT: So what about that? What about
4 -- I mean who's authenticated it? The guy who
5 authenticated it is dead.

6 MS. JONES: Right, but the Rule in 901 does
7 not require him to be the person to authenticate
8 it. Rule 901 specifically says, "That a witness
9 with testimony for the matter is what it claimed
10 to be."

11 Testimony of a witness was acknowledged.
12 Adam Draisen is that witness of knowledge.
13 Judge, I also have - Deke Keel (phonetic) is a
14 civil case; however, it goes into great detail,
15 the 901 and what exactly it requires, and what
16 the State has to prove altercation in 901, and I
17 do have two copies.

18 Judge, Deke v. Keel was a complex banking
19 litigation case, far more complex than what
20 we're dealing with here today.

21 In that case, Deke acquired a mortgage that
22 had previously been defaulted on by two men, and
23 who gave their personal securities on it. The
24 entity that they were members of defaulted on
25 the loan. A mortgage action was brought. Deke

1 Keel eventually inherits it, they want their
2 money. So they have Scott Bineham, who was
3 their sole member of the board, essentially, at
4 that time. He reviewed different loan documents
5 from the past mortgage, from the original
6 parties to the mortgage.

7 He reviewed those documents, and then in
8 court had him testify to the authenticity of
9 those documents. He was able to say, "That
10 these are the same bank documents that I used,
11 when I reviewed, to acquire this mortgage."

12 They had not been changed, and they are the
13 ones I reviewed prior to acquiring the mortgage
14 from -- I think it was Chase Bank who was the
15 original owner of the mortgage. It goes into
16 say that he testified that he examined the
17 documents during the negotiations, and the
18 documents admitted into evidence were the same
19 as he previously examined, which is what we have
20 here.

21 Adam Draisen would say, these clips and
22 these emails are the same ones that he saw on-
23 scene, were then emailed to him, and then he did
24 review them prior to testifying today.
25 Atlantic, who was the other side, the other

1 party to the case, they said that because Scott
2 Binam couldn't testify to when, how, by whom, or
3 where the documents were prepared, they should
4 not have been admitted.

5 Well, the Court said that authentication
6 does not require that level of proof, that the
7 burden of proof is a lower burden than that.
8 Because Binam had testified that he had personal
9 knowledge of the loan documents were the same
10 ones that he had previously reviewed, they were
11 admissible.

12 It's exactly the same thing that we have
13 here. Master Sergeant Draisen was shown the
14 documents or shown the videos, he was emailed
15 the videos, they were the same. He's watching
16 the video on-scene, as he sees the scene in
17 front of him. He then looks at the videos when
18 he gets back to the office with the emails, they
19 are consistent. He then reviews them again
20 before trial, these are the same videos that
21 Corey Singleton emailed him. And this hearsay,
22 I think we're gonna -- I don't want to get
23 caught up in this being a hearsay objection,
24 because it's not hearsay.

25 This is a video. A video is nothing but a

1 moving picture. Photographs can be --

2 THE COURT: Does it have audio?

3 MS. JONES: It has audio; however, those
4 fall under non-hearsay and a hearsay exception.
5 There are two statements made in the clip, and
6 that is, "Hey, man, why you ain't got him," made
7 by Channon Preston during the commission of the
8 conspiracy, that's admissible. Xavier Polite,
9 "I ran out, I ran out."

10 That's a statement by the Defendant, that
11 is admissible under the hearsay exceptions.
12 801D2, those come in through that. This is a
13 moving photograph, Judge, the authentication
14 burden is not high. We have a witness who can
15 testify he saw them on-scene, he saw them at his
16 office, he then reviewed them prior to Court,
17 they are all the same, all consistent, because
18 it's exactly what they did with Scott Binam.
19 The Court held that that was proper
20 authentication.

21 THE COURT: Who was reviewing the document?

22 MS. JONES: Scott Binam.

23 THE COURT: And what was his connection?

24 MS. JONES: He was a representative of Deke
25 Keel. the bank. He was on the board of Deke

1 Keel.

2 THE COURT: So he was an agent --

3 MS. JONES: Yes.

4 THE COURT: -- of Deke Keel?

5 MS. JONES: Yes. Who acquired the loan
6 after it had been defaulted on.

7 THE COURT: All right. Ms. Tolley?

8 MS. TOLLEY: Your Honor, I think that case
9 can be distinguished, because it is a civil
10 case, first of all, and this is a criminal case,
11 and the burden should be higher in a criminal
12 case than in a civil case.

13 The burden should be -- he should be held
14 to a higher standard, because of penalty.
15 Someone's looking at going to jail, as opposed
16 to a possible civil remedy.

17 In addition, the officer can't authenticate
18 that the video was not manipulated or changed or
19 parts of it deleted, and for those reasons the
20 officer cannot authenticate, cannot testify
21 about the video. The person who had control
22 over the video is no longer with us. He is the
23 person who could answer whether or not he
24 manipulated, he's unavailable for cross-
25 examination, and so we can't ask him questions

1 about what happened to the video, where's the
2 rest of the video, what order of the clips
3 should the videos be in, those kinds of
4 questions. We can't ask him.

5 The officer cannot authenticate the video,
6 because it came from someone else. We don't
7 know how they were manipulated before they got
8 to him, and so for those reasons the officer
9 cannot authenticate.

10 THE COURT: How do you know he didn't
11 manipulate it?

12 MS. JONES: Because had no time to. He is
13 on-scene completely devastated; his cousin has
14 just been killed in front of him. He just
15 survived an attempted murder on his own life.
16 He tells three officers as he is seated there,
17 without a phone in his hand, "I can show you the
18 clips. I can show you the clips. I have to go
19 get my phone."

20 So he then is escorted inside by two BCSO
21 Officers, where he retrieves his phone, and on
22 their body-cam, which has been provided, it's in
23 the evidence, you can see them reviewing the
24 clips on-scene. There was no time to manipulate
25 it.

1 And I think that that would go to an
2 argument. She can argue that, but there's no
3 manipulation, because Adam Draisen can say that
4 what he reviewed on-scene was what he was
5 emailed, was what was on this disk before today.

6 MS. TOLLEY: He reviewed one clip on-scene,
7 and it doesn't include the shooting, so I'm
8 not --

9 THE COURT: Did he send him stuff
10 afterwards? In other words, oh, here's some
11 that night, and then two or three days later
12 sent him a few more clips?

13 MS. JONES: No, all five clips were sent
14 the afternoon of the murder.

15 MS. TOLLEY: One while they were on-scene,
16 and the rest later when he showed up at the
17 Police Station with his attorney, Jared Newman.

18 THE COURT: Is that right?

19 MS. JONES: It's a little misleading,
20 Judge. He played for them the clip where it
21 says, "Hey, man, why you didn't get him?" "I
22 ran out, I ran out." Then he's clearly
23 devastated, they sit him back down, and he says,
24 "I will email you the clips."

25 He then emails the clips, and it's more

1 than that one, it's the five. And what --

2 THE COURT: What does he email them? Which

3 clips does he email to him?

4 MS. JONES: We can show it to you, Judge.

5 THE COURT: The clips where he's talking?

6 MS. JONES: The surveillance video is five

7 clips, and only one has two statements in it.

8 THE COURT: Right, and my question is, the

9 one without the statements, was that the one

10 that was given first, or was that the one that

11 was sent later?

12 MS. JONES: That was shown on-scene to Adam

13 Draisen.

14 THE COURT: Okay.

15 MS. JONES: But it was also email

16 simultaneously.

17 THE COURT: I --

18 MS. JONES: Okay.

19 THE COURT: I understand.

20 MS. JONES: Sorry.

21 THE COURT: No, no, no. All right, I'm

22 gonna --

23 MS. JONES: And, Judge, I would like to put

24 in, I do have --

25 THE COURT: Let's go ahead and watch it.

1 MS. JONES: Let's go ahead and watch them.

2 THE COURT: Let's go ahead and watch them.

3 MS. JONES: And I can go ahead and make
4 them Court's exhibits, Judge, I have the five
5 clips and then the emails, as well.

6 THE COURT: Okay.

7 (Videoing played for the Court.)

8 THE COURT: Start them over for me.

9 (Video being played for the Court.)

10 MS. JONES: And turn it up, if you can.
11 Judge, we can play it one more time, we now have
12 our speaker connected so it's louder.

13 THE COURT: So what I've just watched --

14 MS. JONES: Uh-huh.

15 THE COURT: -- is that basically a
16 combination of the five clips?

17 MS. JONES: It is, and the emails have date
18 -- the title of each email, Your Honor, is a
19 date and time. It's auto-generated from blank.

20 MS. TOLLEY: I don't know that that's an
21 accurate date and time, and I don't know that --

22 THE COURT: Hold on, Ms. Tolley, I'm just
23 looking at it.

24 (Video being played for the Court.)

25 THE COURT: All right. All right, I'm

1 sorry, Ms. Tolley, I didn't mean to cut you off,
2 I was just watching the video. Yes, ma'am.

3 MS. TOLLEY: Okay. I was just gonna say
4 that I'm not sure that it's an accurate date and
5 time, but the bigger issue, Your Honor, is that
6 those are selected clips, selected by the person
7 who's no longer here.

8 Where are the rest of the clips? Where's
9 the continuous running clip? This is -- this --
10 we don't know what portions of the clips that he
11 gave them. The obvious part that's missing is
12 the part where there's actual shooting. The
13 beginning of the incident is not shown. This is
14 really aftermath, allegedly, of whatever
15 happened.

16 So we don't know if he started it. We
17 don't know -- well, there are a lot of things we
18 don't know, because we don't have the entire
19 clip. Where are the rest of the clips for the
20 day?

21 THE COURT: All right. Let's hear -- you
22 argued last, let me hear from you.

23 MS. JONES: Judge, I think that under Rule
24 901, we have met authentication.

25 THE COURT: All right.

1 MS. JONES: If this was -- I'm sorry, did
2 you say something?

3 THE COUER: No, go ahead, I'm listening --

4 MS. JONES: Okay.

5 THE COURT: -- you're good.

6 MS. JONES: If this was a -- well going to
7 the time and date. The time and date is not on
8 there anyways, those are in the titles of the
9 emails. That is what was used, and if you look
10 at the videos, that is the order of the videos,
11 that is what makes sense. That is the order of
12 the videos.

13 According to 901, we have met our burden.
14 I just -- if this -- there is no shooting, she
15 can argue that. The motion was activated by
16 Corey Singleton walking down the stairs.

17 She can certainly argue, "Where's the
18 shooting? How do we know who started it?"
19 Which based on Mr. Polite's statement, I think
20 they're going to try to say that somebody else
21 started it, but we've met the authentication
22 burden.

23 And if you look at 901, the authentication
24 burden is not high. 902 says, "A witness with
25 knowledge," this is a witness with knowledge.

1 THE COURT: Okay, yes, ma'am.

2 MS. TOLLEY: I don't think, Judge --

3 THE COURT: I'm gonna give you the final,
4 all right? Yes, ma'am.

5 MS. TOLLEY: South Carolina Rules of
6 Evidence 403, evidence should be excluded if it
7 causes confusion," and I think if there were --
8 if we had a -- complete clips of the entire
9 incident, that might be one thing, but here we
10 have piecemeal clips that we can't even tell
11 which order they're in; and so a jury is
12 probably gonna put more emphasis on this video
13 than they should, when they don't have the
14 entire video, and it could cause confusion.

15 It also does not have personal knowledge
16 that this is the authenticated video. South
17 Carolina Rules of Evidence 602 and the
18 requirement that it be the original. I believe
19 that the State actually tried to get the
20 original from Amazon and were unsuccessful in
21 doing so. And what the people from Amazon said
22 was, that possibly the owner of the video
23 deleted the videos, because when they presented
24 what they had, it was completely different from
25 what Mr. Singleton provided.

1 THE COURT: All right.

2 MS. JONES: I just need to clear that up,
3 Judge. It was not completely different. In the
4 videos that Amazon was able to provide predated
5 the shooting.

6 THE COURT: I'm not worried about what it,
7 should it, could have with Amazon. I've heard
8 enough. I'm gonna take this under advisement,
9 and I'll let you know something later this
10 afternoon or tomorrow morning.

11 What else? What other motions?

12 MS. JONES: Judge, we have three
13 statements, Corey Singleton did give on-scene,
14 and I am seeking to admit those, under present
15 sense impression or excited utterance.

16 THE COURT: All right, they're recordings?

17 MS. JONES: They are from different
18 officers' body-cams, yes, sir, and I do have
19 those also.

20 THE COURT: And, Corey Singleton, that is
21 the gentleman -- is that the decedent?

22 MS. JONES: He -- well, he's the second
23 decedent. He died of a drug overdose after-the-
24 fact. He survived this, and then died.

25 THE COURT: Okay, so this is, basically, a

1 witness, Corey Singleton?

2 MS. JONES: He is the attempted murder
3 victim.

4 THE COURT: Oh, the attempted murder
5 victim, I'm sorry.

6 MS. TOLLEY: You are right. In fact,
7 that's what some of the officers said, he's not
8 a victim, he was not shot.

9 THE COURT: Well, it was attempted. I'm
10 with you on that, it's been alleged an attempted
11 murder victim, and he made these statements on-
12 scene?

13 MS. JONES: He does, Your Honor, he makes
14 three. One to Joseph Driscoll about 17 minutes
15 after the 911 call, one to Ahrens 31 minutes
16 after the 911 call, one to Abell 46 minutes
17 after the 911 call.

18 THE COURT: Counsel, on those three
19 statements that were made by the alleged victim
20 of --

21 MS. TOLLEY: Your Honor, we would say those
22 should not come into evidence, and we will hand
23 up the case of Crawford v. Washington, and I
24 think we've already handed that up.

25 And we believe that those statements were

1 testimonial in nature. Being that Corey
2 Singleton's not here, and not available for
3 cross-examination, those statements should not
4 be admitted into evidence.

5 THE COURT: Solicitor?

6 MS. JONES: Judge, it's not a Crawford
7 violation. Crawford goes to testimonial
8 statements. These are not testimonial in
9 nature. I can hand you up Michigan v. Bryant --

10 THE COURT: All right.

11 MS. JONES: -- which is another Supreme
12 Court, United States case. Essentially, it says
13 that if the primary purpose of these statements
14 is to assist an ongoing emergency, an ongoing
15 police emergency, then they're not testimonial.

16 Michigan v. Ryan dealt with a shooting
17 victim as well. He was found in a parking lot.
18 He was alive when the police got there, but as
19 they're gathering information and speaking with
20 him, they learn that he has been shot. They
21 don't know where the assailant is, they don't
22 know if there's more than one assailant, and a
23 gun has been used. His statement -- he did
24 subsequently die, as a result of his injuries.
25 His statement was held admissible.

1 The Court said that it was not a Crawford
2 violation, it was a nontestimonial statement,
3 because the primary purpose behind that
4 statement was to assist an ongoing police
5 investigation. Here these statements are made
6 less than an hour after the shooting. Corey
7 Singleton is clearly in a state of shock, he's
8 still under the excitement of the incident he
9 just was in.

10 And more importantly, the shooters have not
11 yet been apprehended. They don't know who the
12 shooters are. They're still trying to find
13 them. There are two shooters loose on St.
14 Helena, and they're gather information from him
15 as best they can.

16 THE COURT: All right.

17 MS. JONES: It is there to protect not only
18 Corey Singleton, but also the numerous law
19 enforcement officers, that they don't know if
20 they're coming back or not.

21 THE COURT: All right, so what I want to do
22 is, I want to look at the videos.

23 MS. JONES: Okay. Judge, I have the
24 officers here to authenticate them, do we need
25 to go down that road?

1 THE COURT: As far as I'm concerned, for
2 the purposes of this hearing, I don't think they
3 need to be authenticated. Ms. Tolley, I mean --

4 MS. TOLLEY: That's fine, Your Honor.

5 THE COURT: All righty. And she's been
6 provided copies of them? As she's watching
7 this, if this video is not the same, she
8 certainly can let me know.

9 MS. JONES: Okay.

10 MS. TOLLEY: Yes, sir.

11 (Video being played for the Court.)

12 THE COURT: Could that be louder? I'm
13 having real trouble hearing what he's saying.

14 MS. JONES: See if that helps.

15 (Video being played for the Court.)

16 MS. JONES: Judge, and that was the
17 statement to Officer Driscoll.

18 THE COURT: All right.

19 MS. JONES: Next will be Deputy Ahrens.

20 (Video being played for the Court.)

21 MS. JONES: Judge, the third one is to
22 Deputy Abell.

23 (Video being played for the Court.)

24 MS. JONES: Judge, can we have that? We
25 need to switch over to my computer to play the

1 redacted one. And when I say redacted, it's
2 limited to the statement. Sorry, Judge, we're
3 having technical difficulties.

4 (Video being played for the Court.)

5 MS. JONES: Those are Corey's statements.

6 THE COURT: All right, so what time did
7 this shooting take place?

8 MS. JONES: The 911 call came in at 1:04,
9 and the statement to Driscoll was at 1:23, the
10 statement to Ahrens was at 1:37, and the
11 statement to Abell was at 1:52.

12 THE COURT: They were going inside the
13 last --

14 MS. JONES: True.

15 THE COURT: -- video to go get his phone?

16 MS. JONES: Yes.

17 THE COURT: But I thought I saw him with a
18 phone in his hand when he was sitting down.

19 MS. JONES: That was after they had already
20 gone inside. That was the full body-cam that
21 Mr. Hightower was going through, and he skipped
22 to that portion. It does show that. It shows
23 them go inside, retrieve the phone, come back
24 out, and he sat down and showed them the clip,
25 but that's not part of his statement for this

1 hearing.

2 THE COURT: All right. Ms. Tolley,
3 anything else you want to tell me concerning the
4 portions of this video? I've got your case. I
5 guess it boils down a lot of it, down to
6 testimony v. non-testimony, and what else?

7 MS. TOLLEY: That's the crux of it, Your
8 Honor, and that we don't have the ability to
9 cross-examine him. There were no unsolicited
10 statements, and in those video clips they were
11 questioning him. He was responding to
12 questions.

13 There was nothing that was said
14 spontaneously. All of his statements were in
15 response to questions by the officers. Our
16 State Supreme Court seemed to talk a little bit
17 about hearsay. And it seemed to caution
18 prosecutors against using investigative
19 information to circumvent the hearsay rule.

20 And we think that in this case that's
21 what's happening, they're using it as a way to
22 circumvent the hearsay requirements. It should
23 be just a straightforward hearsay review.

24 THE COURT: All right, hold on one second.
25 Yes, ma'am, go ahead, I didn't mean to cut you

1 off.

2 MS. TOLLEY: It's okay.

3 THE COURT: Because I thought I read a case
4 recently in the advanced sheets about
5 testimonial v. non-testimonial, but I read so
6 many of those things I can't keep it straight.
7 Go ahead, also --

8 MS. TOLLEY: I think that was it.

9 THE COURT: Okay.

10 MS. TOLLEY: I'll think of something as
11 soon as I sit down, I'm sure.

12 THE COURT: All right. So what our motions
13 are --

14 MS. TOLLEY: It doesn't -- oh --

15 THE COURT: Go ahead.

16 MS. TOLLEY: -- it doesn't fall within the
17 exceptions of hearsay either.

18 THE COURT: All right.

19 MS. JONES: And that's what I wanted to
20 bring up. I do have multiple cases on that,
21 Judge. It does fall squarely under 803.1 and 2,
22 present sense impression. The statement
23 describing or explaining an event or condition
24 made while the declarant was perceiving it in,
25 or a condition, or immediately thereafter.

1 The Courts have not given us a timeframe of
2 what constitutes immediately thereafter; but
3 statements given an hour after have still been
4 held to be a present sense impression, and I
5 have those cases for you, Judge. Additionally,
6 excited utterance, a statement related to a
7 startling event or condition made, while
8 declarant was under the stress of the
9 excitement, caused by the event or condition.

10 I would certainly argue that being shot at
11 multiple times, I think we have some 26-some-odd
12 shell casings collected on-scene, Judge, would
13 be a startling event. And your husband being
14 killed right in front of you would be a
15 startling event.

16 No, he doesn't seem excited in the normal
17 sense of the word, but that's not what the law
18 requires. State v. Simms, Judge, is a Supreme
19 Court of South Carolina case, and it says that
20 the excitement can also come from a person who
21 is withdrawn, or in shock, but still under the
22 stress of the excitement that the incident
23 caused.

24 I think that he is clearly -- he's seated
25 on the ground like a child with his legs out in

1 front of him. He's answering questions very
2 softly. He's very slow in his answers, he's in
3 shock. That's the best way to describe it, and
4 I think that under all these cases, if you look
5 at United States v. Jackson, that gets into the
6 presence of impression, excited utterance.

7 We have multiple cases, State v.
8 Washington, State v. Simms, I've handed up all
9 of those. That's the first prong. The second
10 prong is whether it's testimonial or non-
11 testimonial, and I think that Michigan v. Bryant
12 makes it clear that this type of information is
13 non-testimonial. The similarities between
14 Michigan v. Bryant, and what we have here, in
15 Michigan v. Bryant, the statements were made to
16 different officers, who arrived at different
17 times, and asked upon arrival, "What happened?"

18 It's not a structured interrogation. He
19 did give a structured interview at the County --
20 at Beaufort County Sheriff's Office. I'm not
21 trying to get that in, because I think that is
22 100% testimonial evidence and inadmissible under
23 Crawford. The circumstances involved an armed
24 shooter, his motive for it, and location after
25 the shooting were a no.

1 At the time of all of these statements, we
2 have two armed shooters on the loose, motive
3 unknown, location unknown. The potential scope
4 emergency encompass a potential threat to the
5 police and the public, and a gun was involved.
6 Here we have two guns involved.

7 I think that the facts in Michigan v.
8 Bryant are just so similar to what we have here,
9 that it's clear that the Supreme Court has said
10 that in instances like this are non-testimonial.

11 THE COURT: All right, well, I don't need
12 to hear anymore, I've got plenty to look at on
13 this. What other motions do we have?

14 MS. JONES: Judge, we have evidence from
15 Channon Preston's cell phone that was collected,
16 that I believe Ms. Tolley is objecting to.

17 THE COURT: All right.

18 MS. JONES: We have a video collected from
19 his cell phone. So when they -- a little bit of
20 procedure, while BCSO is responding to Sunwood
21 Drive, which is where the deceased victim is, it
22 comes out on the 911 call that a man named
23 Glizzy is involved, and a white minivan was
24 used.

25 Glizzy is well known to Beaufort County

1 Sheriff's Office as Channon Preston, that's his
2 street name. It's also known that his mother
3 drives a white minivan. So they go there, sure
4 enough, lo and behold, he is there, the white
5 minivan's there, Xavier Polite is there,
6 everyone was pulled out of the house, and a
7 search warrant is obtained for that home.

8 In one of the bedrooms they find Channon
9 Preston's cell phone. All the user accounts are
10 his name, his email address. It has his
11 photograph on the lock screen, and it's found in
12 his room with all his other stuff.

13 THE COURT: Right.

14 MS. JONES: On that phone is a video that
15 was taken five days prior to the shooting, and
16 on -- and we can show you the video, Judge, it
17 shows both co-Defendants holding both of the
18 guns that they used five days later in the
19 shooting, in which they killed Steven Glover.

20 THE COURT: All right.

21 MS. JONES: And I can admit the video as
22 Court's 12, Judge.

23 THE COURT: All right, that's fine, we'll
24 look at it.

25 (Video being played for the Court.)

1 MS. JONES: And, Judge, we did get some
2 stills off of this video, which I have made
3 Court's 13 and 14, for purposes of this hearing.

4 THE COURT: Yeah, let me see.

5 So what does this show in 14?

6 MS. JONES: That's --

7 THE COURT: In the video is a young man
8 with earrings and --

9 MS. JONES: That would be a two-page
10 exhibit.

11 THE COURT: Yeah, it shows him with a
12 cigarette or something in his mouth.

13 MS. JONES: So that is Channon Preston,
14 Your Honor, and if you flip to the next page of
15 that exhibit, that is a teal .9-millimeter
16 Taurus in his lap. That gun was collected at
17 [REDACTED] Eddings Point Road, and matched shell
18 casings on-scene.

19 THE COURT: All right.

20 MS. JONES: States's 13 is a still of Mr.
21 Polite in his IHOP work uniform. He had
22 indicated that he worked at IHOP, and he is
23 holding a Draco rifle, again, a .9-millimeter
24 gun, which was also found at Eddings Point with
25 shell casings that matched, 13 shell casings

1 collected from the site.

2 THE COURT: You said this is just a video
3 that's on the phone?

4 MS. JONES: Yes.

5 THE COURT: Nothing to do with Facebook?

6 MS. JONES: No.

7 THE COURT: All right.

8 MS. JONES: No, sir, not at all.

9 THE COURT: Just checking.

10 MS. JONES: Judge --

11 THE COURT: All right, I'm just asking.
12 All right, so let me hear from you on that,
13 counsel.

14 MS. TOLLEY: Thank you, Your Honor. We
15 believe that this video should not come in,
16 because it too requires authentication. We
17 believe that it also could cause prejudice,
18 confusion, or a waste of time.

19 Whoever would introduce it would have a
20 lack of personal knowledge about it. It would
21 be a violation of Lyle and 404b, trying to put
22 character into evidence, when our client has not
23 testified. It would be more prejudicial than
24 probative. That there's a requirement that it
25 be an original, and we would also assert that

1 this too is hearsay, Your Honor.

2 THE COURT: All right. On that let me tell
3 you, let's assume that what the Solicitor -- the
4 information that the Solicitor provided to me
5 concerning the video via phone or what have you.
6 I'm just gonna say I'm not letting the video in.
7 The video is -- I think the video just plays
8 into narratives. The video's got two African-
9 American males, who are holding guns while the
10 music is playing, and smoking who knows what,
11 and I just think that the prejudicial effect is
12 going to outweigh any probative value, as it
13 relates to the playing of the video.

14 I just -- I'm not gonna allow that. The
15 photographs, I've got to think about, but the
16 video, I'm not going to allow that video in.
17 That video is played into -- I think it just
18 plays into stereotypes that I'm not gonna let
19 the jury look at that. I don't think that's
20 appropriate. Yes, ma'am?

21 MS. JONES: Judge, if I may? I do have two
22 cases to hand up, regarding whether this would
23 be Lyle or prior bad act evidence. One is State
24 v. Brackston, it is the Supreme Court of South
25 Carolina, and it was a club shooting in Sumter,

1 Judge. And, essentially, testimony was allowed,
2 that the Defendant did have possession of a gun
3 that matched the murder weapon, that is
4 consistent with that, and that was prior bad-act
5 evidence.

6 Judge, State v. Riley -- and I don't ever
7 do this, but this is an unpublished case, Judge.
8 It's from May 2022 or of April 2022, Judge, and
9 while we don't know a bunch of the facts, it
10 does say that photographs of the defendant
11 brandishing a weapon in a moving vehicle was not
12 improper character evidence, unpublished, but
13 here it is.

14 THE COURT: And my point is, let's assume
15 it meets the Lyle test --

16 MS. JONES: Uh-huh.

17 THE COURT: -- I think still I'd go back
18 and have a 403 decision that I can make.

19 MS. JONES: Okay.

20 THE COURT: And so I -- for the sake of the
21 argument, I'll give you your Lyle position. I
22 still go to 403 --

23 MS. JONES: Uh-huh

24 THE COURT: -- and I still say that the
25 prejudicial effect of this video far outweighs

1 any substantive portion, because it just plays
2 into stereotypes that I think could accuse the
3 jury. I think that it's -- I'm just not going
4 to allow that, but as it relates to the
5 photographs --

6 MS. JONES: Okay.

7 THE COURT: -- I've got to think about the
8 photographs, because amongst other things, it
9 still shows the gentleman smoking. And, you
10 know, I don't know if that's a cigarette, I
11 don't know what it is.

12 It doesn't look like a cigarette that I
13 might have smoked in college, okay? It looks
14 different, I have no idea. And so with that,
15 I'll just be honest, that concerns me, because I
16 think that people could immediately think -- I
17 think it's very possible that the jury could
18 consider that that's a marijuana cigarette, and
19 so that, again, that concerns me, because I
20 think that allows them to draw inferences that
21 are not appropriate here, and are highly
22 prejudicial, and, again, I would have to say
23 broaches the prejudicial effect outweighing the
24 substance to this matter, or substantially
25 outweigh it, I think, if I'm phrasing it right

1 on terms, whatever I've been doing this
2 afternoon, it substantially outweighs -- the
3 prejudicial effects substantially outweighs the
4 probative value.

5 I want to make sure I'm using the right
6 terms, okay? So to whatever I said earlier and
7 now, but go ahead --

8 MS. JONES: And --

9 THE COURT: I didn't mean to cut you off.

10 MS. JONES: That's absolutely fine, Judge.
11 Just for a little way of background, I'm not
12 sure if we have actually gotten into this, but
13 this was a murder of somebody they were going to
14 purchase marijuana from, so it's already going
15 to come out that this was over marijuana.

16 Mr. Polite's own statement says that "We
17 were there to get the green." I also want to
18 say that I would not in any way, shape or form
19 try to admit these photographs or this video, if
20 it was completely disconnected from this, if it
21 was a prior bad act, but these are two very
22 identifiable guns, Judge.

23 And more importantly, Mr. Polite -- he was
24 asked at least two times who was firing the
25 Draco that day? And his response is, "I think

1 it's registered to him or his mama."

2 THE COURT: All right.

3 MS. JONES: He will not admit it's his.

4 THE COURT: I understand that, and for
5 those reasons, at least the one of the Defendant
6 having a gun in his hand, I think that's
7 appropriate.

8 MS. JONES: Okay.

9 THE COURT: Okay? The one with the
10 Defendant and the gun in his hand, I think
11 that's appropriate. I would allow that in, and
12 I'll let Ms. Tolley say whatever she needs to on
13 the record, but I think that that has some true,
14 not to say the other arguments don't, but I
15 think that has probative value that's not
16 substantially outweighed by the prejudicial
17 effect, as it relates to him having the gun in
18 his hand.

19 MS. JONES: Okay.

20 THE COURT: My concern about the video, I
21 think everybody in this courtroom understands,
22 my concern about the video is, you may not agree
23 with me, but, you know, maybe I'm right, maybe
24 I'm wrong, somebody can figure that out, but
25 that's going to be my ruling there.

1 As it relates to the one about the teal-
2 colored gun, I'll have to think about that,
3 okay?

4 MS. JONES: All right.

5 THE COURT: That's gonna be -- all right,
6 what else?

7 MS. JONES: Sorry, Judge, one more.

8 THE COURT: No, no, no, take your time.

9 MS. JONES: We have a 911 call that Ms.
10 Tolley says she's objecting to, that would
11 obviously be our first witness. I would just
12 like to get that out of the way.

13 THE COURT: Yeah, let's go ahead and do
14 that.

15 MS. JONES: Okay.

16 THE COURT: So is the 911 -- you want to
17 put her on the stand?

18 Ms. Tolley, I'm assuming that the disk is
19 what it is. You're objecting to, I guess the
20 911 call coming in?

21 MS. TOLLEY: Yes, sir.

22 THE COURT: All right. Well, any objection
23 to let's go ahead and hear what she wants to put
24 in. In other words, whatever she puts on, and
25 has me listen to, I'm assuming, ma'am, that if

1 that's not what you understand it is, you'll
2 point that out to me.

3 MS. TOLLEY: Yes, sir.

4 THE COURT: All right, so let's go ahead
5 and play it, and let's see what it says.

6 MS. JONES: And, Judge, I'm making this
7 Court's 15.

8 (Audio being played for the Court.)

9 MS. JONES: Judge, that's the 911 call.

10 THE COURT: All right.

11 MS. JONES: I will seek to admit it and
12 note her objection.

13 THE COURT: All right. Ms. Tolley, let me
14 hear from you on that.

15 MS. TOLLEY: Your Honor, we've been saying
16 that this is a violation of the hearsay rule as
17 well. It's a third person calling, not the
18 victim himself calling. She is questioning him
19 in response to questions that are being asked by
20 the 911 operator.

21 He's responding to those questions. That
22 information is testimonial as well, and it's
23 someone other than the person making the
24 statements to his -- relaying that information
25 to the 911 operator, so we would say that it's

1 hearsay, that it shouldn't be admitted, that it
2 doesn't fall under any of the exceptions of the
3 hearsay rule, and that's why it shouldn't. And
4 the person -- well, I'll leave it at that.

5 THE COURT: So you're saying that,
6 basically, anytime someone else calls and was
7 informed that there'd been a shooting, and they
8 report it, that's not admissible? Because
9 you've got two different issues going on.
10 You've got one issue, as they're asking the
11 questions, right?

12 One, somebody's asking questions of the
13 lady on the phone, and she's relaying them to
14 Corey, or whoever, but if Corey says, "Call the
15 cops, tell them I got shot," I mean are you
16 saying that's not admissible?

17 MS. TOLLEY: I think they're two different
18 situations. Somebody's calling separately,
19 where the person who -- the alleged victim isn't
20 present, and they know that something happened,
21 and they just call the police, that's one thing,
22 but in this case, she's questioning Corey, he's
23 responding to questions, and so it's a
24 straightforward hearsay.

25 THE COURT: All right, let me hear it,

1 Solicitor.

2 MS. JONES: Judge, it's not hearsay, it's
3 excited utterance, presence and impression.
4 State v. Hendricks has allowed it, multiple
5 other cases have allowed 911 calls, State v.
6 Sledge. Whether it's a Crawford violation we
7 then go back to State v. Washington, but, again,
8 because these statements are made for the
9 primary purpose of assisting and aiding an
10 ongoing violent murderer, or attempted murderer,
11 that it is non-testimonial, and, therefore, it's
12 admissible.

13 Also that third party on the phone is
14 Cynthia Stewart, who is the State's second
15 witness in this case, she will be testifying.

16 MS. TOLLEY: And I think the Solicitor
17 handed up State v. Hendricks. In that case the
18 third-party person wasn't allowed to provide
19 testimony, or the 911 tape was not allowed to
20 come in.

21 MS. JONES: Because it was after-the-fact,
22 it wasn't made right immediately after the
23 emergency. What happened in State v. Hendricks
24 is, it was a domestic violence CSC sort of
25 situation, and the victim, after she was

1 attacked by her on, off again boyfriend, called
2 her mother, relayed to her mother what had
3 happened.

4 The Court ruled that that initial statement
5 to mom could come in through mom, as an excited
6 utterance. After-the-fact, after the victim
7 gets to mom's house, gets her children put down,
8 everybody's calmed down, then they call 911.
9 They said that that 911 call was not admissible,
10 but that's differentiated here, in that this 911
11 call was made immediately after the shooting,
12 there was no delay.

13 Corey ran straight to Ms. Stewart's house,
14 told her he had been shot, because he thought he
15 had been shot, and that his cousin's dead, and
16 she immediately calls 911.

17 THE COURT: All right, what I'm gonna do is
18 this, I've got a couple things I need to take
19 under advisement. You want to know something?
20 I'm gonna walk in the back and think about this
21 and do a little work on this 911 call and give
22 you a decision on that.

23 So let's stick around. Maybe in the
24 meantime you can have an opportunity to look at
25 the video while I'm back here working on that.

1 What other motions are there?

2 MS. JONES: What video?

3 THE COURT: The video about the
4 interrogation --

5 MS. TOLLEY: Okay.

6 THE COURT: -- or the questioning.

7 MS. JONES: Oh.

8 THE COURT: Remember --

9 MS. JONES: Yes, sir.

10 MS. TOLLEY: Yes, sir.

11 THE COURT: She needs to go back and look
12 at it, because I'm sure that's something, if
13 there needs to be a redaction, then that's
14 something that you'all are gonna need to make
15 and --

16 MS. JONES: Uh-huh.

17 THE COURT: So we're trying to --

18 MS. TOLLEY: So --

19 THE COURT: We've got the wizard right
20 there, he can do anything, he can fix anything.
21 All right.

22 MS. JONES: I did, Judge, you mentioned my
23 all too favorite, Facebook.

24 We don't have Facebook records in this
25 case, so I'll go ahead and put that out there.

1 We do have a screenshot of Channon Preston's
2 Facebook page that was totally public, open.
3 You type in Glizzy in Facebook, and that's what
4 pops up. Investigator Duncan screen-shotted it,
5 I can shoot it to you, but it's got his picture,
6 and it says, "Glizzy, Channon Preston," or
7 Channon Preston, Glizzy."

8 THE COURT: We're not talking about
9 location.

10 MS. JONES: No, we're not talking about
11 locations.

12 THE COURT: -- in using Facebook, correct?

13 MS. JONES: not at all.

14 THE COURT: All right, well, I'll hold that
15 for the time at least, was a whole other matter.

16 MS. JONES: It was, I just -- you said
17 Facebook and I didn't want any --

18 THE COURT: I did.

19 MS. JONES: -- surprised.

20 THE COURT: I did say Facebook.

21 MS. JONES: We've been down that rabbit
22 hole before, and I didn't --

23 THE COURT: We have been down that one
24 before, but, yeah, so as it relates to that, so
25 it's just a matter of that's what they found on

1 the phone, and --

2 MS. JONES: That was just an open internet
3 Facebook search that he did independent of the
4 phone. And because it wasn't a private profile,
5 he was able to view it publicly.

6 THE COURT: Ms. Tolley?

7 MS. TOLLEY: What is it? I'm sorry. I'm
8 sorry, Judge.

9 THE COURT: What -- and you're trying to
10 get the photograph in, or the screenshot, or the
11 shot of whatever it is?

12 MS. JONES: Yes. Okay.

13 MS. TOLLEY: I want to know how they
14 spelled Glizzy.

15 MS. JONES: G-L-I-Z-Z-Y, it's the common
16 spelling of Glizzy.

17 THE COURT: The common spelling Glizzy?

18 MS. JONES: Yes, sir.

19 THE COURT: Okay.

20 MS. TOLLEY: And you want to put this in
21 why?

22 MS. JONES: That Glizzy is Channon Preston.

23 MS. TOLLEY: I'm not sure how that relates
24 to my guy, but --

25 MS. JONES: Because it's a hand of one/hand

1 of all case, Judge.

2 THE COURT: Right.

3 MS. JONES: I have to prove they both did
4 it. He identifies Glizzy, that shows Glizzy's
5 name as Channon Preston.

6 THE COURT: Well, I tell you what, let's
7 just -- we'll take that up tomorrow.

8 MS. JONES: Okay.

9 THE COURT: Okay?

10 MS. JONES: Yeah.

11 THE COURT: I --

12 MS. JONES: It won't come up early, so --

13 THE COURT: Yeah, that'll --

14 MS. JONES: Okay.

15 THE COURT: And whatever ruling I make on
16 that, it won't be a whole lot of correction, and
17 things of this nature that would slow things
18 down I would think.

19 What else?

20 MS. JONES: We do have a jail call that I
21 would be seeking to admit. I can play that for
22 you.

23 THE COURT: What about the jail call, Ms.
24 Tolley?

25 MS. TOLLEY: We're gonna say that that's

1 not admissible, that --

2 THE COURT: The entire jail call is not
3 admissible?

4 MS. TOLLEY: That's from a -- I think there
5 was a case, State --

6 THE COURT: State v. Elkerson.

7 MS. TOLLEY: -- v. Elkerson, where it talks
8 about letters, and it says that there's some
9 expectation of privacy, and that -- I'm not even
10 sure how the Solicitors get those 911 calls,
11 whether they have to subpoena it, or whether
12 they just automatically have access to it, which
13 is clearly inappropriate, and so we believe that
14 those should not come in.

15 And I think we handed up a copy of it for
16 the Court's review.

17 MS. JONES: Did you have a copy for me to
18 review?

19 THE COURT: Well, Solicitor, isn't there an
20 issue concerning a jail call, whether it's just
21 a random monitoring versus somebody listening in
22 on a conversation? Am I not remembering that
23 correctly?

24 I -- in fact, I thought that came up just a
25 few weeks ago, the week before last. Yeah, like

1 something about a volunteer, listening to the
2 call, as opposed to -- is there not a case out
3 there concerning that? There's something about
4 that that came up in a case I was trying with
5 Ms. Gibbes in Jasper, I thought. In Hampton?
6 In Hampton.

7 MS. JONE: I'm not familiar with that,
8 Judge. Anything I've come across regarding the
9 initial interception of the phone calls, goes
10 back to the federal wiring tapping statute, and
11 whether the initial interception was admissible
12 after that.

13 I haven't seen any recent South Carolina
14 law regarding interception of jail phone calls,
15 but if it's out there, I would certainly like to
16 see it.

17 THE COURT: All right.

18 MS. JONES: And, Judge, this is way at the
19 end of the case, it's certainly --

20 THE COURT: Okay, yeah.

21 MS. JONES: -- something we can take up --

22 THE COURT: I'm glad to hear that, I don't
23 have to make that decision right now. I've got
24 enough to decide right now.

25 MS. JONES: We can take that up before that

1 witness will testify.

2 THE COURT: Is that all right, Ms.

3 Tolley --

4 MS. TOLLEY: Yes, sir.

5 THE COURT: -- to take that up a little bit
6 later?

7 MS. TOLLEY: Yes, sir.

8 THE COURT: Anything else I need to take up
9 now?

10 MS. JONES: Not from the State, Judge.

11 THE COURT: Ms. Tolley?

12 MS. TOLLEY: Is there any prior record or
13 other prior bad acts that you would want to be
14 admitted?

15 MS. JONES: There's no prior convictions,
16 no prior bad acts.

17 THE COURT: All right, great.

18 MS. TOLLEY: thank you.

19 THE COURT: All right. Yes, sir?

20 MR. PAULK: I have just been informed that
21 State v. Ellison was argued in front of you
22 recently in Hampton County, Your Honor, with
23 Ms. Courtney Gibbes.

24 MS. TOLLEY: Oh, yeah.

25 MS. JONES: Oh, then that's the case.

1 THE COURT: Yeah, see I remember so many
2 different things, I get confused. There was
3 something about that case.

4 MR. PAULK: I believe in that case, the
5 jail call was picked up, Your Honor.

6 MS. JONES: Well --

7 THE COURT: No.

8 MS. TOLLEY: Just a jail mail.

9 MR. PAULK: Jail mail?

10 MS. TOLLEY: Uh-huh.

11 MR. PAULK: Excuse me.

12 THE COURT: All right, I'm gonna go sit in
13 the back for a minute and -- let me look at a
14 few of these things. I may be able to make a
15 decision at least on two of them this afternoon,
16 I'll come back out here. So you'all whatever
17 you need to do, if you don't mind, stick around
18 for a few minutes.

19 (RECESS)

20 (Court's Exhibits 1 - 15 were admitted into
21 evidence.)

22 **PROCEEDINGS CONTINUED**

23 **

24 THE COURT: As it relates to the 911 call,
25 I reviewed the State V. Hendricks case. While there

1 are a lot of similarities, there are a lot of
2 dissimilarities as it relates to our case.

3 The caller, the 911 caller, I think clearly
4 for almost the entirety of the phone call, she is
5 under duress. She is excited. I think that she is
6 in shock. She talks about the fact that she is not
7 going to go outside because she is scared.

8 Also, certainly the information she is
9 getting from the co-defendant -- the other victim in
10 this case -- that individual, I think clearly is
11 still -- I think he is still excited. I think quite
12 frankly that the information that he has provided
13 would fall under excited utterance, present-sense
14 impression. The information that he is providing to
15 the caller, she is relaying, and I think she is
16 excited.

17 I think to that extent, it will be
18 admissible, Ms. Tolley. I think that the
19 conversation and the call and the information that
20 is being provided is -- I don't know it's
21 testimonial, but to that extent, I think that the
22 information that she is getting from the defendant
23 is sort of in real-time as opposed to the Hendricks
24 case when there were several hours of time that
25 passed in the Hendricks case.

1 She also told the ambulance where to meet
2 her. In this case -- where the police could meet me
3 and meet my daughter or grand-daughter at the
4 hospital.

5 In this case, the caller is saying, Get over here
6 now. I am scared." She is trying to calm down her
7 neighbor or whatever relationship they have.

8 So to that extent, I think that the 911 call is
9 admissible.

10 Now, that having been said about the 911
11 call, I will say that she did mention some
12 information in what I would consider to be the
13 latter part of the call. She made a comment about
14 heading back into Beaufort.

15 She made some statements at the very end
16 that I think clearly may have been to someone else,
17 where she started repeating herself.

18 She also indicated that she talked about praying or
19 was praying that something like this was going to
20 happen or not happen. These are all towards the
21 end.

22 Ms. Tolley, I don't know if you want those
23 statements or that portion in or out given ruling.
24 I think that those statements where she is talking
25 to someone else and sort of repeating the story

1 where she talks about them going back to Beaufort --
2 and that was just one sentence, a little bit
3 earlier. But toward the end, she starts taking
4 about praying and things of this nature. I would be
5 willing to remove that. I think at that point she
6 is beginning to calm down. Perhaps even law
7 enforcement has arrived. Someone else certainly
8 arrived.

9 To that extent, I think those portions of
10 it could be excluded. So Ms. Tolley, I don't know
11 whether you want that included or excluded. I have
12 already denied your motion that I will allow it in,
13 but there is that portion of it that I am willing to
14 consider. That is not something you have to know
15 now because that is something I think they can fix
16 easily. You can stop it at maybe one two or three
17 second blurb. But whatever you want to do there,
18 ma'am, I will leave that up to you.

19 MS. TOLLEY: Your Honor, if you are going
20 to admit it, we would ask that the entire thing be
21 played.

22 THE COURT: That is fine. That is
23 absolutely fine. I am just saying that I will give
24 you that option if you want it; okay, without
25 prejudicing your underlying argument to exclude

1 this, absolutely. In that case, ma'am, that having
2 been said, I will allow it to come in.

3 As it relates to the videos, from the video
4 system at the scene, we haven't heard testimony from
5 the officer concerning that, but I suspect that the
6 testimony will be akin to what has been presented in
7 the argument today that has been presented to me.
8 What I will say is that the burden to authenticate
9 evidence is not high. It requires only that the
10 evidence offer a satisfactory foundation from which
11 the jury could reasonably find that the evidence is
12 authentic.

13 That is Barry v. Stang, SC App 2021, 433
14 SC-1. Then also, again, when the challenged
15 evidence is not fungible, strict chains of custody
16 are not required for admission of the evidence.
17 That is State v. Brockmeyer, 406 SC 324. 2013
18 Supreme Court case.

19 I think that at this point, I will say
20 initially that I would most probably allow the
21 video, what I would call the video of the vehicles
22 that pulled up. I don't know that it necessarily
23 shows the shooting. It doesn't show a whole lot. I
24 think certainly they -- assuming they can lay some
25 foundation, I think they can, I think the bar is

1 low. I think certainly -- while it may not be
2 complete, and they are saying it isn't complete -- I
3 think that it allows and gives some of the res
4 gestae as to what is going on at or very near the
5 time of the shooting.

6 Certainly, I think that cross-examination
7 is going to be -- there are plenty of things to
8 cross-examine as it relates to that. I think you
9 brought out a lot of those issues, Ms. Tolley, as it
10 relates to concerns you have, but I think that that
11 would go to most probably, assuming the foundation
12 is laid, and I think that they probably will be able
13 to do that. I think that is going to go to the
14 weight and not the admissibility.

15 And certainly there is a lot to cross-
16 examine on there given the breaks in the action, for
17 lack of better words.

18 That takes me, I think, to the video at the
19 scene. There were three bodycam videos that I saw.
20 Solicitor, am I correct that the first video is the
21 first in terms of time?

22 You sent me three videos.

23 MS. JONES: Those are chronological.

24 THE COURT: One was a gentleman who was
25 seated on his backside with his legs spread apart.

1 The second video had the gentleman standing. I
2 believe the third video had the gentleman sitting in
3 a chair.

4 I think that the first video that I viewed is
5 admissible. Let me just tell you why. I think that
6 -- I don't think that that was -- they were asking
7 him for information, but it was dealing with a crime
8 that had just occurred.

9 That gentleman was -- I dare say he was out
10 of it. While he wasn't stuttering or why he was
11 able to answer and give them some information that I
12 think that officers at that point were after for the
13 real purpose of trying to identify and go and try to
14 seek out some folks who had just committed a murder.
15 I just think that that is what they were doing. I
16 don't think that it was testimonial in nature. I
17 just think that the responses that he gave were
18 appropriate, and that is the reason they were doing
19 it.

20 As it relates to the -- I will also say
21 that that first video plays into the decision I made
22 about the video at the scene. He mentioned it right
23 there. He is out of it. He is sitting down in an
24 unnatural position. He tells them what happens. He
25 tells them about this video.

1 From there, I think that goes to show -- I
2 think it further corroborates the fact that the
3 video was not altered, and he was ready to show that
4 to them.

5 I think that I would assume that the proper
6 foundation has been laid as we move forward in the
7 trial. My inclination would be to allow the first
8 video in.

9 As it relates to the second and third
10 videos, I think both of those get a little more
11 testimonial. I think that we are removing ourselves
12 from the excitement and -- so I have a little more
13 concern about those. I also don't know -- I would
14 be leaning not to allow those in, the second and the
15 third. The first I would.

16 I also think how the testimony -- I want to
17 reserve my final ruling on that until I heard some
18 testimony. My mind could change as it relates to
19 that. That is on the second and the third video.

20 I still haven't made my mind up about the
21 photograph concerning the gentleman with the
22 cigarette in his hand. The problem is that if I let
23 one out, the second one really has no -- well, I
24 have one that has a picture of the aqua-colored or
25 whatever it is, teal, gun in a lap. I have another

1 picture of the gentleman showing him with a
2 cigarette. I just haven't made my mind up on that
3 one.

4 The one with the defendant holding the
5 weapon, I have made my mind up on that. That will
6 be admissible, assuming the proper foundation is
7 laid.

8 Yes, ma'am.

9 MS. JONES: Judge, we can attempt to redact
10 that.

11 THE COURT: You can play around with it. I
12 don't mean that in a bad way. See what you can do.
13 Depending on that situation, I may or may not change
14 my ruling as to that. That video, certainly, is not
15 going to come in.

16 The Facebook -- I am going to wait on that,
17 but I am probably inclined to let that in. We will
18 see. I haven't really given that any thought, or
19 not much thought.

20 I think that is all I took under
21 advisement. I wanted to let you-all know what my
22 position was on these matters. Granted, it could
23 change given testimony that comes out, but I feel
24 pretty good about the decisions that I have made
25 concerning that.

1 Ms. Tolley, have you had a chance to look
2 at the video clip that they provided; the 27-minute
3 clip?

4 MS. TOLLEY: I have, Your Honor.

5 THE COURT: Let me hear from you on that.

6 MS. TOLLEY: I don't think there is
7 anything else that needs to be redacted, if that is the
8 question, Judge.

9 THE COURT: All right. Yes, ma'am.

10 What else do we need to take up today, from
11 the State?

12 MS. JONES: I don't believe there is
13 anything else today, Judge. I do have the
14 outstanding jail call, but that is way at the end of
15 my case.

16 THE COURT: We will deal with that later.
17 I will get somebody I know close to me to do some
18 research on that.

19 Ms. Tolley, what else do we need to take up
20 today?

21 MS. TOLLEY: I don't think there is
22 anything else today, Your Honor.

23 THE COURT: We will be back here probably
24 around 9:00. Kymberlee, is that okay?

25 THE COURT REPORTER: Yes, sir.

1 THE COURT: Be back here about 9:00. The
2 jury is going to be coming in at 9:30. I appreciate
3 everybody being fair today and working hard.

4 We will see everybody back at 9:30 or at
5 9:00 or a few minutes after 9:00 tomorrow
6 morning. Thank you.

7 MS. JONES: Thank you, Judge.

8 MS. TOLLEY: Thank you, Judge.

9 (At 4:57 p.m. the proceedings were continued
10 until the following day without interruption.)

11

**

12

END OF VOLUME I

13

14

15

16

17

18

19

20

21

22

23

24

25

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

CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 12th Day of June, 2023.

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

This, the 2nd day of January, 2024.

[Redacted Signature]

Kymberlee M. Williams, CSR/RPR

STATE OF SOUTH CAROLINA	IN THE GENERAL SESSIONS COURT
COUNTY OF BEAUFORT	2020GS-07-02185, -086, -2312

-----)	
State of South Carolina)	
) Plaintiff,	
) vs.	TRANSCRIPT OF JURY TRIAL
) XAVIER M. POLITE,	VOLUME II
) Defendant.)	PAGES 142 - 414
-----)	

June 13, 2023
Beaufort, South Carolina

B E F O R E:

The Honorable Robert J. Bonds, Judge Presiding

Kymerlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
Post Office Box 8091
Beaufort, South Carolina 29903

A P P E A R A N C E S

Appearing for The State of South Carolina:

Mary Jones, Esquire
Sarah Malone, Esquire
Assistant Solicitors
14th Circuit Solicitor's Office
102 Ribaut Road
Beaufort, South Carolina 29902

Appearing For the Defendant:

Juan Tolley, Esquire
Seth Paulk, Esquire
Assistant Public Defenders
Fourteenth Circuit Public Defender's Office
P.O. Box 545
Beaufort, South Carolina 29901

INDEX

PROCEEDINGS:	153
OPENING STATEMENT BY MS. JONES	176
OPENING STATEMENT BY MS. TOLLEY	179
WITNESS: ALLYSON MOREIRA	
Direct Examination (J)	183
Cross-Examination (T)	185
WITNESS: CYNTHIA STEWART	
Direct Examination (J)	207
Cross-Examination (T)	211
WITNESS: JOSEPH DRISCOLL	
Direct Examination (J)	214
Cross-Examination (T)	222
Redirect Examination	230
Recross-Examination	230
WITNESS: BRIAN ABELL	
Direct Examination (J)	232
Cross-Examination (T)	237
WITNESS: CHELSEA SERONKA	
Direct Examination (M)	239
Cross-Examination (T)	248

INDEX - CONTINUED

WITNESS: ADAM DRAISEN		
Direct Examination (J)		256
Cross-Examination (T)		273
Redirect Examination		277
Recross-Examination		278
WITNESS: COLT MOSS		
Direct Examination (J)		279
WITNESS: DANIEL IRELAND		
Direct Examination (J)		286
Cross-Examination (T)		314
WITNESS: ERIN LYNN		
Direct Examination (J)		316
WITNESS: JENNIFER SNIDER		
Direct Examination (J)		332
Cross-Examination (T)		388
Redirect Examination		396
Recross-Examination		398
WITNESS: JAMES TUNIS		
Direct Examination (J)		400
Cross-Examination (T)		407

INDEX - CONTINUED

**

PROCEEDINGS CONTINUED	413
CERTIFICATE OF REPORTER	414

EXHIBIT LIST

**

ITEM NO.	DESCRIPTION	PAGE
S-1	DVD	185
S-3	DVD	219
S-6	Firearm	246
S-7	Magazine	247
S-8	DNA Swabs	246
S-9	Photo	298
S-10	Photo	298
S-11	Photo	298
S-12	Photo	298
S-13	Photo	298
S-14	Photo	298
S-15	Photo	298
S-16	Photo	298
S-17	Photo	298
S-18	Photo	298
S-19	Photo	298
S-20	Photo	298
S-21	Photo	298
S-22	Photo	298
S-23	Photo	298
S-24	Photo	298
S-26	Photo	298
S-27	Photo	298
S-28	Photo	298
S-29	Photo	298
S-30	Photo	298
S-31	Photo	298
S-32	Photo	298
S-33	Photo	298

S-34	Photo	298
S-35	Photo	298
S-36	Photo	298
S-37	Photo	298
S-38	Photo	298
S-39	Photo	298
S-40	Photo	298
S-41	Photo	298
S-42	Photo	298
S-43	Photo	298
S-44	Photo	298
S-45	Photo	298
S-46	Photo	298
S-47	Photo	298
S-48	Photo	298
S-49	Photo	298
S-50	Photo	298
S-51	Photo	298
S-52	Photo	298
S-53	Photo	298
S-54	Photo	298
S-55	Photo	298
S-56	Photo	298
S-57	Photo	298
S-58	Photo	298
S-59	Photo	314
S-60	Photo	314
S-61	Photo	314
S-62	Photo	314
S-63	Photo	314
S-64	Photo	314
S-65	Photo	314

S-66	Photo	314
S-67	Photo	314
S-68	Photo	314
S-69	OSCR Disk	289
S-70	Shell casing	325
S-71	Shell casing	325
S-72	Shell casing	325
S-73	Shell casing	325
S-74	Shell casing	325
S-75	Shell casing	325
S-76	Shell casing	325
S-77	Shell casing	325
S-78	Shell casing	325
S-79	Shell casing	325
S-80	Shell casing	325
S-81	Shell casing	325
S-82	Shell casing	325
S-83	Shell casing	325
S-84	Shell casing	325
S-85	Shell casing	325
S-86	Shell casing	325
S-87	Shell casing	325
S-88	Shell casing	325
S-89	Shell casing	325
S-90	Shell casing	325
S-91	Shell casing	325
S-92	Shell casing	325
S-93	Shell casing	326
S-94	Shell casing	326
S-95	Shell casing	327
S-96	Shell casing	328
S-97	Shell casing	328

S-98	Shell casing	328
S-99	Blink camera	330
S-100	Still photo	264
S-101	Emails (not admitted)	N/A
S-102	Surveillance footage	271
S-103	Glover buccal swab	340
S-104	Still Photo	356
S-105	Still photo	356
S-106	Still photo	356
S-107	Still photo	356
S-108	Still photo	356
S-109	Still photo	356
S-110	Still photo	356
S-111	Still photo	356
S-112	Still photo	356
S-113	Still photo	356
S-114	Still photo	356
S-115	Still photo	356
S-116	Still photo	356
S-117	Still photo	356
S-118	Still photo	356
S-119	Still photo	356
S-120	Still photo	371
S-121	Still photo	371
S-122	Still photo	371
S-123	Still photo	371
S-124	Still photo	371
S-125	Still photo	371
S-126	Still photo	371
S-127	Still photo	371
S-128	Still photo	371
S-129	Still photo	371

S-371	Still photo	371
S-131	Still photo	371
S-132	Still photo	371
S-133	Still photo	371
S-134	Still photo	371
S-135	Still photo	371
S-136	Still photo	371
S-137	Still photo	371
S-138	Still photo	371
S-139	Still photo	371
S-140	Still photo	371
S-141	Still photo	371
S-142	Still photo	371
S-143	Still photo	371
S-144	Still photo	371
S-145	Still photo	371
S-146	Still photo	371
S-147	Still photo	371
S-148	Still photo	371
S-149	DNA swabs	382
S-150	Magazine	360
S-151	Shell casings	364
S-152	Live rounds	363
S-153	Black do-rag	359
S-154	Iphone	374
S-156	Gun holster	377
S-157	Magazine	373
S-158	Ammo	376
S-159	Firearm	385
S-160	Drum - Draco	386
S-161	Teal Taurus	384
S-162	Taurus ammo	384

S-183	Thumb drive	406
S-189	Photo	241
S-190	Photo	241
S-191	Photo	241
S-192	Photo	241
S-193	Photo	329
S-194	Photo	329
S-199	Jar of marijuana	319
S-200	Bullets/ammo	387
C-16	CAD report	202
C-17	Foreperson note	203
C-18	Affidavit	232
C-19	Driscoll report	353

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

PROCEEDINGS CONTINUED

TUESDAY, JUNE 13, 2023

BEAUFORT, SOUTH CAROLINA

(The following proceedings were held in open court. All parties were present.)

THE COURT: All right, let me just ask, before I get started, the thing I've got on my mind is -- are there any matters the State need to take up before we bring the jury in?

MS. JONES: Your Honor, I just wanted to readdress Ahrens and Abell's body-cam testimony, the statements made by Corey Singleton to them, sir?

THE COURT: Yes, ma'am.

MS. JONES Because I knew those were still under advisement, Judge. You had said that you believed that they were closer to the realm of testimonial as opposed to non-testimonial. Going back through the times, Ahrens' body-cam starts five minutes after Driscoll's ends. I think that it's just still one continuous statement given by Mr. Singleton.

He also -- Ahrens reports in his report, or

1 documents in his report that he is -- he has
2 dirt on him, he's missing a shoe, he is clearly
3 out of it, to the point where Ahrens asks for
4 medical personnel to come and check on him. I
5 think that all of that gives rise to support
6 that these are excited utterances, these are
7 present sense impressions, and they are non-
8 testimonial.

9 THE COURT: Yes, ma'am, go ahead.

10 MS. JONES: And also some of the cases I
11 did hand up yesterday, Judge, State v. Hanson,
12 it just goes into the timeframe, the excited
13 utterance and whatnot, and it also bring into
14 play the res gestae theory to the argument.

15 And I think that under res gestae we were
16 well within an hour for all three of these
17 statements, Judge, and they do fully furnish
18 context for what happened that night. They are
19 one continuous statement by Mr. Singleton.

20 As for Abell's statement, Judge, there's
21 only a few remarks at the very beginning of that
22 clip, it was 56 seconds long, that actually are
23 him telling what happened. The remainder of the
24 clip goes into the surveillance, and I think
25 that that clip goes to -- in addition to Master

1 Sergeant Draisen's testimony, authentication of
2 the surveillance video. I do not believe it's
3 hearsay. I think it explains why BCSO went into
4 the house to recover the cell phone, and then
5 give it back to Corey Singleton, to show them
6 the clips. I think that that is part and parcel
7 of the authentication of the disk, of the
8 surveillance video, and I think under res gestae
9 it's all one continuous stream of events; you
10 can't have one without the other, and I think
11 that it fully furnishes context to what happened
12 that night.

13 THE COURT: Thank you, Solicitor.

14 Any response?

15 MR. PAULK: Your Honor, respectfully --

16 THE COURT: Yes, sir.

17 MR. PAULK: -- Mr. Singleton is no longer
18 with us, he can't be cross-examined, he can't be
19 impeached. We're not able to attack his
20 credibility to attack his testimony.

21 Whenever he's on the phone with the 911
22 operators, he gives them all the information
23 that they need to assist on the ongoing events
24 here, an ongoing investigation.

25 Whenever he's talking to officers in the

1 perimeter, there's squad cars, there's officers,
2 there's armed officers. There's not an ongoing
3 emergency at that location anymore. Certainly,
4 perhaps they are looking for the perpetrators,
5 but all the information that is given to them
6 has already been given on the 911 call.

7 At this point, we're just accumulating Mr.
8 Singleton's testimony. We are stacking it on
9 top of itself to make it more lively than it
10 should be. He's told officers a different
11 story.

12 On 911 he says -- when the first officer is
13 speaking with him, he said, "Oh I don't know"
14 and he says that a couple more times. We're not
15 able to cross-examine him and get him on the
16 witness stand to point that out to the jury in
17 front of them.

18 We're going to be cross-examining these
19 officers who the body-cam is coming in through.
20 Furthermore, Mr. Singleton is not a child. Some
21 of those cases that were provided to you
22 yesterday were specifically for children, in
23 talking about how in the instances of children,
24 certainly, the excited utterance exception can
25 last a little bit longer, it can go for much

1 longer because these are children.

2 Mr. Singleton certainly may have been upset
3 because he witnessed his cousin be shot in front
4 of him, that is understandable; however, an
5 excited utterance it is not.

6 These were not unprompted statements that
7 he made. These were not unsolicited statements
8 that he made. These were statements that he
9 made in response to questions by law
10 enforcement, for the purpose of determining who
11 these people were, and bringing them to justice
12 at a later date.

13 The crime had already happened, the crime
14 had already been committed. All the questions
15 asked by law enforcement, all the information
16 given by Mr. Singleton was in the furtherance of
17 this investigation, not in the furtherance of an
18 ongoing emergency.

19 THE COURT: All right. I tell you, I'm not
20 gonna allow the other two videos, statements of
21 decedent. You know, when I look at this, you
22 know, is he unavailable? Certainly, he is
23 unavailable.

24 And when I look at Crawford and try to
25 evaluate testimonial vs. non-testimonial,

1 Crawford doesn't state that any police
2 questioning of a witness would make a statement
3 testimonial, and it really is dealing more with
4 interrogation. I do agree with you, Mr. Paulk,
5 in that, basically, you know, you're asking the
6 same thing over and over again. I believe that
7 the preliminary questioning at the scene of the
8 crime, and that preliminary questioning was
9 shortly after the crime occurred, I think that's
10 quite obvious.

11 It was in a relatively short period of
12 time. Do I know whether it was in five minutes
13 or 35 minutes or 40 minutes? I think that it
14 was certainly less than an hour. And, again,
15 clearly, the video shows that the gentleman, at
16 least the initial shot, I mean he's sitting on
17 the ground in an unnatural position, clearly,
18 out of it, in my opinion, and I think clearly
19 was out of it as he was getting the -- as the
20 friend or relative was asking him the questions;
21 but I think that the Crawford v. Washington,
22 goes back to the preliminary questioning at the
23 scene of the crime shortly after it occurred
24 does not rise to the level of interrogation.

25 And so I do believe that those questions

1 that are asked are non-testimonial, but once we
2 get into a second and a third, again, even
3 though, Solicitor, it was a relatively short
4 period of time, I've got to disagree with you.
5 And in addition to that, the comments at that
6 point start getting -- they just are so much
7 deeper, that, at that point, they really start
8 to infringe on their ability to cross-examine
9 him.

10 I think it begins to broach testimony. And
11 for those reasons I'm going to keep the other
12 two body-cams out, all right?

13 Any other matter, Solicitor?

14 MS. JONES: Just to not -- just so we don't
15 have any hiccups when our witnesses are on the
16 stand. I will be asking Abell why he went
17 inside the home. And I think that he has to
18 say, "Because Corey said he had surveillance on
19 his phone, so we went to go get it." I don't
20 think -- and I don't think that's hearsay, I
21 don't think it's for the truth of the matter
22 asserted, it explains why Abell and Ahrens then
23 went inside the home with Corey.

24 THE COURT: Yes, ma'am?

25 MS. TOLLEY: Maybe I'm confused, but I'm

1 not sure what the issue is. I think we're okay
2 with her asking that question, or if there's
3 something I'm missing.

4 THE COURT: No, I think --

5 MS. JONES: I just want to make sure.

6 THE COURT: -- she can ask that question --

7 MS. JONES: Okay.

8 THE COURT: -- or you can certainly say,
9 "As a result of our investigations" --

10 MS. JONES: Okay.

11 THE COURT: -- we went into -- however you
12 want to do it, she's not saying --

13 MS. JONES: Perfect.

14 THE COURT: And, of course, all of my
15 rulings are gonna be made with contemporaneous
16 objections, I'm getting what I believe is going
17 to be the case.

18 MS. JONES: Okay.

19 THE COURT: All right, I think we want to
20 -- anything else?

21 MS. JONES: No, sir.

22 THE COURT: Mr. Paulk, anything before we
23 bring the jury in?

24 MR. PAULK: No, sir.

25 THE COURT: Not that we're bring him in

1 right this second. Do you have any motions or
2 any matters to bring up?

3 MS. TOLLEY: Nothing that can't be
4 addressed later, Judge.

5 THE COURT: All right, I do want to bring
6 up one thing. In the edited video, okay, there
7 is one thing that I'd asked, Ms. Tolley, if you
8 had any objection? You'd indicated you did not,
9 I understand that.

10 I was concerned about one point in the
11 video around the 18:40 mark, or shortly
12 thereafter, when it looked like the officer
13 indicated that your client would have to explain
14 -- will have to explain something in Court, or
15 he would have to explain something. I believe
16 that comments begins to approach a potential
17 burden shifting matter. It starts to give rise
18 or inference that your client, ma'am, might be
19 forced or required to testify, or put forth some
20 type of defense.

21 What I'd like you to do is -- now, I don't
22 know what anybody's strategy is, as it relates
23 to this matter, and that may be something that
24 you want in for who knows what reason, but that
25 grabbed me. I wanted to let you take a look at

1 that. I don't know that that's something that
2 we have to address right this second, but I
3 wanted to bring that to everyone's attention
4 because if I'm wrong about it, great, I'm sorry
5 for even bringing it up. If I'm right about it,
6 it's sort of a -- it's sort of something I just
7 feel, as in my position at this point, where I
8 normally don't get involved in strategy, or what
9 is objected to, or not objected to, but on this
10 matter I thought that I have to at least seek
11 out and bring that to the party's attention.

12 MS. JONES: And, Judge, I'm happy to redact
13 that portion. I don't think it has any bearing
14 on the validity of the statement. I know which
15 section you're referencing.

16 MS. TOLLEY: Judge, we have been looking at
17 the video again last night as well, and there
18 were some parts that we have some concerns
19 about, but if we can leave that for a little
20 later, or you're not planning to produce it
21 before lunch, or are you?

22 MS. JONES: I don't think so, Judge.

23 THE COURT: All right.

24 MS. TOLLEY: Okay.

25 THE COURT: I think that that would be

1 appropriate then, and we'll try to deal with
2 that at lunch, or sometime there, but, again,
3 I'm not trying to pick any sides, it's just that
4 particularly with burden shifting, I just can't
5 allow that not to be -- again, not to be
6 addressed because I could be wrong about
7 strategy, or anything else in any of these
8 matters, I will let you know that, okay?

9 MS. TOLLEY: okay.

10 THE COURT: Anything else before we bring
11 the jury in?

12 MS. JONES: Not from the State.

13 THE COURT: All right. All right. Let's
14 go ahead and get the jury.

15 Are they all here?

16 BAILIFF: Sir?

17 THE COURT: We've got everybody?

18 BAILIFF: Yes, sir, they're all here.

19 THE COURT: Awesome.

20 BAILIFF: Your Honor, the jury's entering
21 the courtroom.

22 (Jury enters the courtroom.)

23 THE COURT: You'all can sit down.

24 BAILIFF: The jury's all present, sir.

25 THE COURT: All right, great, thank you

1 very much.

2 All right, ladies and gentlemen, good
3 morning, I did forget something. I just
4 remembered, and, of course, I blame my Law
5 Clerk, I turned to him, you'all may remember, I
6 turned to him, I said, "What else do I need to
7 tell them?" He said, "Nothing, you're good."

8 Well, no, I needed to tell you, I just saw
9 this, I needed to tell you I want you'all to
10 elect a foreperson, okay? And you'all can do
11 that sometime. Maybe we'll take mid-morning
12 break, it won't take long for you to do that I
13 don't think. Basically, the foreperson merely
14 is the jury's spokesperson, so to speak, so
15 that, for instance, let's say a question comes
16 up, you'all got a question for me, the
17 foreperson will write that question down on a
18 piece of paper, give it to the Bailiff, Bailiff
19 would then, in turn, get it to me, and we then
20 could see if we could answer that question or
21 address that question.

22 The foreperson also when you go to
23 deliberate, would be an individual who would,
24 basically, just make sure that everybody has an
25 opportunity to be heard, and then also would be

1 the individual who would actually fill out the
2 jury verdict form, and I'll give more
3 instructions about that later at the end of the
4 trial; but I'll remind you, or try to remind you
5 when we go to take a break, if you'all could go
6 and do that.

7 And if the foreperson could just write
8 their juror number down on a piece of paper,
9 hand it to the Bailiff, he'll give it to me, and
10 I'll make it a Court's exhibit. All right,
11 Madam Clerk, do you want to go ahead and swear
12 the jury for me, please?

13 CLERK: Okay, if you'll raise your right
14 hand? Do you solemnly swear or affirm that you
15 shall well and truly try and true deliverance
16 made between the State of South Carolina and the
17 accused, and a true verdict given, according to
18 the evidence, so help you God?

19 JURORS: Yes.

20 CLERK: Thank you.

21 THE COURT: All right, ladies and
22 gentlemen, we're about to try the case of the
23 State v. Xavier Polite. And before we begin
24 this trial, folks, I want to tell you this trial
25 is gonna be different than what you might

1 expect. Many people don't have the chance to
2 attend an actual court session, as you're doing
3 now, and they think from watching television,
4 the movies, reading books, that trials are
5 always full of high drama, intense action,
6 riveting circumstances; but while all of these
7 things may be true at times, this trial's not
8 for entertainment.

9 This trial is not for entertainment, folks,
10 it's a fundamental part of our democracy, and
11 it's often, you heard me talk about this
12 yesterday, it's often a slow, deliberative and
13 repetitive process, the exact opposite of
14 movies, TV and books.

15 The courtroom is a place of honor, it's
16 dedicated to the protection and preservations of
17 citizens' rights, who what many have called the
18 greatest justice system ever created. The
19 attorneys who are appearing before you are
20 advocates for the parties they represent, but
21 first and foremost, they're officers of the
22 Court, they're sworn to uphold the integrity and
23 fairness of the judicial system.

24 You should expect them to be professional,
25 competent and ethical in their representation of

1 their client's interest. You also are expected
2 to be professional, reasonable and ethical.
3 Now, I want you to know that what I'm saying
4 right now is intended to serve as an
5 introduction to the trial of this case, and
6 these remarks are not a charge of the law, which
7 I will give you at the end of the case.

8 I'm going to instruct you on the applicable
9 law at the end of the case and before you retire
10 to consider your verdict. This now is merely an
11 explanation of the procedure that we'll follow
12 in the trial of this case, so you may better
13 understand what's happening.

14 Now, folks, I'm gonna tell you this, I'm
15 gonna ask that you not take notes during this
16 trial, all right? Some Judges allow jurors to
17 take notes, other Judges do not, I follow the do
18 not category, and let me just tell you why.

19 My experience has been that sometimes some
20 folks are perceived as better notetakers than
21 others, maybe their handwriting is easier to
22 look at and follow, but just because they are a
23 better notetaker, that doesn't mean that they're
24 writing down and recording what happened, or
25 what was correct.

1 And to that extent, then there may be an
2 opportunity, or there may be some reliance on
3 one person's notes as opposed to another
4 person's memory, and, quite frankly, sometimes
5 it can get confusing. That's one of the reasons
6 I prefer that my jurors don't take notes.

7 The second reason is this, ladies and
8 gentlemen, you are going to be the sole judges
9 of the facts. The facts of this case come from
10 the witness stand and/or exhibits that are
11 entered into evidence. If you're taking notes,
12 it's gonna distract you, potentially, from
13 observing the witnesses. And, folks, in
14 observing the witnesses, evaluating their
15 demeanor, their credibility, you need to look at
16 them, see them because that's a big part of you
17 folks determining and deciding the facts. It's
18 not the only part, but it's a big part.

19 And I think sometimes there is a tendency
20 maybe to doodle, when you have notes, and may be
21 distracted from observing and looking at those
22 witnesses.

23 Now, you'll get started and three minutes
24 in, you're gonna say, "Yeah, but, Judge, you're
25 taking notes." I am taking notes, but guess

1 what? I'm not the finder of fact, you're the
2 sole finder of fact, I'm the judge of the law,
3 you find the facts, so that's why there's a
4 difference, as it relates to that.

5 So I want you to remember that, when you
6 see me taking notes, don't think I'm doing
7 something that I'm not allowing you to do. Your
8 job and my job are two different jobs, okay, and
9 I'll talk a little bit more about that later.

10 Now, I want to tell you that the Defendant
11 in this case -- where's my indictment? Do I
12 have my indictments, or a copy of my
13 indictments? Thank you, Madam Clerk. All
14 right, the Defendant in this case, ladies and
15 gentlemen, is charged with the crimes of murder,
16 attempted murder and possession of a weapon
17 during a violent crime. The elements of these
18 charges will be explained to you later.

19 Now, folks, I read these indictments to you
20 earlier this week, and, again, the indictment is
21 simply the charge by which the case is brought
22 into Court, and it is not in any sense evidence
23 of the allegations it contains.

24 The Defendant has pled not guilty to the
25 indictment, the State, therefore, has the burden

1 of proving each element of the indictment beyond
2 a reasonable doubt, and it'll be your duty,
3 ladies and gentlemen, to decide whether the
4 State's met that burden.

5 Your purpose, as jurors, is to find and
6 determine the facts. You're the sole judge of
7 the facts. At any time if I make a comment
8 regarding the facts, you must disregard it. You
9 are to determine the facts from the testimony
10 you hear and the other evidence introduced in
11 Court. It's up to you to determine the
12 inferences which you feel make it properly drawn
13 from the evidence.

14 It's especially important that you perform
15 your duty of determining the facts, ladies and
16 gentlemen, diligently and conscientiously
17 because ordinarily there's no way to correct an
18 erroneous determination of facts by a jury.

19 On the other hand with equal emphasis, the
20 same law that makes you the judge of fact, as I
21 was speaking earlier, makes me the judge of the
22 law. The law as given to you by the Court is
23 the only law you may consider. You must accept
24 it and follow it, even though you may disagree
25 with it.

1 I cannot tell you what the facts are, and,
2 ladies and gentlemen, you cannot disagree with
3 me about what the law is or should be. Your job
4 is to take the law, as I give it to you, apply
5 it to the facts, as you find them from the
6 testimony of the witnesses and any other
7 evidence that is introduced. And after doing
8 that you'll render your verdict under the solemn
9 oath you just took.

10 Until I advise you, I talked about this
11 some yesterday. Until I advise you to begin your
12 deliberations, you must not discuss the case
13 with anyone, including your fellow jurors,
14 friends, family members, and anyone involved in
15 the case. This includes discussions face-to-
16 face, those by telephone, email, text, blogs, or
17 any other method of communication. You may not
18 use a computer, cellular phone, or any other
19 electronic device with communication
20 capabilities at any time while in the courtroom,
21 or during your deliberations.

22 During breaks, meals, overnight, if
23 necessary, certainly, you may use your devices,
24 however, you may not use them at any time to get
25 or receive information about the case. That

1 includes information about a party, a witness,
2 an attorney, a Court Officer, news accounts
3 about the case, research on any topic that you
4 think would be helpful in deciding the case, or
5 any testimony presented by any witness.

6 During the trial do not read, listen to or
7 watch any news reports about the case, and this
8 includes anything that you may see in
9 newspapers, internet, radio, television, blogs.
10 You must not consider anything you've read or
11 heard about the case outside of the courtroom,
12 whether before or during trial.

13 Now, ladies and gentlemen, after this case
14 is submitted to you, you must discuss it only in
15 the jury room in the presence of all your
16 fellow-jurors.

17 Now, I also want you to know, ladies and
18 gentlemen, if you see somebody in this case, if
19 you see the other attorneys, and they're walking
20 by in the hallway, they have been advised not to
21 talk with you at all. So if you see someone,
22 and they don't even say hello, or give you the
23 friendly nod, as they're passing, they're not
24 being rude, they're just following my
25 instructions I've told them, and I want you to

1 know that.

2 Now, ladies and gentlemen, it's important
3 that you keep an open mind and not decide any
4 issue in this case until all the evidence has
5 been presented, the parties have made their
6 closing arguments, and I've instructed you on
7 the law in this case.

8 It's your solemn duty to determine whether
9 the State has proven the Defendant guilty beyond
10 a reasonable doubt, and your verdict must be
11 based solely on the evidence as has been
12 presented to you during this trial, and the law,
13 as I will instruct you, during and at the close
14 of the trial.

15 Now, I want you to know from time-to-time
16 you may hear one of the lawyers say something
17 like, "Your Honor, I believe we've got a
18 question of law," or, "a matter of law to
19 discuss with you," or "may we approach the
20 bench," or sometimes I might find it necessary
21 to excuse you from the courtroom for a short
22 while, while the attorneys and I can discuss a
23 matter of law.

24 Now, let me just tell you why right now.
25 The reason is because, basically, you're the

1 judge of the facts, I'm the judge of the law,
2 but sometimes when I'm discussing matters of law
3 with the attorneys, it may be necessary for me
4 to make some comment in connection with the
5 facts regarding a ruling, as to whether or not a
6 particular law applies.

7 I'm not supposed to tell you what I think
8 the facts are, so I will excuse you from the
9 courtroom while these discussions take place, so
10 that in no way you'll be influenced by anything
11 I might say or do in connection with the facts.
12 In determining what the facts are, ladies and
13 gentlemen, you must decide whether or not the
14 testimony of the witness is believable.

15 It will be my responsibility to rule as a
16 matter of law, whether certain testimony is
17 admissible at all or not, but once testimony is
18 admitted, whether or not you believe it is
19 solely for you to determine.

20 In deciding whether to believe a witness,
21 you have the right to consider the interest of
22 any witness, the bias of any witness, the
23 prejudice of any witness, the opportunity for a
24 witness to have seen the matters and things for
25 which the witness may testify, and the way the

1 witness acts on the witness stand. You have the
2 right to consider anything that's in the record
3 that will help you evaluate the testimony of the
4 witness.

5 This means that it's your duty, ladies and
6 gentlemen, to pay close attention to the
7 witnesses, to observe the witnesses, listen to
8 the witnesses, pay close attention to the
9 attorneys and the Court. Try not to let your
10 thoughts wander, but give strict attention to
11 the testimony in the case, so that in the end of
12 all the testimony, after the arguments of
13 counsel and my charge of the law to you, you
14 will then be in a position to determine what the
15 facts are, apply the law, and thus render a
16 verdict.

17 All right, in order to reserve everyone's
18 rights, I want to give the parties an
19 opportunity to object to anything that I may
20 have said in my opening instructions to the
21 jury.

22 Any objections from the State?

23 MS. JONES: No, sir.

24 THE COURT: Defense?

25 MS. TOLLEY: None from the defense, Your

1 Honor.

2 THE COURT: All right, great. We will now
3 go ahead, ladies and gentlemen, and begin the
4 trial. Solicitor?

5 MS. JONES: May it please the Court?

6 THE COURT: Yes, ma'am.

7 **

8 **OPENING STATEMENT BY MS. JONES**

9 MS. JONES: Guns, drugs and murder, those
10 three come to a head on November 18th, 2020, at
11 ████ Stonewood Drive, over on St. Helena Island it
12 is Steven Glover laying in the dirt with seven
13 gunshot wounds dead.

14 Corey Singleton is running for his life,
15 and two men, two shooters, two murderers run for
16 theirs. You see those two shooters, you're
17 gonna learn this week, are a man named Channon
18 Preston and this man right here, Xavier Polite.
19 This week is about Xavier Polite, this is his
20 day in court.

21 On November 18th, 2020, that man, Xavier
22 Polite, and his buddy, his friend, his co-
23 Defendant, Channon Preston, who Channon Preston
24 you will learn was also charged with murder in
25 this case, and attempted murder, and possession

1 of a weapon during the commission of a violent
2 crime. They're in Channon Preston's mother's
3 white Toyota minivan, soccer mom van. They go
4 to Corey Singleton's house, but they're not
5 there to see Corey, they're there to see Corey's
6 cousin, Steven because at the time Steven sold
7 marijuana.

8 On that day Steven was going to sell some
9 to Xavier Polite and Channon Preston. As the
10 white van pulls up, Steven is seated in the
11 driver's seat of his car, behind closed doors.
12 Corey's inside the home when the vehicle pulls
13 up, but as it pulls up, Corey starts walking
14 outside. Little does he know he's walking into
15 the fight of his life.

16 Once the van stops, two people, and the
17 only two people in the van, Channon Preston and
18 Xavier Polite get out of the van, Channon
19 Preston from the driver's seat, that man from
20 the passenger seat, and they're both armed.
21 Channon Preston has a Tiffany blue .9mm Taurus
22 in his hand, that he will eventually fire at
23 least six times with that gun.

24 Xavier Polite in his hand, a Draco black
25 and tan, and he will pull the trigger at least

1 13 times that afternoon. As Corey is walking
2 down the stairs into the front yard, and Steven
3 is trapped behind closed doors in his car, they
4 are ambushed. That man right there, Xavier
5 Polite, and Channon Preston unleash fury at █████
6 Stonewood, and it ends with Steven Glover dead.

7 Before it's all said and done at least 24
8 bullets will fly that day. We know Steven's
9 down in the dirt, we have Corey, who was just
10 walking down the stairs, pick up, the car pulls
11 up. He takes cover behind Steven's car, and he
12 returns fire.

13 He is able to run, he runs to a neighbor's
14 house, Cynthia Stewart and Marvin Stewart, they
15 live right around the corner from him, and
16 they're gonna be here this afternoon, this
17 morning, and they called 911. And shortly this
18 morning you're gonna hear that 911 call, and
19 you're gonna hear Cynthia, as she's relaying
20 information from Corey to Dispatch about what he
21 just lived through, or what he just survived.

22 And you're gonna hear him give Cynthia, and
23 he gives 911 their names. The name he gives is
24 Glizzy. Glizzy, you may be asking who is that?
25 We've heard of Channon Preston and Xavier

1 Polite. Glizzy is a nickname for Channon
2 Preston, that's what he goes by, that's what
3 everyone knows him as. Channon Preston, Glizzy,
4 the other man responsible for the murder, but
5 not the only man responsible for the murder.
6 You're gonna hear Corey's same voice in the
7 background of that 911 call, and, unfortunately,
8 Corey's not gonna be here this week to testify,
9 to tell you about that; about how he survived
10 that day.

11 Corey won't be here to take that stand
12 because last summer Corey died. Corey passed
13 away from a drug overdose last July. As I said
14 at the beginning, guns, drugs and murder.
15 You're gonna hear about the dark part of
16 Beaufort County this week, and you may hear the
17 words, drug deal gone wrong, or drug deal gone
18 bad, but that's not what happened on November
19 18th of 2020.

20 Was Steven Glover there to sell marijuana?
21 Sure, but it wasn't a drug deal gone wrong, it
22 wasn't a drug deal gone bad, he was a sitting
23 duck, he was targeted, he was cornered, he was
24 ambushed, he was murdered. He never stood a
25 chance that day, when he was staring down the

1 barrel of that man's Draco.

2 This week, as you sit in that jury box,
3 you're gonna be taken back to November 18th of
4 2020. You're gonna hear from first responders,
5 you're gonna hear from investigators, who
6 investigated this case with Beaufort County
7 Sheriff's Office, and you're gonna hear from
8 forensic scientists, who analyzed and tested the
9 evidence.

10 And the Judge is going to instruct you, as
11 he already has, he's going to instruct you
12 multiple times, do not talk about the case, do
13 not discuss the case because every piece of
14 evidence, every word, every exhibit that's
15 admitted, every photograph, everything that's
16 coming from this witness stand, is going to
17 point you in one direction, and it's going to
18 point to one verdict, and that is Xavier Polite
19 is guilty. He's guilty of killing Steven Glove,
20 and he's guilty of trying to kill Corey
21 Singleton, and he's guilty of possession of a
22 weapon because he used the Draco.

23 THE COURT: All right, thank you,
24 Solicitor.

25 Ms. Tolley?

1 **OPENING STATEMENT BY MS. TOLLEY**

2 MS. TOLLEY: May it please the Court?

3 THE COURT: Yes, ma'am.

4 MS. TOLLEY: Good morning. We're really
5 glad you're here today, this is a big day for my
6 client. He's been waiting for this day for
7 almost three years now, a day to have his day in
8 court, to have witnesses called, to have
9 evidence presented, and to have the jury decide
10 whether or not he's guilty or innocent.

11 In our country we have a jury system. The
12 Judge just told you it's one of the greatest
13 justice systems in the world. And under our
14 system of laws, he has the right to a jury
15 trial, he has the right to the presumption of
16 innocence, and he has the right to have the
17 State bear the burden of proving him guilty
18 beyond a reasonable doubt, and that burden rests
19 solely on the State, on the government.

20 Mr. Polite doesn't have to do a thing, he
21 doesn't have to present witnesses, he doesn't
22 have to take the witness stand, he doesn't have
23 to do any of that because the burden is on the
24 State.

25 Beyond a reasonable doubt, what is

1 reasonable doubt? It's a doubt that causes a
2 person to hesitate to act. The State will
3 present witnesses, they've told you that, and
4 pay close attention to the witnesses and what
5 they're telling you.

6 Pay close attention to the holes in the
7 story by the witnesses presented. Pay close
8 attention to the gaps in the storyline, the
9 missing pieces because in those spots, those
10 missing pieces, that's where reasonable doubt is
11 found. You came to this Court representing that
12 you didn't know anything about this case when it
13 started.

14 What you do bring to the case today is your
15 common sense. You don't check that at the door
16 when you come to this courthouse. It's a tool
17 that is available to you throughout this case.
18 Look for issues regarding the credibility of
19 witnesses, who's lying, who's telling the truth,
20 who's leaving things out? Because those are
21 important things, therein lies reasonable doubt.
22 You've probably heard the term, give someone the
23 benefit of the doubt.

24 And if I had to guess, I'd say that
25 probably comes from the law in some way, guilt

1 beyond a reasonable doubt, give someone the
2 benefit of the doubt.

3 And at the end of this case, once all the
4 witnesses have been presented, and all the
5 evidence has been shown, I'm gonna come back and
6 ask you to please give my client the benefit of
7 the doubt. Thank you.

8 THE COURT: All right, thank you, Ms.
9 Tolley.

10 All right, Solicitor, are you ready to call
11 your first witness?

12 MS. JONES: Yes, your Honor.

13 THE COURT: All right, that's great, yes,
14 ma'am.

15 MS. JONES: The State calls Allyson
16 Moreira.

17 * * *

18 **ALLYSON MOREIRA**

19 * * *

20 being first duly sworn, testified as
21 follows:

22 **DIRECT EXAMINATION**

23 BY MS. JONES:

24 Q. Good morning. Ms. Moreira, would you
25 please tell everyone where you currently work?

1 A. The Beaufort County Sheriff's Office.

2 Q. And what is your job there?

3 A. I'm the 911 Audio Clerk in Beaufort
4 County.

5 Q. And how long have you been working
6 there?

7 A. Eight years.

8 Q. And those calls, the 911 calls that
9 come in, are those coming in from Beaufort
10 County?

11 A. They are.

12 Q. On November 18th do you remember
13 receiving a phone call from Beaufort County, in
14 regard to a shooting at ■■■ Fripp Point Road?

15 A. Yes.

16 Q. And do you recall what time that call
17 came in?

18 A. 13:04.

19 Q. And in common time is that 1:04 p.m.?

20 A. Yes.

21 Q. And what -- who was that call from?

22 A. A Cynthia Stewart.

23 Q. At this time I'm gonna show you what's
24 been marked as State's Exhibit 1.

25 Do you recognize this item?

1 A. Yes.

2 Q. And would you mind telling the Court
3 what that item is?

4 A. It's the 911 call.

5 Q. And how do you recognize it?

6 A. It has my initials on it.

7 MS. JONES: At this time, Your Honor, the
8 State moves to introduce State's Exhibit 1 into
9 evidence.

10 MS. TOLLEY: Without objection. Well, we
11 would renew our objections, Your Honor.

12 THE COURT: All right. So I'm going to
13 admit it, subject to the objections of Ms.
14 Tolley. We'll note her objections for the
15 record, so I'm gonna go ahead and admit it.
16 Thank you.

17 (State's Exhibit 1 admitted into evidence.)

18 MS. JONES: And permission to publish to
19 the jury, Your Honor.

20 THE COURT: Yes, ma'am.

21 (Audio being played for the jury.)

22 MS. JONES: No further questions from the
23 State, Your Honor.

24 THE COURT: All right. Ms. Tolley, any
25 cross-examination of this witness?

1 MS. TOLLEY: Yes, sir.

2 THE COURT: Go right ahead.

3 **

4 **CROSS-EXAMINATION**

5 BY MS. TOLLEY:

6 Q. Good morning, how are you? So you were
7 in charge of gathering the information, or
8 bringing the information for the 911 report; is
9 that correct?

10 A. No, I'm not the call taker.

11 Q. I know you're not the call taker.

12 A. I just -- yes, I locate the calls and
13 put it into evidence.

14 Q. Okay, and the 911 operator, they're
15 usually taking notes; is that correct?

16 A. I'm not sure, I don't work in dispatch.

17 Q. What's your job exactly?

18 A. Officers send me requests, and I locate
19 the calls, and then I put them into evidence.

20 Q. And when the 911 operator takes the
21 report, they're putting something in writing as
22 well; is that correct?

23 A. A CAD report.

24 Q. Okay. Is that something that you're
25 familiar with, as well?

1 A. I am.

2 Q. Okay, and in this case, there was a CAD
3 report; is that correct?

4 A. Yes.

5 Q. Okay.

6 MS. TOLLEY: And I'm gonna mark this as
7 defense Exhibit Number 1.

8 THE COURT: All right.

9 MS. TOLLEY: Thank you.

10 BY WITNESS:

11 A. Yes, they're always generated.

12 Q. Okay, and are you aware that in this
13 particular CAD report there's a reference to
14 Glover, "Alert, gang member, requires --

15 MS. JONES: Objection.

16 BY MS. TOLLEY:

17 Q. -- for criminal sexual conduct.

18 THE COURT: Hold on, hold on, hold on, hold
19 on. Yes, ma'am?

20 MS. JONES: Your Honor, that has nothing to
21 do with why we're here today.

22 THE COURT: Counsel approach.

23 (Bench conference.)

24 THE COURT: All right, ladies and
25 gentlemen, I'm gonna send you back to your jury

1 room, it's 10:30 almost. I'm gonna let you go
2 back to your jury room, and while you're there
3 don't talk about the case, but I would ask if
4 you could go and decide on a foreperson while we
5 break, and so I'll get you back in here in about
6 15 minutes. Thank you very much.

7 (Jury exits the courtroom.)

8 BAILIFF: The jury's cleared, Your Honor.

9 THE COURT: All right, thank you.

10 All right, ma'am, you can step down while
11 we're meeting outside the jury's presence, okay?
12 You just can't talk to anyone about your
13 testimony.

14 All right, Solicitor, so let me hear you on
15 your objection, ma'am?

16 MS. JONES: Judge, there is copious amounts
17 of case law out there that deals with the
18 introduction of gang evidence. It is only
19 admissible, if it goes -- falls in our lap, if
20 it goes to motive, or intent.

21 There is nothing that substantiates the use
22 of gang evidence in this case. She is solely
23 using that to assassinate the character of
24 Steven Glover, who is not here to defend himself
25 because of the actions of her client.

1 It is wholly inadmissible, wholly
2 inappropriate. It is a bell that cannot be
3 unrung. The jury has now heard gang evidence,
4 that it was a gang shooting, and it had nothing
5 to do with gangs, it was over a marijuana deal.
6 There's no proof that Steven was in a gang, and
7 it's entirely inappropriate, and, Judge, I don't
8 know how we come back from that.

9 THE COURT: All right, Ms. Tolley, yes,
10 ma'am?

11 MS. TOLLEY: Judge, we think it's entirely
12 appropriate. There is going to be evidence
13 presented in this case where Corey Singleton
14 made statements. There's gonna be evidence
15 presented in this file where we're not gonna
16 have an opportunity to cross-examine him, we're
17 not gonna have an opportunity to cross-examine
18 Steven Glover.

19 And we have to be able to present what the
20 circumstances were, and what evidence is
21 presented within the police report, so that is
22 something that is within the police reports, and
23 that's something that they thought was important
24 because it's something that they put in the CAD
25 report, when they were having a conversation

1 over the police line. It's something that they
2 thought needed to be addressed, and so we think
3 it's entirely appropriate, it's relevant, and
4 for those reasons it should be admitted. And it
5 could go to motive and/or intent --

6 THE COURT: Well, what priors --

7 MS. TOLLEY: -- because --

8 THE COURT: -- let me just start there.
9 What does priors with CSC even mean? And I mean
10 I can't --

11 MS. TOLLEY: That means reference to
12 criminal sexual conduct.

13 THE COURT: Yeah, but what does reference
14 mean?

15 MS. TOLLEY: Well, perhaps --

16 THE COURT: That's the issue because that -
17 - who knows what that means? I don't know that
18 there's a legal -- I mean maybe Black's Law
19 Dictionary has a definition to reference, but I
20 mean I think that just calls for random
21 speculation.

22 MS. TOLLEY: I don't think --

23 THE COURT: Now, I'm not even gonna think
24 about right now the CSC, I want to hear from you
25 on that because to me that's just asking the

1 jury to speculate priors, and priors referenced
2 CSC.

3 How does that not allow them to speculate?
4 Talk to me about that.

5 MS. TOLLEY: I don't think it allows
6 speculation at all. I think it's pretty
7 straightforward. It says, "Prior reference to
8 criminal sexual conduct," and all we have to do
9 is take a look at his rap sheet, and probably it
10 has criminal sexual conduct on it, so that's
11 what that means, and that they need to be aware.

12 That goes to credibility, that goes to
13 who's telling the truth, who's reliable. That
14 goes to motive, that goes to intent.

15 THE COURT: The prior record, CSC, I'm
16 definitely -- I can say I don't have --

17 MS. TOLLEY: and --

18 THE COURT: That whole -- go ahead, yes,
19 ma'am.

20 MS. TOLLEY: I was just gonna say that --

21 THE COURT: Go ahead.

22 MS. TOLLEY: -- the 911 notetaker probably
23 has a notebook that says what all of these
24 things mean, and that's how they've come up with
25 those things.

1 THE COURT: Well, let's assume they've
2 gotten it, but you don't have it, and so to that
3 extent -- I mean we're not gonna get into that
4 now. I don't know if there's --

5 MS. TOLLEY: Yeah --

6 THE COURT: -- a document or not about it.

7 MS. TOLLEY: We can get it, Your Honor.

8 THE COURT: Well, now is not the time to
9 get it. The time to have gotten it would have
10 been last week, when you knew that you were
11 going to be asking these questions, you could
12 have had that notebook.

13 MS. TOLLEY: We didn't know we were gonna
14 ask that question. There was --

15 THE COURT: Well, you know, I'd like to
16 think that you --

17 MS. TOLLEY: Yeah, but we think it's
18 entirely appropriate. We think --

19 THE COURT: All right, well, you've stated
20 your -- I'm not going to allow any of it in.
21 I'm not going to allow reference to a gang
22 member, or a victim being alert for a gang
23 member.

24 I don't know -- again, I have no idea what
25 that means. And an alert for a gang member, it

1 doesn't say, hey, he's a gang member, Glover is
2 a gang member. Alert for gang member, I don't
3 know what that means. Reference to CSC, I don't
4 know what that means. I think it allows for
5 speculation.

6 I do think, as it relates to gang member, I
7 just haven't heard anything that would indicate
8 that this was any type of gang -- this is not a
9 gang case. I haven't heard anything to indicate
10 that. I'll note your objection for the record,
11 but I'm not gonna allow us to get into whatever
12 this inference is, or reference is, alert that
13 you have highlighted, alert for a gang member
14 and prior records to CSC.

15 I just -- I don't think it's -- I just
16 don't think that it's -- I think it would
17 confuse the jury and could certainly confuse the
18 jury because amongst other things, I don't know
19 that we even know what that means for sure. And
20 so with that having been said, I'm not going to
21 allow it.

22 All right, anything further before we take
23 a brief break?

24 MS. JONES: Judge, I'm concerned now that
25 the jury now is under the impression that Steven

1 Glover's a gang member. We are trying to stay
2 away from stereotypes. We went into
3 painstakingly argument over that video yesterday
4 because she didn't want the jury to paint her
5 client in that view, and now she knew exactly
6 what she was doing, when she put Steven Glover,
7 who can't answer for it, into their minds as a
8 gang member.

9 THE COURT: All right.

10 MS. JONES: There are rules that we have to
11 follow, and she's not following them. If she is
12 going to assassinate the character of anybody
13 else without -- in accordance with the rules, I
14 would ask that we do that right now.

15 THE COURT: Well, I certainly appreciate
16 the argument that you've made, counsel, and the
17 concerns that you have.

18 You know, I have not heard you move for a
19 mistrial, and to that extent, what I think is
20 appropriate then would be an instruction to the
21 jury to specifically disregard the question that
22 was asked.

23 Now, what I want to do is this, do you want
24 me to actually go in and repeat that question
25 and then tell them to disregard it, or do you

1 want me to just go ahead and tell them to
2 disregard the last question that she asked?

3 Do you understand what I'm asking?

4 MS. JONES: I do, I don't --

5 THE COURT: I'm not trying to draw
6 attention --

7 MS. JONES: Exactly.

8 THE COURT: -- but at the same time, you
9 know, I want to make sure they disregard that.
10 I'll do it however you want me to do it.

11 MS. JONES: I think a curative instruction
12 needs to be made. I don't want to bring it back
13 to their attention. Surely, they're thinking --
14 they know something's going on.

15 THE COURT: My curative instruction would
16 be that the last question that was asked was not
17 appropriate --

18 MS. JONES: Thank you.

19 THE COURT: -- and I want them to disregard
20 that question, and now we're ready to move on.

21 MS. TOLLEY: I think you need to tell them
22 what the question is.

23 THE COURT: No, I'm not gonna do that.

24 Ms. Tolley, I'm gonna give her the option
25 to do that. I'm sorry, I disagree with that,

1 I'm not gonna tell them what the question is.

2 She doesn't want me to, and I think this
3 was sort of your foul, for lack of better words,
4 and so to that extent, you know, if she doesn't
5 want attention brought to it, I certainly
6 understand that, but I give her that option
7 because depending, you know, some people might -
8 - because then it makes it clear to disregard
9 it, but I'm not going to do that, okay?

10 What else?

11 MS. JONES: The moving of the CAD report, I
12 would object to that being admitted into
13 evidence.

14 COURT REPORTER: I'm sorry, the moving of
15 the what?

16 MS. JONES: The CAD report.

17 COURT REPORTER: Okay.

18 THE COURT: Well, I don't know. I don't
19 know if she's planning on moving that into
20 evidence or not.

21 MS. TOLLEY: I didn't -- so far I haven't,
22 Your Honor.

23 THE COURT: Well, you know, I don't know
24 what this witness knows about the CAD report, or
25 how any of the document -- other than she's

1 pulled the CAD report.

2 All right, I'm gonna allow the CAD report
3 in. I think that she certainly can testify, or
4 that she could acknowledge that it is the CAD
5 report, but there's so much in the CAD report
6 that we're not -- quite frankly, we're not
7 hearing in the audio, and I don't know who's
8 entered this in the CAD report, or what
9 significance these entries have.

10 Because some of them clearly are the
11 responses, but others of them are not, are
12 responses to the questions, but others are not.
13 I mean notifying the bridge attendant. I'm not
14 gonna allow this into evidence. I think you can
15 question her about this, you know, is this a CAD
16 report?

17 And, certainly, if you want to make this a
18 Court's exhibit for protecting the record, you
19 can, but she also indicated that she was not the
20 caller, she doesn't know if they had notes,
21 she's already testified to that, and so I don't
22 know that she would be the proper person,
23 amongst others, to even testify to this.

24 So other than the existence that she pulled
25 it, and that it is the CAD report --

1 MS. TOLLEY: Judge, we would say that the
2 CAD report should be admissible, and it goes
3 towards completeness. The 911 recording is one
4 part of what was done, the paperwork is of the
5 second part, what was done, and it all completes
6 the picture.

7 So you hear the audio from the 911, and you
8 get the written to support what was going on.
9 The State has made a big deal about questioning
10 Corey Singleton being investigative, and this
11 report shows some of the steps that the police
12 took, to get to the point of arresting my
13 client, and I think that information is
14 critical, and it's part of the complete package
15 of what was happening with the 911 call.

16 THE COURT: Let me ask you this, Solicitor,
17 why would certain parts of the CAD report be
18 admissible? For instance, what -- she's scared
19 to go over there, she's afraid -- well, this
20 says, "CA doesn't want to go over there, she's
21 afraid they have guns." I mean --

22 MS. JONES: It's cumulative, they've
23 already heard the 911 call. They're gonna have
24 Cynthia Stewart on the stand. And as for this
25 showing the investigation that took place to

1 facilitate the emergency, she can ask every
2 officer that takes the stand about the
3 investigation, attack their credibility based on
4 that. This is a report, we don't know how many
5 inaccuracies are in it.

6 Allyson Moriera did not type this. We
7 don't know -- she doesn't know anything about
8 this, except for that she pulled it from the
9 BCSO system. I think that she would need to
10 have the dispatcher, who's typing these notes
11 in, to say, "To the best of my ability, I typed
12 the notes in, as they were coming in, and, yes,
13 this is my report."

14 I don't think Allyson can authenticate it.
15 I think that it is full of hearsay. It's full
16 of inadmissible statements, including the gang
17 affiliation, the reference to CSC. I just think
18 that it's problematic. I think it's full of
19 hearsay, and it's not the proper witness.

20 THE COURT: Well, I'm not gonna allow it.
21 I mean I think it -- I mean as far as
22 accuracies, it is what it is, and it's a
23 document that she's pulled. I mean, it's a CAD
24 report, and she's -- I think she's about to
25 identify it, or identified it, but as far as the

1 contents of this report, she didn't put this
2 report together. She doesn't know anything
3 about it, other than she pulled it, and so I do
4 think that - I mean for those reasons I'm not
5 gonna allow it to be admissible, nor am I gonna
6 allow you to question her about what someone
7 else put into this report.

8 I also do believe that it's cumulative and
9 does have some -- the very nature of the report
10 I just think it's full of information that,
11 certainly, this information could be extracted,
12 and if it is extracted from the officers, it
13 needs to be developed. Get in touch with
14 somebody and have them bring the Patrol dogs out
15 here, I mean I don't -- I'm not gonna allow it.

16 Thank you everyone. Let's take a five-
17 minute break.

18 MS. JONES: Thank you.

19 (RECESS)

20

**

21

PROCEEDINGS CONTINUED

22 I asked the State earlier were there any
23 matters that needed to be brought up before we
24 brought the jury in. The State indicated, no,
25 other than the instruction that we had talked

1 about earlier, and I didn't realize that you
2 were not in the courtroom.

3 So let me first ask you this then, anything
4 from you, ma'am, before we bring the jury back
5 in?

6 MS. TOLLEY: We would just add one thing,
7 Your Honor, and I know you've already ruled, but
8 just for the record, Ms. Moreira didn't take the
9 911 call as well, and she's being allowed to
10 introduce the 911 tape.

11 And so there's no reason she couldn't be
12 allowed to testify to the CAD report as well.

13 THE COURT: Well -- and, again, I
14 appreciate that, but to that extent, I think the
15 questions that are asked, and I think that the
16 answers that are given to her questions
17 certainly fall within, what I would say,
18 literally, amongst other things, anybody and
19 everybody can understand it.

20 A CAD report is not something that a
21 layperson could look at, and just by virtue of
22 the fact of the very entry that you made
23 reference to, when I said, "What does it mean,
24 reference CSC?"

25 We don't know, and so that just -- I

1 understand your objection, of course, I'm gonna
2 stay with my ruling.

3 But one other thing before I bring the jury
4 back in, is that I want to please remind you
5 that if you see the Court Reporter write, as in,
6 basically, making notations, marking different
7 exhibits, or marking and putting things into
8 evidence, please try to make a conscious effort
9 not to talk while she's doing that because
10 sometimes it becomes difficult for her to have
11 hands one place, and not the -- ma'am, I'm
12 sorry, what do you call that machine, a
13 typewriter?

14 COURT REPORTER: You can call it a steno
15 machine.

16 THE COURT: A steno machine. So she can't
17 have hands doing two things at once, and I'd
18 just ask that you be cognizant of that.

19 All right, so let's go ahead and get the
20 jury, that'll be great.

21 COURT REPORTER: Ms. Tolley did you decide
22 you wanted that as a Court's exhibit?

23 MS. TOLLEY: I think so.

24 COURT REPORTER: So it'll be 16.

25 MS. TOLLEY: Thank you.

1 (Court's Exhibit 16 admitted into
2 evidence.)

3 BAILIFF: Your Honor, the jury's entering
4 the courtroom.

5 THE COURT: Thank you.

6 (Jury entering the courtroom.)

7 BAILIFF: All present, Your Honor.

8 THE COURT: All right, thank you.

9 All right, ladies and gentlemen, I
10 understand you've had an opportunity to elect a
11 foreman?

12 FOREMAN: Yes.

13 THE COURT: Number 324. That's the lucky
14 seat right here, you've got it. You'll have
15 that seat for the balance of the trial, okay?

16 FOREMAN: Yes, sir.

17 THE COURT: Thank you so much. I'm going
18 to make this a Court's exhibit.

19 (Court's Exhibit 17 was admitted into
20 evidence.)

21 THE COURT: Ladies and gentlemen, it's a
22 slow, deliberative, repetitive process, but
23 we've got to do everything we can to make sure
24 we're doing it right, we're dealing with
25 important matters, I think you understand that,

1 okay? So what I want to tell you is, I want
2 you, ladies and gentlemen, to completely
3 disregard the last question that was asked by
4 counsel, okay? I want you to disregard that.
5 It's not appropriate, and to that extent, not
6 for your consideration. And I think at this
7 point we're ready to continue with cross-
8 examination.

9 Ms. Tolley?

10 MS. TOLLEY: Thank you, Your Honor.

11 THE COURT: Yes, ma'am, sure.

12 BY MS. TOLLEY:

13 Q. So I believe we were talking about the
14 fact that there's a written report that's
15 generated; in addition to the 911 call that we
16 just heard; is that correct?

17 A. Yes.

18 Q. I need you to answer out loud.

19 A. Yes.

20 Q. Okay. And you didn't take the 911
21 call; is that correct?

22 A. Correct.

23 Q. And you never spoke with Cynthia
24 Stewart, the woman who called 911; is that
25 correct?

1 A. Correct.

2 Q. And you never spoke to Corey Singleton,
3 who's one of the alleged victims; is that
4 correct, and you never spoke with my client,
5 Xavier Polite, did you?

6 A. No.

7 Q. Okay, and so you don't know what
8 happened; is that correct?

9 A. No.

10 Q. Thank you.

11 THE COURT: All right, any redirect,
12 counsel?

13 MS. JONES: No, Your Honor.

14 THE COURT: All right, thank you.
15 Thank you so much, ma'am.

16 MS. JONES: And we ask that she be
17 released.

18 THE COURT: Absolutely.

19 MS. TOLLEY: We would ask that she be --

20 THE COURT: Any objection to her being
21 released?

22 MS. TOLLEY: We do?

23 THE COURT: You do?

24 MS. TOLLEY: Yes, sir.

25 THE COURT: Okay. All right, well, in that

1 case you'll still remain under the subpoena.

2 Let me ask you, you need her --

3 MS. TOLLEY: We may have a need to recall
4 her at some point.

5 THE COURT: Counsel approach. Hold on one
6 second.

7 (Bench conference.)

8 THE COURT: The defense is going to --
9 doesn't want to release you from your subpoena,
10 so what we're gonna do is this, you certainly
11 are free to go, and to that extent, just be by a
12 telephone and stand by, so you can go back to
13 work; and if we need you, either the defense or
14 the Solicitor will give you a call.

15 I'd ask that you not talk about this case,
16 or your testimony with anybody, okay?

17 WITNESS: Yes.

18 THE COURT: All right, great then. You can
19 call your next witness.

20 MS. JONES: Thank you, Your Judge. The
21 State calls Cynthia Stewart.

22 * * *

23 **CYNTHIA STEWART**

24 * * *

25 being first duty sworn, testified as

1 follows:

2 THE COURT: Good morning.

3 WITNESS: Good morning.

4 THE COURT: Your witness.

5 MS. JONES: Thank you, Judge.

6 **

7 **DIRECT EXAMINATION**

8 BY MR. JONES:

9 Q. Good morning, Ms. Stewart.

10 A. Good morning.

11 Q. Where do you currently live?

12 A. [REDACTED] Fripp Point.

13 Q. [REDACTED] Fripp Point?

14 A. Fripp Point.

15 Q. You're gonna have to speak into that
16 microphone --

17 A. Okay.

18 Q. -- because this lady's taking down
19 everything you say, okay?

20 A. Okay.

21 Q. So [REDACTED] Fripp Point Road, where is that
22 in relation to [REDACTED] Stonewood?

23 A. Basically, we're kind of neighbors.

24 Q. Okay. And back in November of 2020,
25 did you know who lived at [REDACTED] Stonewood?

1 A. Yes.

2 Q. Who lived there?

3 A. Corey.

4 Q. Do you know Corey's last name?

5 A. Singleton.

6 Q. Corey's not here today.

7 Do you know where -- what happened to Corey
8 since then?

9 A. Well, I know he's dead -- he died.

10 Q. Do you remember November 18th of 2020?

11 A. Yes.

12 Q. And did you speak with Corey that
13 morning, that afternoon?

14 A. Yes.

15 Q. Tell me about that.

16 A. Well, Corey, ran to our house. So he
17 was banging on the door like crazy, so it kind
18 of scared me. But my husband opened the door --
19 I didn't open the door because I didn't know
20 what was going on.

21 Q. And who was at the door when your
22 husband opened the door?

23 A. It was Corey.

24 Q. Was he by himself?

25 A. Yes.

1 Q. And what happened then?

2 A. He said he thought he was shot, so
3 that's what really verified it, so that's when I
4 called 911.

5 Q. Okay, and did Corey stay at your house
6 with you and your husband until law enforcement
7 get on-scene?

8 A. Yes.

9 Q. Does he ever leave?

10 A. No.

11 Q. Do you remember seeing any sort of
12 phone in Corey's hand that afternoon?

13 A. No.

14 Q. In fact, you had to call 911, right?

15 A. Yes.

16 Q. Now, after Corey comes and the Beaufort
17 County Sheriff's Office responds, do you realize
18 that Corey has left something on your front
19 porch?

20 A. Yes.

21 Q. And what did he leave?

22 A. It was a gun.

23 Q. So what did you do at that point?

24 A. Called - called the law to have
25 somebody could come get it off my porch because

1 I wasn't gonna touch it.

2 Q. And did somebody come and collect it
3 from your house?

4 A. Yes.

5 Q. Okay, but Corey left that gun there?

6 A. Yes.

7 Q. Now, when Corey is with you, how is he
8 acting?

9 A. Hysterical.

10 MS. TOLLEY: Judge, I don't think she's in
11 a position to --

12 THE COURT: State your objection.

13 MS. TOLLEY: -- address his state of mind.

14 THE COURT: I'm gonna overrule that.

15 Go ahead.

16 BY MS. JONES:

17 Q. How was Corey acting when he came to
18 your house?

19 A. He was literally terrified. He was
20 just slapping himself and just -- he was very
21 frantic, he was just -- he was in a bad way, and
22 I -- I just felt sorry for him.

23 Q. Now, you spoke with a couple different
24 people with the Beaufort County Sheriff's
25 Office, didn't you?

1 A. Yes.

2 Q. And you had mentioned that you had
3 heard shots before then -- gunshots because --

4 A. Oh, yes.

5 Q. Okay.

6 A. Yes.

7 Q. Okay.

8 A. Yes.

9 Q. So did you hear the shots this
10 afternoon -- the afternoon when this happened?

11 A. I didn't hear them, my husband heard
12 them.

13 Q. Okay, okay. I have nothing further for
14 you, Ms. Stewart, thank you.

15 THE COURT: Cross-examination, Ms. Tolley?

16 MS. TOLLEY: Thank you, Your Honor.

17 THE COURT: Yes, ma'am.

18 **

19 **CROSS-EXAMINATION**

20 BY MS. TOLLEY:

21 Q. Good morning, Ms. Stewart.

22 A. Good morning, ma'am.

23 Q. So you testified that Corey said he was
24 shot; is that correct?

25 A. He said, "I think I've been shot."

1 Q. Okay, and he wasn't actually shot; is
2 that correct?

3 A. I didn't see any evidence, and I didn't
4 go out and touch him to see the crime.

5 Q. So there was no evidence that he had
6 been shot?

7 A. No.

8 Q. And you mentioned that you'd heard
9 shooting at that residence before; is that
10 correct?

11 A. Oh, yes.

12 Q. And that's Corey's residence?

13 A. Yes.

14 Q. Okay. And you had even spoken with the
15 police before about it; is that correct?

16 A. Yes.

17 MS. TOLLEY: I think that's it, Your Honor,
18 thank you.

19 THE COURT: Solicitor, anything further?

20 MS. JONES: Nothing further.

21 THE COURT: All right. Any objection to
22 her being released from her subpoenas?

23 MS. JONES: Not from the State.

24 MS. TOLLEY: No, Your Honor, thank you.

25 THE COURT: All right, ma'am, thank you so

1 much for coming in, I appreciate you being here.
2 Have a good day, okay?

3 MS. TOLLEY: I think I have a couple other
4 questions, I'm sorry.

5 THE COURT: Oh, okay, hold on one second.
6 Ms. Tolley's got one or two other questions for
7 you, all right?

8 Yes, ma'am, Ms. Tolley?

9 MS. TOLLEY: I apologize.

10 THE COURT: No. That's perfectly fine.

11 **

12 **CROSS-EXAMINATION CONTINUED**

13 BY MS. TOLLEY:

14 Q. You didn't -- you don't know what
15 happened before Corey came to your residence; is
16 that correct?

17 A. (No response.)

18 Q. You only know what he told you?

19 A. Yes.

20 Q. You didn't see any of the shooting; is
21 that correct?

22 A. Oh, no, I was in my house.

23 Q. Okay, and you didn't see what prompted
24 the shooting, or what led up to it; is that
25 correct?

1 A. No.

2 THE COURT: All right, Solicitor, anything
3 else?

4 MS. JONES: No, sir.

5 THE COURT: All right, thank you.

6 Thank you so much, ma'am.

7 WITNESS: All right.

8 THE COURT: Have a great day.

9 MS. JONES: The State calls Officer
10 Driscoll.

11 * * *

12 **JOSEPH DRISCOLL**

13 * * *

14 being first duly sworn, testified as
15 follows:

16 THE COURT: Solicitor, your witness.

17 MS. JONES: Thank you, Judge.

18 **

19 **DIRECT EXAMINATION**

20 BY MS. JONES:

21 Q. Good morning, Officer Driscoll.

22 A. Good morning.

23 Q. Where do you currently work?

24 A. I currently work for the University of
25 South Carolina at the University of South

1 Carolina at the Bluffton Campus.

2 Q. And you're a Police/Sheriff right now?

3 A. It's a police shirt.

4 Q. Okay.

5 A. I'm an officer there.

6 Q. Perfect, on-campus at UCSB?

7 A. That's correct.

8 Q. Okay. How long have you been there?

9 A. About two weeks.

10 Q. Brand new.

11 A. Brand new.

12 Q. So back in 2020, where did you work?

13 A. For the Beaufort County Sheriff's
14 Office.

15 Q. And how long, total, have you been in
16 law enforcement?

17 A. About ten years.

18 Q. Okay, prior to working for the
19 Sheriff's Office, what'd you do?

20 A. I was a command sergeant/major in the
21 United States Army.

22 Q. So on November 18th of 2020 you were
23 working in your capacity with the Beaufort
24 County Sheriff's Office?

25 A. That's correct.

1 Q. And did you respond to [REDACTED] Stonewood
2 Road that afternoon?

3 A. We did.

4 Q. What time did you respond?

5 A. Give or take ten after 1:00.

6 Q. Okay. And when you get there, what do
7 you see?

8 A. When arriving on-scene, we went the
9 back way down Shed and we got onto Stonewood.
10 When arriving on-scene there was a small group
11 of people on the right-hand side of the grassy
12 driveway and a small house sitting back with a
13 grass front yard with a vehicle and what
14 appeared to be a person lying on the ground.

15 Q. Okay. Did you notice anything
16 particular about this vehicle that was in front
17 of 70 Stonewood?

18 A. Yeah, it had been shot several times.

19 Q. I'm sorry?

20 A. They had been shot several times.

21 Q. After noticing this car, what do you do
22 then?

23 A. Initially, there was a group of people
24 who made sure people were safe, and then myself
25 and another officer on scene cleared the house

1 and secured what we found on the crime scene.

2 Q. Okay, so what you arrived on-scene,
3 roughly, ten minutes after 1:00, the scene is
4 secure, becoming secure at that point?

5 A. That's right.

6 Q. So you mentioned a group of people, was
7 one of those people Corey Singleton?

8 A. Yes, ma'am, it was.

9 Q. How was he acting?

10 A. He was --

11 MS. TOLLEY: Objection, again, Your Honor,
12 he can't address his state of mind.

13 THE COURT: Well, I think she's asking him
14 -- I'm going to overrule your objection; I think
15 she's asking his observations of him -- of how
16 Mr. Singleton was. I think right now at least
17 I'm going to allow that. It may be revisited,
18 but for now go ahead.

19 MS. JONES: I can rephrase, Your Honor.

20 BY MS. JONES:

21 Q. How did Mr. Singleton appear to you?

22 A. Disheveled. So he was clearly -- had
23 one shoe missing from his feet, he was sitting
24 on the ground. He acted like he had -- someone
25 had just tried to kill him.

1 Q. Okay. At this point, does the
2 Sheriff's Office have anybody in custody for the
3 shooting?

4 A. Not at this point.

5 Q. Are you still developing the
6 investigation, or trying to find the suspects to
7 assist the emergency?

8 A. Yes, ma'am.

9 Q. So right now you're just collecting
10 information to find out what's happening, and
11 where these shooters are?

12 A. That's correct.

13 Q. Are you, at that time, equipped with
14 any sort of recording device?

15 A. I had a body-camera.

16 Q. And was it working that afternoon?

17 A. Yes, ma'am, it was.

18 Q. And did it capture the conversation you
19 had with Mr. Singleton?

20 A. It did.

21 BY MS. JONES:

22 Q. Judge, at this time I would be moving
23 State's 3 into evidence.

24 THE COURT: All right.

25 MS. TOLLEY: And subject to our objection.

1 THE COURT: And that's through your body-
2 cam --

3 MS. JONES: Yes, sir.

4 THE COURT: -- footage? All right. Go
5 ahead. I'll note your objection for the record.

6 (State's Exhibit 3 admitted into evidence.)

7 MS. JONES: Thank you, Judge.

8 Permission to approach the witness.

9 THE COURT: Yes, ma'am.

10 BY MS. JONES:

11 Q. I'm gonna show you what has been marked
12 as State's Exhibit 3, Officer Driscoll, do you
13 recognize that?

14 A. Yes, ma'am.

15 Q. And what is that?

16 A. It is a recording of my body-camera.

17 Q. And is it a fair and accurate reporting
18 of your body-camera from the night of October
19 18th, 2020?

20 A. Yes, ma'am.

21 Q. Does it appear to have been altered or
22 manipulated in any way?

23 A. No, ma'am.

24 Q. That is what you saw and heard in
25 speaking with Corey Singleton?

1 A. That's correct.

2 MS. JONES: Permission to publish to the
3 jury?

4 THE COURT: Yes, ma'am.

5 MS. JONES: If we could play State's 3.
6 (Video being played for the jury.)

7 BY MS. JONES:

8 Q. Who were you referring to that you're
9 gonna have talk to Corey?

10 A. EMS, or some of the first responders
11 who were on scene.

12 Q. Okay. Why was that?

13 A. Say it again?

14 Q. Why was that?

15 A. Just -- from what I observed of him, he
16 needed someone to talk to, or needed someone to,
17 you know, pay attention to him more, sit with
18 him while he was going through what he'd been
19 through.

20 Q. After you being at [REDACTED] Stonewood - I'm
21 sorry, is that in Beaufort County?

22 A. It is in Beaufort County.

23 Q. Okay. [REDACTED] Stonewood.

24 A. Uh-huh.

25 Q. Did you go to [REDACTED] Fripp Point Road?

1 A. We did.

2 Q. And why was that?

3 A. The one who lived at that address had
4 told us that Corey had come from the house to
5 her residence, and he had left a pistol on the
6 back porch.

7 Q. All right. And did you see that pistol
8 when you went --

9 A. I did.

10 Q. -- to the back porch? And did you,
11 essentially, maintain control over that
12 pistol --

13 A. That's correct.

14 Q. -- and made sure nobody messed with
15 it --

16 A. That's correct.

17 Q. -- until it could have been collected
18 by an investigator?

19 A. That's correct, yes, ma'am.

20 Q. I have no further questions for you at
21 this time, thank you.

22 A. Yes, ma'am.

23 THE COURT: Ms. Tolley, cross-examination?

24 MS. TOLLEY: Thank you, Your Honor.

25 THE COURT: Yes, ma'am.

CROSS-EXAMINATION

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

BY MS. TOLLEY:

Q. Good morning, Officer Driscoll.

A. Good morning, ma'am.

Q. So you were one of the first officers to arrive on-scene?

A. That's correct.

Q. I believe it was you and Officer Hunt; is that correct?

A. That's correct, yes, ma'am.

Q. And so you did the sweep of the house and Hunt --

A. I did sweep -- excuse me.

Q. And Hunt was watching the body?

A. That's correct.

Q. And so when you arrived on-scene, there was the Nissan car; is that correct?

A. Parked in the yard, yes, ma'am.

Q. Okay. And the body was lying on the ground beside the car --

A. That --

Q. -- is that correct?

A. That's correct.

Q. Outside of the car?

A. Outside the car.

1 Q. On his back?

2 A. I don't recall how the body was laying.

3 Q. Okay. And do you recall if the driver
4 was wearing shoes?

5 A. The driver?

6 Q. Steven Glover --

7 A. I don't recall.

8 Q. -- the alleged victim who was laying on
9 the ground?

10 A. No.

11 Q. During the course of your
12 investigation, you were able to talk with some
13 witnesses who eventually came on-scene; is that
14 correct?

15 A. I don't believe so.

16 Q. Okay.

17 A. The people I spoke to were already on-
18 scene.

19 Q. All right. Who did you speak with?

20 A. The female who lived at the address the
21 firearm was discovered, and --

22 Q. That would be Cynthia Stewart; is that
23 correct?

24 A. Yes, ma'am.

25 Q. Okay. Did you subsequently have an

1 opportunity to interview Teidre Rivers?

2 A. I don't remember.

3 Q. You wrote a report about this?

4 A. I gave it to you.

5 Q. And in your report --

6 MS. JONES: Judge, may we approach, please?

7 THE COURT: Yes, ma'am.

8 (Bench conference.)

9 THE COURT: I'll send you'all out, ladies
10 and gentlemen, don't talk about the case. Thank
11 you, I'll get you back in here as soon as I can.

12 (Jury exits the courtroom.)

13 BAILIFF: The jury's cleared, Your Honor.

14 THE COURT: All right, thank you.

15 All right, I'm gonna stand down for a
16 minute.

17 (RECESS)

18 **

19 **PROCEEDINGS CONTINUED**

20 BAILIFF: All rise, the Court is back in
21 session.

22 THE COURT: All right, thank you, be
23 seated. All right, so, Ms. Tolley, tell me why
24 you don't think it's hearsay.

25 MS. TOLLEY: Your Honor, I believe it's

1 part of the investigation of the case, and as
2 part of his investigation, Officer Driscoll
3 spoke with witnesses -- or alleged witnesses, or
4 people who have information regarding the case.

5 And one of the people that he spoke with
6 was Tiedre Rivers, who provided information, and
7 so as part of his investigation, I think it's
8 appropriate for me to ask him about some of the
9 people that he spoke with, and what he found out
10 as a result of his investigation, and that would
11 be part of that.

12 THE COURT: Why wouldn't it be appropriate
13 for him, Solicitor, to -- why wouldn't it be
14 appropriate to ask questions to basically, based
15 upon his investigation, you know, what he did.

16 MS. JONES: I think she can ask if she
17 spoke with a Tiedre Rivers.

18 THE COURT: Yeah.

19 MS. JONES: I think that's appropriate, but
20 I don't think what she said is admissible.

21 THE COURT: I think she can ask him if he
22 spoke to Tiedre Rivers, and as a result of that
23 conversation, what did he do?

24 MS. JONES: I think she can ask that too,
25 but no way, shape or form can she get into the

1 content of Tiedre Rivers told him. I mean we've
2 got her saying something that somebody else told
3 her. This is double hearsay; I don't see any
4 exemption under the hearsay rules.

5 THE COURT: I think you can ask him did he
6 talk to her, but I think you can ask him as a
7 result of that conversation, what did he do?

8 I mean, he obviously provided the
9 information to whoever he provided it to. I
10 just saw it a minute ago, but I do think getting
11 into what she told him -- I'm gonna sustain that
12 objection as hearsay, but I don't think it falls
13 within exception.

14 MS. TOLLEY: Thank you, Judge.

15 THE COURT: Anything before we bring the
16 jury in from the State?

17 MS. JONES: No, sir.

18 THE COURT: From the defense?

19 MS. TOLLEY: Nothing, Your Honor.

20 THE COURT: All right.

21 MS. TOLLEY: We'll just renew our
22 objection.

23 THE COURT: Yes, ma'am.

24 MS. JONES: If I could retrieve them?
25 Thank you.

1 BAILIFF: Bring the jury?

2 THE COURT: Yes, sir.

3 BAILIFF: Your Honor, the jury's entering
4 the courtroom.

5 (Jury enters the courtroom.)

6 BAILIFF: All present, Your Honor.

7 THE COURT: All right, thank you. Ladies
8 and gentlemen, I believe we're ready to continue
9 with the cross-examination of the officer.

10 **

11 **CROSS-EXAMINATION CONTINUES**

12 BY MS. TOLLEY:

13 Q. Officer Driscoll --

14 A. Yes, ma'am.

15 Q. -- during the course of your
16 investigation, did you learn about a person by
17 name of Tiedre Johnson?

18 A. I don't recall her.

19 Q. If I were to show you a supplemental
20 report that you did, would that refresh your
21 recollection?

22 A. Sure.

23 Q. I'm sorry, we don't have it printed, so
24 we're gonna --

25 A. That's all right.

1 Q. -- use the electronic version.

2 THE COURT: Show it to the Solicitor.

3 MS. TOLLEY: Okay.

4 BY MS. TOLLEY:

5 Q. Do you recognize that?

6 A. It's a supplemental report. They kind
7 of all look the same.

8 Q. Okay, is it a supplemental report done
9 by you?

10 A. It is.

11 Q. Okay, it has your name on it?

12 A. Yes, ma'am, it does.

13 Q. And the date is November 24th of 2020?

14 A. It is, yes, ma'am.

15 Q. And in that report, it references a
16 person by the name of Tiedre Johnson; is that
17 correct?

18 A. It does state that she told me that --

19 MS. JONES: Objection. Now we're getting
20 into exactly what you just ruled on.

21 THE COURT: I'm going to sustain that
22 objection. Yes, ma'am, I'm going to sustain
23 that objection.

24 MS. TOLLEY: I didn't ask the question; he
25 was volunteering the information.

1 THE COURT: Now, she's objecting to him
2 volunteering that information, and I will
3 sustain that. You can ask a question.

4 BY MS. TOLLEY:

5 Q. You learned about a person by the name
6 of Tiedre Johnson?

7 A. Yes.

8 Q. And in this report, you also mention a
9 person by the name of Tiedre Rivers; is that
10 correct?

11 A. That's correct.

12 Q. And did you follow-up in any way on
13 that info?

14 A. Not that I know of, no, ma'am.

15 Q. Thank you.

16 A. You're welcome.

17 THE COURT: All right. Is that all, Ms.
18 Tolley? Ms. Tolley, is that all?

19 MS. TOLLEY: I believe that's it, Your
20 Honor.

21 THE COURT: All right, great, thank you.
22 Any redirect?

23 MS. JONE: Briefly.

24 THE COURT: Go ahead.

25

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

REDIRECT EXAMINATION

BY MS. JONES:

Q. Officer Driscoll, you weren't the investigator on this case, were you?

A. No, ma'am, I was not.

Q. You weren't even in Investigations, right?

A. No, ma'am, I wasn't.

Q. Okay, I have no further questions. Thank you.

THE COURT: Anything else, Ms. Tolley?

**

RECROSS-EXAMINATION

BY MS. TOLLEY:

Q. Did you give this information to Investigator Duncan?

A. Not directly.

Q. I think I showed you in the report where it says that. Would that refresh your recollection?

A. The information provided to him, I'm not sure exactly how I provided it to him.

Q. Okay, I'm just saying that in your report, and you take these reports pretty seriously, don't you?

1 A. Yes, ma'am.

2 Q. And in your report, it says that you
3 told that to Investigator Duncan.

4 A. Yes, ma'am.

5 Q. Okay. Thank you.

6 A. Yes, ma'am.

7 THE COURT: Solicitor, anything else?

8 MS. JONES: No, sir.

9 THE COURT: All right, thank you. Any
10 objection to him being released from his
11 subpoena?

12 MS. TOLLEY: No objection, Your Honor.

13 THE COURT: All right, great. Thank you,
14 sir. Thank you for coming in, and you have a
15 great day.

16 WITNESS: Your Honor, thank you.

17 THE COURT: Yes, ma'am.

18 MS. JONES: The State calls Brian Abell.

19 MS. TOLLEY: We would mark that as well.

20 We made that an exhibit.

21 MS. JONES: She can have my copy.

22 THE COURT: Sure, okay.

23 MS. TOLLEY: Thank you.

24 THE COURT: You are making that an exhibit?

25 MS. TOLLEY: Yes, sir.

1 THE COURT: Yes, ma'am, that's fine.
2 (Court's Exhibit 18 admitted into
3 evidence.)

4 **BRIAN ABELL**

5 * * *

6 being first duly sworn, testified as
7 follows:

8 THE COURT: Your witness, yes, ma'am.

9 MS. JONES: Thank you, Judge.

10 **

11 **DIRECT EXAMINATION**

12 BY MS. JONES:

13 Q. Good morning --

14 A. Good morning.

15 Q. -- Deputy Abell, how are you?

16 A. I'm good, how are you this morning?

17 Q. I see you're in a uniform, do you work
18 for Beaufort County?

19 A. Yes, I do.

20 Q. And what do you do with the Beaufort
21 County Sheriff's Office?

22 A. I'm a supervisor in Southern Patrol.

23 Q. What does that mean?

24 A. I work on the road.

25 Q. Okay. How long have you been with the

1 Sheriff's Office?

2 A. About seven-and-a-half years.

3 Q. On November 18th of 2020 what were you
4 doing for BCSO?

5 A. I was a Corporal assigned to Northern
6 Investigations.

7 Q. And what does Northern Investigations
8 encompass?

9 A. Criminal investigations.

10 Q. And is that for a certain part of the
11 County?

12 A. Everything north of the Broad River
13 Bridge.

14 Q. The northern part of the County?

15 A. Yes, ma'am.

16 Q. And does that cover the St. Helena
17 area?

18 A. Yes, it does.

19 Q. Specifically, [REDACTED] Stonewood?

20 A. Yes, it does.

21 Q. And did you have an opportunity on
22 November 18th to respond to [REDACTED] Stonewood?

23 A. Yes, I did.

24 Q. Why did you respond to that location?

25 A. We had a call for a shooting at that

1 address.

2 Q. And when you respond what do you see?

3 A. When I arrived there, there was a car
4 with severe damage in the driveway, Steven
5 Glover was lying on the ground deceased, and
6 Corey Singleton was kind of in the roadway to
7 the right of the residence.

8 Q. And since this date what has happened
9 to Corey Singleton?

10 A. I was informed that he had overdosed
11 and passed away.

12 Q. But you had an opportunity to see Corey
13 Singleton that day?

14 A. Yes, I did. I spoke to him for a
15 couple minutes.

16 Q. How did he appear to you?

17 A. Very quiet --

18 MS. TOLLEY: Objection.

19 THE COURT: Yes, ma'am, what's your
20 objection?

21 MS. TOLLEY: This is regarding his state of
22 mind. He cannot testify --

23 THE COURT: All right. Well, I don't think
24 he can testify about state of mind, but I do
25 believe that he can testify as to what his

1 observations may have been.

2 BY MS. JONES:

3 Q. How did he appear to you?

4 A. He just -- he was looking down; he just
5 didn't seem happy. He looked kind of scared and
6 sad.

7 Q. Did he have a cell phone on him?

8 A. No, he did not.

9 Q. Do you eventually learn where his cell
10 phone is?

11 A. Yes, we did.

12 Q. And where was the cell phone?

13 A. Inside his living room inside of his
14 residence.

15 Q. And as far as you know, it had been in
16 there the entire time?

17 A. That's my understanding of it, yes.

18 Q. At some point, do you go inside to
19 retrieve the cell phone?

20 A. Yes. He was escorted into the house to
21 get his cell phone and his cigarettes.

22 Q. And why was that?

23 A. He said that he had --

24 MR. PAULK: Objection, hearsay.

25 BY WITNESS:

1 A. -- videos.

2 THE COURT: Hold on, hold on, hold on. All
3 right, counsel approach.

4 (Bench conference.)

5 THE COURT: All right, I'm going to allow
6 it.

7 BY MS. JONES:

8 Q. All right, why did you go inside the
9 home with Corey?

10 A. Mr. Singleton asked for his cigarettes,
11 and he informed me that he had a video
12 surveillance camera system on his residence, and
13 that it was accessible through his cell phone.

14 Q. Okay, and did you escort him inside?

15 A. Myself and Master Sergeant Draisen did.

16 Q. While you were on-scene, did you review
17 the surveillance with Master Sergeant Draisen?

18 A. Yes, we did.

19 MS. JONES: Beg the Court's indulgence?

20 THE COURT: Yes, ma'am.

21 MS. JONES: I have no further questions for
22 this witness at this time. Thank you.

23 THE COURT: All right, cross-examination,
24 ma'am?

25

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

CROSS-EXAMINATION

BY MS. TOLLEY:

Q. Good morning, how are you?

A. Good how are you today?

Q. Good. So Officer Abell, when you approached Corey Singleton, did you pat him down?

A. No, I did not.

Q. Did you search him?

A. No, I did not.

Q. Do you know if any other officer patted him down or searched him?

A. Not in my presence.

Q. And you assisted somewhat with this investigation; is that correct?

A. On that day I did, yes.

Q. Okay, and there was some people who were gathering, and you had an opportunity to speak with some of those individuals?

A. There were some people on the roadway.

Q. Okay. And did one of those individuals let you know that --

MS. JONES: Objection.

BY MS. TOLLEY:

Q. When you approached Corey Singleton,

1 did you pat him down?

2 MS. JONES: Objection, objection.

3 THE COURT: I'll sustain that objection.

4 BY MS. TOLLEY:

5 Q. You spoke with some people?

6 A. Yes, I did.

7 Q. Okay, and they had some things to say?

8 A. Yes, they did.

9 Q. Okay, thank you.

10 THE COURT: All right.

11 Solicitor, any redirect?

12 MS. JONES: No, sir, I would ask that this
13 Officer, this Deputy, be excused.

14 THE COURT: Any objection for him being
15 released from his subpoena?

16 MS. TOLLEY: No, Your Honor, but give me
17 just a minute.

18 THE COURT: Sure.

19 MS. TOLLEY: Nothing further, Your Honor,
20 thank you.

21 THE COURT: All right, thanks. So great
22 seeing you, sir.

23 WITNESS: You too, Your Honor.

24 MS. JONES: Judge, may we approach?

25 THE COURT: Sure, yes, ma'am.

1 MS. JONES: Thank you.

2 (Bench conference.)

3 THE COURT: All right, Solicitor, are you
4 ready to call your next witness?

5 MS. JONES: I am, Your Honor.

6 THE COURT: Thank you.

7 MS. JONES: The State calls Chelsea
8 Seronka.

9 * * *

10 **CHELSEA SERONKA**

11 * * *

12 being first duly sworn, testified as
13 follow:

14 **DIRECT EXAMINATION**

15 BY MS. JONES:

16 Q. Good morning, Sergeant Seronka, how are
17 you?

18 A. Good morning, I'm well.

19 Q. I see you're with the Beaufort County
20 Sheriff's Office. What do you do at the
21 Sheriff's Office?

22 A. At present I work as a background
23 investigator for our agency, for anyone trying
24 to hire on in a sworn capacity, and I'm also our
25 default recruiter.

1 Q. How long have you been with the
2 Sheriff's Office?

3 A. It will be 18 years this July.

4 Q. So you were there back in 2002?

5 A. Yes, ma'am.

6 Q. And what capacity did you work at that
7 time?

8 A. At that time I was working as a
9 criminal investigator in the Criminal
10 Investigations Department.

11 Q. And did you help assist in this case,
12 why we're here today?

13 A. Yes, ma'am.

14 Q. Did you have an opportunity to respond
15 to ■■■ Fripp Point Road?

16 A. Yes, ma'am.

17 Q. And why did you respond there?

18 A. That a shooting had occurred, and our
19 entire section was called out to respond to that
20 incident location in an effort to collect
21 evidence, and speak with folks.

22 Q. And were you asked to collect a
23 specific piece of evidence from ■■■ Fripp Point
24 Road?

25 A. Yes, ma'am, I was -- yes.

1 Q. And what was that?

2 A. I was asked to collect a gun.

3 Q. And who did that gun belong to?

4 A. It belonged to Corey Singleton.

5 Q. I'm going to now show you State's 189,
6 190 and 191.

7 MS. JONES: Permission to approach, Your
8 Honor?

9 THE COURT: Of course.

10 BY MS. JONES:

11 Q. Sergeant Seronka, I'm gonna show you
12 189, 190 and 191. Do you recognize those items?

13 A. Yes, ma'am.

14 Q. And what are those?

15 A. These are photographs of the items that
16 I took, one of the home and the gun itself.

17 Q. And are those fair and accurate
18 depictions of where you located the gun that
19 day?

20 A. Yes, ma'am.

21 Q. Have they been altered or manipulated
22 in any way?

23 A. No, ma'am.

24 MS. JONES: Your Honor, at this time, the
25 State moves 189, 190 and 191 into evidence.

1 THE COURT: Any objections?

2 MS. TOLLEY: Without objection.

3 THE COURT: All right, made without
4 objection 189, 190, 191.

5 (State's Exhibits 189 - 191 admitted into
6 evidence.)

7 MS. JONES: Thank you, Your Honor, and
8 permission to publish?

9 THE COURT: Yes, ma'am.

10 MS. JONES: All right, we'll start with
11 189.

12 BY MS. JONES:

13 Q. All right, what is State's 189 showing
14 us?

15 A. This is a picture of the front of the
16 residence.

17 Q. Okay, and 190?

18 A. This is where the gun was sitting on
19 this top step of the front porch.

20 Q. And 191?

21 A. This is a picture of the same weapon,
22 once I cleared it, which shows a bullet
23 retrieved from the chamber and also showing the
24 clip.

25 Q. All right, and you actually collected

1 these items?

2 A. Yes, ma'am, I did.

3 MS. JONES: Judge, just for the Court's
4 information, the gun is locked and has been
5 disarmed.

6 THE COURT: All right.

7 BY MS. JONES:

8 Q. I'm going to show you what has been
9 marked as State's 6. Do you recognize this
10 item?

11 A. Yes, ma'am, I do.

12 Q. And what is that item?

13 A. That is the gun I collected that day.

14 Q. And how do you know that's the gun you
15 collected that day?

16 A. It's boxed, and I am the one that
17 locked it into place, and the serial number
18 matches what I reported in the --

19 Q. Okay, aside from actually -- and as
20 we're going through the gun, I'm sorry I'm not
21 using the right terminology.

22 A. The lock.

23 Q. Okay, the gun lock, what does that do?

24 A. That prevents it from being fired.

25 Q. So that's not how you found it?

1 A. No, ma'am.

2 Q. That's something that has been done
3 after-the-fact?

4 A. Yes, ma'am, it was.

5 Q. Okay. And aside from that, did you
6 manipulate or alter, or do anything with this
7 gun to change it from the condition you found it
8 in?

9 A. No, ma'am.

10 Q. Okay, you just collected it and boxed
11 it up?

12 A. I swabbed it.

13 Q. Okay, swabbed it for what?

14 A. Evidence.

15 Q. DNA evidence?

16 A. DNA evidence.

17 Q. Okay.

18 A. Yes.

19 Q. I'm going to show you what's been
20 marked as State's 8. Do you recognize that?

21 A. Yes, ma'am.

22 Q. And what is that?

23 A. These are the swabs I collected from
24 the gun.

25 Q. Okay, and explain that process.

1 A. Wearing gloves --

2 Q. Uh-huh.

3 A. -- we -- I collected four different DNA
4 swabs from different parts of the weapon. So I
5 collected them from the rounds that were in
6 there, specifically, a round, where you would
7 push a round in, which would be back from the
8 trigger, from the slide, and from the magazine
9 itself that was placed in the gun. You're
10 wanting the test taken to do it in the
11 collection?

12 Q. No, that's all right. After you
13 swabbed it, and you actually physically swab the
14 gun?

15 A. Yes, ma'am, we do.

16 Q. And after you swabbed it, you placed
17 the swab in that bag?

18 A. Yes, ma'am.

19 Q. And they are -- you sealed the bag, to
20 make sure that it wasn't tampered with?

21 A. Yes, ma'am.

22 MS. JONES: Your Honor, at this time the
23 State moves 8 into evidence.

24 THE COURT: All right, any objection to 8?

25 MS. TOLLEY: No, Your Honor, thank you.

1 THE COURT: All right, so 8 is submitted
2 without objection, yes, ma'am.

3 MS. JONES: Thank you. And State would
4 move 6 into evidence, as well.

5 THE COURT: Any objection?

6 MS. TOLLEY: No objection, Your Honor.

7 THE COURT: All right, Number 6 is entered
8 without objection.

9 (State's Exhibits 6 and 8 admitted into
10 evidence.)

11 MS. JONES: Thank you, Judge.

12 BY MS. JONES:

13 Q. You swabbed it for DNA, but the
14 Sheriff's Office already knew who the gun
15 belonged to, right?

16 A. Yes, ma'am.

17 Q. And that was Corey Singleton?

18 A. Yes, ma'am.

19 Q. In this photograph, if we can go back
20 to State's 191.

21 What is that to the right of the gun? Is
22 that the magazine you removed from the gun?

23 A. Oh, I'm sorry, I thought you said to
24 the very far right. Yes, ma'am, that is the
25 magazine and the round that was in the chamber.

1 Q. Okay, there was one round in the
2 chamber?

3 A. Yes, ma'am.

4 Q. I'm gonna show you State's 7.
5 Do you recognize that item?

6 A. Yes, ma'am.

7 Q. And what is that item?

8 A. This would be the rounds collected and
9 the magazine that was in the gun at that time.

10 Q. Okay. And you collected it, and sealed
11 it in that bag?

12 A. Yes, ma'am.

13 MS. JONES: Your Honor, at this time the
14 State moves 7 into evidence.

15 THE COURT: Any objection?

16 MS. TOLLEY: Without objection, Your Honor.

17 THE COURT: All right, so 7 is admitted
18 into evidence without objection, thank you.

19 (State's Exhibit 7 admitted into evidence.)

20 MS. JONES: Thank you.

21 BY MS. JONES:

22 Q. I have no further questions for you at
23 this time. Thank you.

24 A. Yes, ma'am.

25 THE COURT: Cross-examination?

1 MS. TOLLEY: Yes, sir. Beg the Court's
2 indulgence.

3 THE COURT: Yes, ma'am.

4 **

5 **CROSS-EXAMINATION**

6 BY MS. TOLLEY:

7 Q. Good morning.

8 A. Good morning.

9 Q. Officer Seronka, during the course of
10 the investigation -- well, you assisted with the
11 investigation; is that correct?

12 A. Yes, ma'am.

13 Q. And you had an opportunity to speak
14 with some of the potential witnesses; is that
15 correct?

16 A. Yes, ma'am.

17 Q. Okay. And did you learn as a result of
18 that investigation, that Steven Glover --

19 MS. JONES: Objection.

20 THE COURT: Sustained, or counsel
21 approach.

22 (Bench conference)

23 THE COURT: All right, ladies and
24 gentlemen, what we're gonna do is, we're gonna
25 go ahead and break for lunch right now. I'll

1 ask that you be back at 1:30, and we'll continue
2 with testimony at that time.

3 I want to please remind you do not talk
4 about the case between yourselves, or with
5 anyone else, don't conduct any research. We'll
6 see you back in the jury room at 1:30 and be
7 ready to go. Thank you very much, have a good
8 lunch.

9 (Jury exits the courtroom.)

10 BAILIFF: The jury's cleared, Your Honor.

11 THE COURT: Thank you. You'all can be
12 seated.

13 Now, Ms. Tolley, let me hear from you again
14 on this matter.

15 MS. TOLLEY: Judge, we believe that this is
16 admissible, it's part of the investigation, and
17 information that they got that is part of the
18 investigation, and there's no reason that we
19 shouldn't be able to ask the question, "As a
20 result of your investigation, did you discover
21 that, or did you hear -- or did you learn that
22 Steven Glover sometimes carried a Glock?"

23 THE COURT: So talk to me, Solicitor, why
24 isn't that admissible, as it relates from the
25 scope of the investigation? There's a lot of

1 things that seems to me get admitted as a result
2 of the investigation question, for lack of a
3 better word.

4 MS. JONES: Right, but, Your Honor, this is
5 an out of court statement offered for the truth
6 of the matter asserted. If she wants to get in
7 that Steven Glover sometime carried a Glock,
8 it's also misleading because that information is
9 coming from his girlfriend, Lavonte Blue, and it
10 says that the gun is actually hers.

11 It's registered to her, it's her gun, but
12 sometimes he would have it. She could put Ms.
13 Blue on the stand to say what she has observed
14 Steven doing, but I think if she wants that
15 information, then it has to come from Ms. Blue,
16 it can't come from Investigator Seronka.

17 It's the same argument we had previously,
18 Judge. And I mean, again, I don't see where it
19 falls under any exceptions. You can't just say
20 part of her investigation, there needs to be
21 some sort of hearsay exception, or that it's not
22 hearsay for, and to fall under that
23 investigation avenue.

24 Here I don't see any hearsay exceptions.
25 She hasn't articulated any hearsay exceptions.

1 And I think that it is a statement offered for
2 the truth of the matter asserted. It's by
3 definition hearsay.

4 THE COURT: All right, Ms. Tolley, anything
5 else you want to tell me?

6 MS. TOLLEY: We would simply say that, if
7 she's investigating the case, that she would
8 gather information, and it was information that
9 she gathered and put in a report. And any
10 information that she gathered as a result of
11 this investigation is subject to cross-
12 examination, if she takes the witness stand.

13 And if what she learned is that sometimes
14 Steven carried a gun, and if the Solicitor wants
15 to cross or question her again, after I'm done,
16 about, you know, whether or not it was Lavonte
17 Blue's gun, or not, that she's certainly free to
18 do that; but a part of the investigation, she
19 learned that the alleged victim sometimes
20 carries a gun, that's critical evidence.

21 That's not some random thing, that's
22 critical evidence in this case, and it's beyond
23 relevant.

24 THE COURT: All right, we'll see everybody
25 back about 1:30, and I'll make a ruling then,

1 and we'll continue with the case, okay?

2 MS. JONES: Thank you, Judge.

3 THE COURT: Thank you.

4 (LUNCH BREAK)

5 **

6 **PROCEEDINGS CONTINUED**

7 THE COURT: All right, over the break I
8 thought about this, and the issue concerning, I
9 believe, the defense wanting to ask the officer
10 about whether the alleged victim was found
11 carrying a gun, and I think that -- or was noted
12 to carry a gun.

13 What I'm gonna say right now is that, at
14 this point, I believe that I'm going to sustain
15 the objection, I'm not going to allow -- oh,
16 sorry, you didn't have your client here, I
17 apologize, I'm sorry. All right, what I'm gonna
18 do is, I thought about this, I am going to
19 sustain the Solicitor's objection.

20 I do not believe that the question
21 concerning whether through the witness'
22 investigation she learned that the decedent
23 carried a gun, or often carried a gun, or
24 sometimes carried a gun, whatever that question
25 was. I don't really remember exactly how it was

1 worded, but words to that effect.

2 At this point, what I would say is, I think
3 that just because it's in the report doesn't
4 mean that you get to question the officer about
5 it. And what I would say is for right now, I
6 believe that it's hearsay, and I don't know that
7 it's permissible, based on the information that
8 has developed in the case thus far. Depending
9 on how this case goes, it may or may not be
10 something that I would reconsider at a later
11 time, depending on how the evidence plays out,
12 but for right now I don't think it's admissible;
13 but I do think that it could be, but it's just
14 gonna depend, so I'm not gonna sit here and play
15 what ifs, as to how and why this could be
16 something that might be admissible or not.

17 So that's going to be my ruling, I'm
18 excluding it for now, and, certainly, at a
19 minimum I think it's, you know, there would be
20 other ways and other witnesses, potentially, if
21 the defense wanted to get this into evidence;
22 but also, again, the comments and questions of
23 this witness right now I'm not going to allow,
24 and I don't think it's appropriate. I think
25 it's hearsay, and I haven't heard anything that

1 would remove it from hearsay, so that will be my
2 ruling. All right.

3 So I think, Ms. Tolley, you're still
4 potentially cross-examining this witness, and
5 then we're ready to go with additional
6 witnesses? All right, get the folks -- I don't
7 know that all our jurors are here yet. Anything
8 from the State before we bring the jury in?

9 MS. JONES: No, sir.

10 THE COURT: Anything from the defense, Ms.
11 Tolley?

12 MS. TOLLEY: Nothing, Your Honor, thank
13 you.

14 THE COURT: Sure. We've got everybody?

15 BAILIFF: Yes, sir.

16 THE COURT: Go ahead and bring them in.

17 BAILIFF: Your Honor, the jury's entering
18 the courtroom.

19 (Jury enters courtroom.)

20 THE COURT: Thank you.

21 BAILIFF: All present, sir.

22 THE COURT: All right. Ladies and
23 gentlemen, I'm going to sustain the State's
24 objection. And so, Ms. Tolley, you certainly
25 can continue with your cross-examination, ma'am.

1 MS. TOLLEY: Your Honor, I don't believe we
2 have any other questions --

3 THE COURT: Okay.

4 MS. TOLLEY: -- for this witness. We would
5 like for her to remain under subpoena.

6 THE COURT: Yes, ma'am, certainly. Any
7 redirect?

8 MS. JONES: No, Your Honor.

9 THE COURT: All right, Officer, you will
10 remain under subpoena, and so to that extent
11 you're subject to recall. I'd ask that you not
12 discuss your testimony and talk about this case,
13 while you remain under subpoena.

14 You certainly can go about your normal
15 business, and I'd just ask that you be on some
16 type of telephone standby, where the defense or
17 the Solicitor could get ahold of you, and let
18 you know whether or not you need to come back,
19 that's fine, perhaps later in the week, okay?

20 WITNESS: Yes, sir.

21 THE COURT: thank you so much.

22 WITNESS: Thank you, sir.

23 THE COURT: Have a great day. Solicitor,
24 you can call your next witness.

25 MS. JONES: The State calls Master Sergeant

1 Adam Draisen.

2

3

4

5

ADAM DRAISEN

6

* * *

7

being first duly sworn, testified as

8

follows:

9

THE COURT: Your witness, yes, ma'am.

10

MS. JONES: Thank you, Judge.

11

**

12

DIRECT EXAMINATION

13

BY MS. JONES:

14

Q. Good afternoon, Master Sergeant

15

Draisen, how are you?

16

A. Good.

17

Q. You work for the Beaufort County

18

Sheriff's Office?

19

A. I do.

20

Q. And what is your role with the

21

Sheriff's Office?

22

A. Currently supervising at the Northern

23

division cross-section.

24

Q. What does that mean?

25

A. So we have four patrol teams that

1 patrol the northern side of Beaufort County,
2 which is across the Broad River, and I supervise
3 those four patrol units.

4 Q. Back on November 18th, 2020, were you
5 with the Sheriff's Office?

6 A. I was.

7 Q. And what were you doing at that point
8 with the Sheriff's Office?

9 A. At that point I supervised the Northern
10 Investigation section.

11 Q. And that would be any crimes that
12 occurred north of Broad River?

13 A. Yes, ma'am.

14 Q. And how long, as of today, have you
15 been with the Sheriff's Office?

16 A. A little over 17 years.

17 Q. So back in 2020 on November 18th, did
18 you respond to ■ Stonewood Road?

19 A. Yes, ma'am, I did.

20 Q. And why did you respond to that
21 location?

22 A. So we were actually at the office that
23 day, and we heard on the radio dispatch of the
24 call that went out. And when we heard the call
25 that went out, all of the investigators started

1 heading towards the call.

2 Q. When you get on scene, do you have an
3 opportunity to interact with Corey Singleton?

4 A. Yes.

5 Q. And as a result of speaking with Corey,
6 do you go inside his home?

7 A. Yes.

8 Q. And why do you go inside his home?

9 A. So we were informed that there was
10 video surveillance, he had video surveillance at
11 his house --

12 MS. TOLLEY: Objection. Our continuing
13 objection.

14 THE COURT: To hearsay?

15 MS. TOLLEY: That's correct.

16 THE COURT: All right. I'm gonna overrule
17 that. Tread lightly, Solicitor, okay?

18 MS. JONES: Absolutely.

19 BY MS. JONES:

20 Q. You go inside to retrieve video
21 surveillance?

22 A. Yes, ma'am.

23 Q. Okay, and what sort of device were you
24 looking for, when you went inside that home?

25 A. It was a cell phone.

1 Q. And whose cell phone was that?

2 A. Corey Singleton's.

3 Q. So up until that point he didn't have
4 his cell phone on him?

5 A. That's correct.

6 Q. And do you all find this --

7 MS. TOLLEY: Objection, he doesn't have any
8 personal knowledge.

9 THE COURT: I'm gonna sustain that.

10 BY MS. JONES:

11 Q. But you did retrieve his cell phone
12 inside the home?

13 A. He retrieved it, yes.

14 Q. Okay. And when he retrieves his cell
15 phone, what does he do with it?

16 A. He opens up the video surveillance to
17 show us.

18 Q. Do you know what company this video
19 surveillance is monitored by?

20 A. I believe it was Blink, I believe.

21 Q. Okay, and describe to me a little bit
22 about this surveillance.

23 A. So it was a web-based video
24 surveillance that had video clips on the phone.
25 So it's not continuous, but when it records

1 motion, it will create a clip, and then it's
2 sent to the person's device.

3 Q. Okay. So it's not stored in the cloud
4 that we know of, it's just sent to his phone?

5 MS. TOLLEY: Objection. May we approach?

6 THE COURT: Sure.

7 (Bench conference.)

8 BY MS. JONES:

9 Q. Okay, Master Sergeant Draisen --

10 THE COURT: Hold on a second.

11 MS. JONES: Oh, I'm sorry.

12 THE COURT: I'm going to sustain the
13 objection.

14 BY MS. JONES:

15 Q. So, Master Sergeant Draisen, where do
16 you go with that phone with Corey Singleton?

17 A. We go back to the Northern
18 Investigations.

19 Q. Before that though, does he show you
20 anything on-scene?

21 A. Yes.

22 Q. And what does he show you?

23 A. He shows me a clip of a white van, two
24 males, I could hear them talking on video. And
25 at that point I'm actually trying to get a

1 picture of the video surveillance, so I could
2 send it to Investigator Duncan.

3 Q. Okay. After that, do you receive
4 additional clips of surveillance?

5 A. Yes.

6 Q. And how do you receive those?

7 A. Corey Singleton sent them to me by
8 email --

9 Q. Okay.

10 A. -- to my email address.

11 Q. Okay, and did you review those clips
12 when you received them via email?

13 A. Yes.

14 Q. And did they match the same clip that
15 you had seen -- that you had watched on-scene?

16 A. Yes, it -- the -- one of the clips was
17 the same clip that I saw, and then there was
18 four additional clips sent that were in the
19 email as well.

20 Q. Okay. From around the same time as the
21 original clip you observed?

22 A. Yes.

23 Q. Now, did you also review these clips
24 prior to coming to Court today?

25 A. Yes, I did.

1 Q. And as far as you know because you had
2 these clips; the surveillance was working
3 during --

4 MS. TOLLEY: Objection.

5 THE COURT: What's your objection?

6 MS. TOLLEY: He doesn't know if it was
7 working.

8 THE COURT: I'm going to sustain that
9 objection.

10 BY MS. JONES:

11 Q. You were provided clips?

12 A. Yes, ma'am.

13 Q. And one of the clips on-scene matched
14 the ones you were emailed?

15 A. They did.

16 Q. And then you reviewed those clips prior
17 to Court today?

18 A. Yes, ma'am.

19 Q. And were they the same ones that Corey
20 had emailed you?

21 A. They were the same clips.

22 Q. And they were the ones he emailed you
23 the afternoon of the shooting?

24 A. Correct.

25 Q. Okay.

1 MS. JONES: Permission to approach?

2 THE COURT: Yes, ma'am.

3 BY MS. JONES:

4 Q. I'm gonna show you what has been marked
5 as State's 100, 101 and 102. Start with State's
6 100, do you recognize that item?

7 A. Yes, I do.

8 Q. And what is that?

9 A. This is the cell phone. I took a
10 picture with my cell phone of Corey Singleton's
11 cell phone that was paused on the video, and
12 this is the text messages that I sent to
13 Investigator Snider.

14 Q. So that is a phone from your cell phone
15 of Corey's phone?

16 A. Yes, ma'am.

17 Q. Of him showing you the clip?

18 A. Yes, ma'am.

19 Q. Okay. And does that photograph appear
20 to have been altered or manipulated in any way?

21 A. No.

22 Q. And it appears to be a fair and
23 accurate representation of what you saw in the
24 clip that day?

25 A. Yes.

1 MS. JONES: Your Honor, at this time the
2 State moves State's 100 into evidence.

3 THE COURT: Ms. Tolley --

4 MS. TOLLEY: I --

5 THE COURT: -- any objection to State's
6 100?

7 MS. TOLLEY: I'll renew our objections
8 previous.

9 THE COURT: You'll come here quickly for
10 one second.

11 (Bench conference.)

12 THE COURT: All right, so what I'm gonna do
13 is, I'm gonna admit State's 100, and I note the
14 defense's objection for the record, okay? Thank
15 you, go ahead.

16 (State's Exhibit 100 admitted into
17 evidence.)

18 MS. JONES: Thank you, Judge.

19 BY MS. JONES:

20 Q. I'm also going to hand you what has
21 been marked as State's 101.

22 Do you recognize those items?

23 A. Yes, I do.

24 Q. And what are those?

25 A. These are the emails that -- a print-

1 off of the emails that Corey Singleton sent me
2 that day.

3 Q. And accompanying each of these five
4 emails was what?

5 A. So the -- it says in the text, "This is
6 a clip from my Blink camera," and then the
7 subject has, "Front yard," it gives the date,
8 basically, and it's got a timestamp of each
9 clip.

10 Q. Okay. And those actually -- those were
11 five separate emails containing the five
12 separate clips?

13 A. Correct.

14 Q. Okay. And regarding those emails, are
15 those true and accurate copies of the emails
16 Corey sent you?

17 A. They are.

18 Q. And have they been altered or
19 manipulated in any way?

20 A. No, they haven't.

21 MS. JONES: Your Honor, at this time the
22 State moves 103 -- or 101 into evidence, my
23 apologies.

24 THE COURT: And 101 is the?

25 MS. JONES: The emails.

1 THE COURT: Ms. Tolley, same objection?

2 MS. TOLLEY: Our same objection, Your
3 Honor.

4 THE COURT: All right, hold on one second.
5 Ladies and gentlemen, I have to send you back
6 out. I'll get you back in as soon as we can, I
7 promise, in just a few minutes, okay? It won't
8 be long. Thank you.

9 Don't talk about the case, ladies and
10 gentlemen. You'll be taken back to the jury
11 room now.

12 (Jury exits the courtroom.)

13 BAILIFF: The jury's cleared, Your Honor.

14 THE COURT: All right, you know, yesterday
15 we didn't get into emails. And I don't know, I,
16 you know, I heard about the video, and I know I
17 made a ruling on the video issue, but I didn't
18 know about the emails.

19 So let me ask you why do you need the
20 emails then, if you've got the videos? And
21 that's -- I'm concerned about these emails.

22 MS. JONES: Your Honor, I just think it
23 goes to authentication. This is how he received
24 these clips. My apologies for not bringing them
25 up.

1 THE COURT: Well, I'm not --

2 MS. JONES: -- so --

3 THE COURT: I'm not saying that you
4 didn't --

5 MS. JONES: These clips came from these
6 emails.

7 THE COURT: I understand, and I think he's
8 testified those clips came from the email, and
9 perhaps over some -- but as it relates to this,
10 she renewed her objection. Ms. Tolley, can you
11 talk to me, specifically, about the emails, and
12 how to separate that from your other argument?
13 I just want to make sure I'm not missing
14 anything on the emails, ma'am.

15 MS. TOLLEY: No, ma'am -- no, sir, I think
16 you're right on target. The emails are not
17 necessary, she's got the videos that are going
18 to be admitted, and I think that would be
19 appropriate.

20 THE COURT: All right, so tell me what the
21 grounds of keeping this email out, as opposed
22 to --

23 MR. PAULK: Judge, our position, I believe
24 that the emails contain hearsay statements for
25 the truth of the matter asserted, primarily,

1 that these clips are what they pertain to be.

2 The subject line of the email is truth of
3 the matter asserted, they came from the
4 deceased, where we don't have an opportunity to
5 cross-examine.

6 THE COURT: Well --

7 MR. PAULK: Furthermore, they weren't made
8 under excited utterance, they were sent to the
9 police station, while Mr. Singleton had advice
10 of counsel.

11 THE COURT: All right, what I'm gonna do, I
12 mean if there's a problem -- I mean he's already
13 testified, in my opinion, without objection, as
14 to what the emails contained. And when you went
15 to admit the emails, that's when she raised her
16 objection, as it relates to the emails.

17 I think that I would agree with her, but
18 I'm not gonna allow the emails in, though I
19 think the testimony concerning what is on the
20 emails has already come in. So I think he maybe
21 already testified to what's on the email, has he
22 not, Solicitor?

23 MS. JONES: For the most part, he just
24 didn't go into the specific timestamps that are
25 on the emails.

1 THE COURT: All right, I'll sustain the
2 objection to the emails. I'm not gonna let the
3 emails in. I'll let the testimony stand as is,
4 as it relates to what he's already testified to
5 as to the emails, and that's what I'm gonna do.
6 Let's get the jury back in.

7 BAILIFF: Your Honor, the jury's entering
8 the courtroom.

9 (Jury enters the courtroom.)

10 BAILIFF: All present.

11 THE COURT: All right, folks, I told you
12 that wasn't going to take long, and it actually
13 didn't take long. I want you to know -- and I
14 appreciate you putting up with me. I'm just
15 trying to make sure that I make what I believe
16 to be the right decision, and sometimes unlike
17 TV shows, where the Judges can sit up there and
18 spout this thing off, and it sounds beautiful,
19 or they made this decision like that.

20 Maybe some Judges can, but for the most
21 part in the real world this one doesn't do that.
22 And so that's just me, and I appreciate you
23 putting up with that.

24 So I'm going to sustain the objection, as
25 it relates to the emails coming into evidence.

1 Solicitor, you can continue.

2 BY MS. JONES:

3 Q. Sergeant Draisen, we're talking about
4 video clips?

5 A. Yes, ma'am.

6 Q. Corey gave them to you via email?

7 A. Yes.

8 Q. You reviewed them at your office; did
9 you not?

10 A. Yes.

11 Q. Okay. And then prior to trial today
12 you reviewed this disk? I guess it would help
13 if I handed you this disk.

14 I'm gonna hand you what's been marked
15 State's 102. And what is State's 102?

16 A. It's a DVD or a CD, I'm sorry. It has
17 the five video clips on it from that day, and I
18 initialed it when I reviewed it.

19 Q. And is this a fair and accurate copy of
20 the clips that you were emailed on November
21 18th, 2020, by Corey Singleton?

22 A. Yes, it was.

23 Q. They have not been altered or
24 manipulated in any way?

25 A. No.

1 Q. It's a fair and accurate recording?

2 A. Yes.

3 MS. JONES: Your Honor, at this time State
4 moves 102 into evidence.

5 THE COURT: The same objection, Ms. Tolley?

6 MS. TOLLEY: Yes, sir.

7 THE COURT: All right, I'm gonna allow you
8 -- I'm gonna admit that, subject to her
9 objection. Go right ahead.

10 (State's Exhibit 102 admitted into
11 evidence.)

12 MS. JONES: Okay.

13 BY MS. JONES:

14 Q. You mentioned that you took a still-
15 shot of the video on-scene. I'm gonna show you
16 what's been marked as State's 100. Is that the
17 still-shot you took?

18 A. Yes, it is.

19 Q. Okay, and what do we see in this
20 photograph?

21 A. So the black sedan with the doors open,
22 and then the body of Steven Glover to the right,
23 and the white Toyota minivan was the two
24 individuals that were the shooters standing
25 behind the black sedan.

1 Q. And what did you do with this still
2 photograph when you took it?

3 A. I sent a text message -- I sent it in a
4 text message to Investigator Snider.

5 Q. Okay, and why was that?

6 A. Because they were sitting at the --
7 where we believed that that was the same van on
8 Fripp Point Road. They were watching the van,
9 we were trying to see if we could confirm the
10 identity of that van they were watching, so I
11 sent that to them, so they could see if that was
12 the same van.

13 Q. Okay.

14 MS. JONES: if we could go ahead and see
15 State's 102, please?

16 (Video being played for the jury).

17 BY MS. JONES:

18 Q. Master Sergeant Draisen, those are the
19 only questions I have for you at this time.
20 Thank you.

21 THE COURT: Ms. Tolley, cross-examination,
22 ma'am?

23 MS. TOLLEY: Yes, sir.

24 THE COURT: Okay.

25

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

CROSS-EXAMINATION

BY MR. TOLLEY:

Q. Good morning, how are you?

A. Good.

Q. Good. It's actually afternoon, I guess, so good afternoon. So the clip that we just saw appeared to be one continuous clip?

A. Yeah, it's five separate clips.

Q. Okay, and they were pieced together by, I guess, I don't know you guys or the Solicitor's Office?

A. Yes, ma'am.

Q. And the order of them is however the Solicitor decided to put them in order; is that correct?

A. No, they correspond to the emails that were sent.

Q. Okay. Well, the clips that you received were not one continuous clip?

A. That's correct.

Q. And so by somebody, not Corey Singleton; is that correct?

A. That's correct.

Q. Okay, and Amazon is like the mother company of Blink; is that correct?

1 A. That's my understanding.

2 Q. Okay, and they didn't put the clips
3 together like that?

4 A. No.

5 Q. And you guys, in fact, did not get
6 clips from Amazon; is that correct?

7 A. I got -- I received the clips from
8 Corey Singleton.

9 Q. So the answer is no, you didn't receive
10 clips from Amazon --

11 A. That's not --

12 Q. -- that showed --

13 A. Those are the clips I got from Corey
14 Singleton, yes, ma'am.

15 Q. Okay, all right. And you were part of
16 the investigating team; is that correct?

17 A. Yes, ma'am.

18 Q. And as part of the investigating team
19 you were able to investigate, talk to witnesses,
20 gather information; is that correct?

21 A. That's what I did.

22 Q. Okay, and so the answer's, yes?

23 A. Yes.

24 Q. And as part of your investigation, did
25 you learn that Corey Singleton has a beef with

1 everyone?

2 MS. JONES: Judge, objection, she said it.

3 THE COURT: Counsel approach.

4 (Bench conference.)

5 THE COURT: We'll sustain the objection.

6 You can certainly attempt to rephrase or move

7 on, whatever you want to do, Ms. Tolley, go

8 right ahead.

9 BY MS. TOLLEY:

10 Q. There was information gathered in this
11 case that hasn't yet come out in Court; is that
12 correct?

13 A. I don't know.

14 COURT REPROTER: I'm sorry?

15 BY WITNESS:

16 A. I answered the question that I don't
17 know.

18 Q. So nobody told you that Corey -- you
19 don't know if anybody else has given information
20 about any interactions they've had with Corey
21 Singleton that might be problematic?

22 A. No, I don't know of anything like that,
23 no.

24 Q. You don't know if that testimony came
25 out in Court yet?

1 A. I have no idea.

2 Q. Okay, but it's possible that it could?

3 A. Right.

4 Q. You don't know?

5 A. I'd be speculating.

6 Q. Okay.

7 BY MR. PAULK:

8 Q. Good afternoon, Master Sergeant
9 Draisen, my name is Seth Paulk, I'm working with
10 Juan Tolley.

11 THE COURT: Counsel approach.

12 (Bench conference.)

13 MR. PAULK: Beg the Court's indulgence,
14 Your Honor.

15 THE COURT: Yeah, you'all take your time.
16 One second, ladies and gentlemen.

17 BY MS. TOLLEY:

18 Q. Officer Draisen, you didn't personally
19 get the clips off of Corey Singleton's phone,
20 did you?

21 A. No.

22 Q. You relied on Corey Singleton to pick
23 the videos that he sent to you?

24 A. I relied on him to send me clips, yeah.

25 Q. Okay, and you don't know if you have

1 all the clips from that day, do you?

2 A. I don't know what was on his phone in
3 the entirety, no.

4 Q. Okay. And prior to providing the
5 remaining four clips, Corey spoke with a lawyer,
6 didn't he?

7 A. He had an attorney, correct.

8 Q. And these clips that you just showed,
9 they don't actually show the shooting, do they?

10 A. No.

11 MS. TOLLEY: Beg the Court's indulgence.

12 THE COURT: Yes, ma'am.

13 MS. TOLLEY: Nothing further, Your Honor.

14 THE COURT: All right, thank you. Anything
15 else?

16 MS. JONES: Briefly.

17 **

18 **REDIRECT EXAMINATION**

19 BY MS. JONES:

20 Q. Master Sergeant Draisen, we've heard
21 Corey Singleton had an attorney with him. Did
22 you force him to come to the Sheriff's Office
23 that afternoon for the interview?

24 A. No, ma'am.

25 Q. Why did he come down?

1 A. He came down because he was a victim.

2 Q. And those clips, the order that we saw
3 them, in, that was the order based on the
4 timestamps from the emails, correct?

5 MS. TOLLEY: Objection.

6 THE COURT: I will sustain that objection.

7 BY MS. JONES:

8 Q. Corey came down voluntarily to give you
9 these clips?

10 A. Yes.

11 THE COURT: I'm going to overrule that.

12 MS. JONES: Nothing further, Your Honor.

13 THE COURT: Anything else, Ms. Tolley?

14 **

15 **RECROSS-EXAMINATION**

16 BY MS. TOLLEY:

17 Q. There's no timestamps on the videos; is
18 that correct?

19 A. Not on the videos themselves.

20 Q. Thank you.

21 THE COURT: All right, Solicitor, anything
22 else?

23 MS. JONES: No, sir.

24 THE COURT: All right, thank you. Thank
25 you, sir. Any reason he can't be released from

1 his subpoena?

2 MS. TOLLEY: No, sir.

3 MS. JONES: Not from the State.

4 THE COURT: All right, thank you, sir, have
5 a great afternoon, okay?

6 Call your next witness.

7 MS. JONES: The State calls Colt Moss.

8 THE COURT: I need counsel to approach
9 while he's stepping forward, your witness.

10 * * *

11 **COLT MOSS**

12 * * *

13 being first duly sworn, testified as
14 follows:

15 THE COURT: All right, Solicitor, your
16 witness.

17 MS. JONES: Thank you, Judge.

18 **

19 **DIRECT EXAMINATION**

20 BY MS. JONES:

21 Q. Good afternoon, Paramedic Moss, how are
22 you?

23 A. Good, how are you?

24 Q. And I called you a paramedic, are you a
25 paramedic?

1 A. I am.

2 Q. And who do you work for?

3 A. Beaufort County EMS.

4 Q. And what do you do at Beaufort County
5 EMS?

6 A. I'm a paramedic.

7 Q. What's the difference between a
8 paramedic and what we may know as an EMT?

9 A. I do things such as IVs, medications,
10 advance the airways, like intubation, whereas
11 the EMTs can't do that. They just do basic
12 things.

13 Q. And did you respond to an incident on
14 November 18th of 2020?

15 A. I did.

16 Q. Was that at [REDACTED] Stonewood?

17 A. Yes.

18 Q. Is that here in Beaufort County?

19 A. It is.

20 Q. And why did you respond to that
21 location?

22 A. We were called out for a report of a
23 gunshot wound. There were two individuals,
24 initially.

25 Q. You said initially why?

1 A. Because the note said that there were
2 two shots. That's what the notes on our
3 computer said, there's two individuals that were
4 shot.

5 Q. And when you get there, do you find two
6 people that have been shot?

7 A. No.

8 Q. How many do you find?

9 A. One.

10 Q. And who was?

11 A. Steven Glover.

12 Q. And what do you see with Mr. Glover?

13 A. Fire Department were ahead of me, and
14 he was lying on his back, and the Fire
15 Department were beside him. They had cut his
16 shirt off. He had a penetrating gunshot wound
17 to his -- around the right eye area, and what
18 appeared to be a good bit of blood, like thick
19 blood coming from the back of his head. And he
20 was -- had no pulse, and he was not breathing.

21 Q. So based on those observations, what
22 did you do?

23 A. I directed the Fire Department and my
24 partner to cease resuscitating efforts.

25 Q. And who was called after that?

1 A. The coroner.

2 Q. Did you also have a chance to interact
3 with Corey Singleton?

4 A. I did.

5 Q. And tell me about that.

6 A. Well, I went to check on him --

7 MS. TOLLEY: Objection.

8 BY WITNESS:

9 A. -- and he was --

10 THE COURT: Hold on, hold on. What's the
11 objection?

12 MS. TOLLEY: May we approach?

13 THE COURT: Yeah.

14 (Bench conference.)

15 THE COURT: All right, I'm going to sustain
16 the objection. Please proceed, Solicitor.

17 BY MS. JONES:

18 Q. What did you do with Corey Singleton
19 that afternoon?

20 A. I assessed him. I spoke with him, and
21 I asked him if he was injured, and he did not
22 appear to be injured when I first saw him
23 because he was sitting back off. If you were
24 looking at the house, it would have been to my
25 right of the house, back towards the grass line.

1 And he was sitting upright when I talked
2 with him, and he said he was not hurt, and he
3 did not want to go to the hospital, and I
4 believe I even asked him, if he wanted to go to
5 the hospital after we wait for a little while,
6 we'd go ahead and take him, and he told me,
7 "No."

8 Q. But he was not shot?

9 A. No.

10 MS. JONES: I have no further questions.
11 Thank you.

12 THE COURT: All right, thank you. Ms.
13 Tolley, cross-examination?

14 MS. TOLLEY: Nothing, Your Honor, thank
15 you.

16 THE COURT: All right.

17 WITNESS: Thank you, sir.

18 THE COURT: Thank you very much. Any
19 objection to him being excused from the
20 subpoena?

21 MS. JONES: No, sir.

22 THE COURT: Ms. Tolley?

23 MS. TOLLEY: Nothing, Your Honor.

24 THE COURT: Okay, have a great day, sir.

25 WITNESS: Thank you, sir.

1 THE COURT: You can call your next witness.

2 MS. JONES: Can we take a five-minute
3 break, Judge? I'm sorry.

4 THE COURT: All right, we're gonna take a
5 five-minute break, well, probably -- actually,
6 it'll be ten, okay, but, ladies and gentlemen,
7 I'm gonna send you back to your jury room.
8 Please do not talk about the case. Thank you
9 very much. We'll get you back here as quickly
10 as we can.

11 (Jury exits the courtroom.)

12 BAILIFF: The jury's cleared, Your Honor.

13 THE COURT: Okay.

14 MS. JONES: I've just got to use the
15 restroom.

16 THE COURT: All right, take your time.
17 It's a five-minute break. Take your time, no
18 problem. All right, we'll be at ease for about
19 ten minutes, all right?

20 (RECESS)

21 **

22 **PROCEEDINGS CONTINUED**

23 BAILIFF: All rise, this Court is back in
24 session.

25 THE COURT: All right, thank you, you can

1 be seated, folks. All right, anything from the
2 State before we bring the jury in?

3 MS. JONES: No, sir.

4 THE COURT: Anything from the defense?

5 MR. PAULK: No, Your Honor.

6 THE COURT: All right, let's get the jury
7 in. We're ready for the jury.

8 BAILIFF: Your Honor, the jury's entering
9 the courtroom.

10 (Jury enters the courtroom.)

11 BAILIFF: All seated, sir.

12 THE COURT: All right, thank you very much.
13 Solicitor, are you ready to call your next
14 witness?

15 MS. JONES: Yes.

16 THE COURT: Yes, ma'am.

17 MS. JONES: The State calls Deputy Ireland.

18 * * *

19 **DANIEL IRELAND**

20 * * *

21 being first duly sworn, testified as
22 follows:

23 THE COURT: Your witness.

24 MS. JONES: Thank you, Judge.

25 **

DIRECT EXAMINATION

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

BY MS. JONES:

Q. Corporal Ireland, how are you this afternoon?

A. Good, how are you?

Q. Good. Where do you work?

A. Beaufort County Sheriff's Office.

Q. What do you do at the Sheriff's Office?

A. I work on Road Patrol for D Team division.

Q. How long have you been with the Sheriff's Office?

A. Since August or July 31st of 2017, on and off.

Q. So back in 2020 you were working with BCSO?

A. Yes.

Q. And what were you doing for the Sheriff's Office?

A. I was on Road Patrol, and I was on the Crime Scene Team.

Q. And Crime Scene Team, what does that entail?

A. Crime Scene Team is a group of individuals who respond to major incidents, and

1 our job is to document the scene as we see it,
2 as it appears.

3 Q. And did you respond, as part of the
4 Crime Scene unit, to [REDACTED] Stonewood Road?

5 A. Yes.

6 Q. And did you have certain tasks with
7 Crime Scene Unit that day?

8 A. Yes, I arrived there, and I was
9 informed by the Crime Scene Team that I would be
10 the photographer. I would be responsible for
11 taking digital photographs from the evidence and
12 the whole crime scene.

13 Q. Okay, and I understand when you said
14 digital photographs, but is there another device
15 you used to photograph the scene?

16 A. Yes, there was another device used,
17 it's called the Oscar. And it entails a Ricoh
18 camera, that takes spherical photographs, and
19 it's connected to a software program called
20 Oscar, and they interact with each other.

21 The Ricoh camera takes the photographs, and
22 it goes directly to the Oscar software program.

23 Q. And have you been trained on how to use
24 this camera?

25 A. Yes.

1 Q. And, essentially, these are 360
2 photographs of the crime scene?

3 A. Yes.

4 Q. Are they taken on something like a
5 drone?

6 A. They -- we have a tripod that I believe
7 extends up to 35 or 40 feet, and it goes down as
8 low as one or two feet.

9 Q. Okay, and that's what takes the 360
10 photographs?

11 A. Yes.

12 Q. Okay. Did you use the Oscar that day
13 at 70 Stonewood?

14 A. I didn't use it completely. I did look
15 at the iPad to make sure we were gonna get
16 photographs of the scene.

17 Q. The Oscar was used that day?

18 A. Yes, it was.

19 Q. Okay. I'm going to show you what --

20 MS. JONES: Permission to approach?

21 THE COURT: Yes, ma'am.

22 BY MS. JONES:

23 Q. I'm gonna show you State's 69.

24 Do you recognize that item?

25 A. I do.

1 Q. And what is that?

2 A. This looks like a disk that would be
3 Oscar photographs.

4 Q. And did you review that disk prior to
5 trial?

6 A. I did.

7 Q. And is that a fair and accurate copy of
8 the Oscar photographs from █████ Stonewood?

9 A. Yes.

10 Q. Does it appear to have been altered or
11 manipulated in any way?

12 A. It doesn't.

13 Q. Okay.

14 MS. JONES: Your Honor, at this time the
15 State moves 69 into evidence.

16 MS. TOLLEY: No objection.

17 THE COURT: Admitted without objection?

18 MS. TOLLEY: Without objection.

19 THE COURT: All right, thank you very much,
20 go right ahead, yes, ma'am.

21 (State's Exhibit 69 admitted into
22 evidence.)

23 MS. JONES: Thank you. Permission to
24 publish State's 69, the OSCAR photographs?

25 THE COURT: Yes, ma'am.

1 BY MS. JONES:

2 Q. Deputy Ireland, just for our
3 information, what do we see right here?

4 A. Here you have the -- we have the yellow
5 strip, that's crime scene tape, and it marks off
6 the crime scene. And the Deputy to the right,
7 what we're looking at, would be crime scene
8 security. They keep anybody from just wandering
9 into our crime scene. And on the left, there
10 you have a truck, it's a crime scene truck, and
11 there's a table there, that we used to process
12 the evidence.

13 Q. All right.

14 A. And that's in that photograph.

15 MS. JONES: Okay, if we can see the next
16 few?

17 BY MS. JONES:

18 Q. Okay, turning around to this angle,
19 what do we see here?

20 A. Yeah, this is one of the taller -- I
21 don't know exactly how tall it went, but this is
22 an overall photograph of the crime scene, as we
23 were presented with what we have there. So the
24 yellow things there, those are evidence
25 placards. They're little yellow tents.

1 Some had letters, and some had numbers, the
2 bigger ones had numbers, and we would typically
3 lay those out to anything that had evidentiary
4 value to this crime scene.

5 Q. Okay. Those placards, were closeup
6 photographs taken of what those placards were
7 marking?

8 A. They were, I took all the closeup
9 photographs.

10 Q. Okay. All right, we're going back to
11 State's 69, the Oscar, and does this appear to
12 be just a different angle of the camera?

13 A. That's the lower --

14 Q. Okay.

15 A. The previous photo was up high, this
16 was -- is a little bit lower. I don't know the
17 exact feet, but it looks to be the same view of
18 the crime scene. So we had like the tripods
19 extended all the way, and then we brought it
20 down, this would be taken from a different
21 angle.

22 Q. Are there a lot of neighbors in this
23 area, or a lot of residents in this area?

24 A. I didn't take note of any.

25 Q. Okay.

1 A. Yeah, I just -- I was taking what I was
2 looking at the crime scene tape.

3 Q. Okay, so all of these yellow placards,
4 those are markings of potential evidence?

5 A. That's correct.

6 Q. Because at the time you don't
7 necessarily know what's connected and what's
8 not?

9 A. Right.

10 Q. The majority of these placards, what
11 are they marking?

12 A. I believe these were mostly shell
13 casings on this side, like you can see where
14 that vehicle is at.

15 Q. Okay. Okay. And what -- this is a
16 closer up view from the Oscar?

17 A. It is, it's closer to the vehicle.

18 Q. Okay.

19 A. And you can scroll it around, and now
20 with this view you can see actual numbers. The
21 yellow tents are what we call placards.

22 Q. Okay.

23 A. Some of those have numbers, some of
24 those have letters. If we ended up going to
25 numbers, it's more than likely because we ran

1 out of letters. And then you see the vehicle as
2 we found it, and the vehicle was running at this
3 point when we got there.

4 Q. And the windows on the passenger side
5 were up when you got there?

6 A. I believe so.

7 Q. Okay. Now, I'm going to show you some
8 more photographs.

9 MS. JONES: Judge, I previously have shown
10 these to Ms. Tolley.

11 THE COURT: Hold on one second. Go ahead.

12 MS. JONES: Thank you.

13 THE COURT: All right. Yes, ma'am, and I'm
14 sorry to cut you off. You said you had
15 previously shown them to defense counsel?

16 MS. JONES: I did.

17 THE COURT: Yes, ma'am. Any objection to
18 those photographs, ma'am?

19 MS. TOLLEY: None, Your Honor.

20 THE COURT: All right, great.

21 MS. JONES: Do I need to authenticate them
22 or move to admit them with no objection?

23 THE COURT: I mean if there's no objection,
24 I think you can move to admit those.

25 (Court Reporter marks State's Exhibit

1 Number 9, Photograph, as attached hereto.)
2 (Court Reporter marks State's Exhibit
3 Number 10, Photograph, as attached hereto.)
4 (Court Reporter marks State's Exhibit
5 Number 11, Photograph, as attached hereto.)
6 (Court Reporter marks State's Exhibit
7 Number 12, Photograph, as attached hereto.)
8 (Court Reporter marks State's Exhibit
9 Number 13, Photograph, as attached hereto.)
10 (Court Reporter marks State's Exhibit
11 Number 14, Photograph, as attached hereto.)
12 (Court Reporter marks State's Exhibit
13 Number 15, Photograph, as attached hereto.)
14 (Court Reporter marks State's Exhibit
15 Number 16, Photograph, as attached hereto.)
16 (Court Reporter marks State's Exhibit
17 Number 17, Photograph, as attached hereto.)
18 (Court Reporter marks State's Exhibit
19 Number 18, Photograph, as attached hereto.)
20 (Court Reporter marks State's Exhibit
21 Number 19, Photograph, as attached hereto.)
22 (Court Reporter marks State's Exhibit
23 Number 20, Photograph, as attached hereto.)
24 (Court Reporter marks State's Exhibit
25 Number 21, Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 22, Photograph, as attached hereto.)

3 (Court Reporter marks State's Exhibit
4 Number 23, Photograph, as attached hereto.)

5 (Court Reporter marks State's Exhibit
6 Number 24, Photograph, as attached hereto.)

7 (Court Reporter marks State's Exhibit
8 Number 25, Photograph, as attached hereto.)

9 (Court Reporter marks State's Exhibit
10 Number 26, Photograph, as attached hereto.)

11 (Court Reporter marks State's Exhibit
12 Number 39, Photograph, as attached hereto.)

13 (Court Reporter marks State's Exhibit
14 Number 40, Photograph, as attached hereto.)

15 (Court Reporter marks State's Exhibit
16 Number 41, Photograph, as attached hereto.)

17 (Court Reporter marks State's Exhibit
18 Number 42, Photograph, as attached hereto.)

19 (Court Reporter marks State's Exhibit
20 Number 43, Photograph, as attached hereto.)

21 (Court Reporter marks State's Exhibit
22 Number 44, Photograph, as attached hereto.)

23 (Court Reporter marks State's Exhibit
24 Number 45, Photograph, as attached hereto.)

25 (Court Reporter marks State's Exhibit

1 Number 46, Photograph, as attached hereto.)
2 (Court Reporter marks State's Exhibit
3 Number 47, Photograph, as attached hereto.)
4 (Court Reporter marks State's Exhibit
5 Number 48, Photograph, as attached hereto.)
6 (Court Reporter marks State's Exhibit
7 Number 49, Photograph, as attached hereto.)
8 (Court Reporter marks State's Exhibit
9 Number 50, Photograph, as attached hereto.)
10 (Court Reporter marks State's Exhibit
11 Number 51, Photograph, as attached hereto.)
12 (Court Reporter marks State's Exhibit
13 Number 52, Photograph, as attached hereto.)
14 (Court Reporter marks State's Exhibit
15 Number 53, Photograph, as attached hereto.)
16 (Court Reporter marks State's Exhibit
17 Number 54, Photograph, as attached hereto.)
18 (Court Reporter marks State's Exhibit
19 Number 55, Photograph, as attached hereto.)
20 (Court Reporter marks State's Exhibit
21 Number 56, Photograph, as attached hereto.)
22 (Court Reporter marks State's Exhibit
23 Number 57, Photograph, as attached hereto.)
24 (Court Reporter marks State's Exhibit
25 Number 58, Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 59, Photograph, as attached hereto.)

3 (Court Reporter marks State's Exhibit
4 Number 60, Photograph, as attached hereto.)

5 (Court Reporter marks State's Exhibit
6 Number 61, Photograph, as attached hereto.)

7 (Court Reporter marks State's Exhibit
8 Number 62, Photograph, as attached hereto.)

9 (Court Reporter marks State's Exhibit
10 Number 63, Photograph, as attached hereto.)

11 (Court Reporter marks State's Exhibit
12 Number 64, Photograph, as attached hereto.)

13 (Court Reporter marks State's Exhibit
14 Number 65, Photograph, as attached hereto.)

15 (Court Reporter marks State's Exhibit
16 Number 66, Photograph, as attached hereto.)

17 (Court Reporter marks State's Exhibit
18 Number 67, Photograph, as attached hereto.)

19 (Court Reporter marks State's Exhibit
20 Number 68, Photograph, as attached hereto.)

21 MS. JONES: Your Honor, at this time the
22 State moves State's 9 through 18, 19 through 24,
23 there is no 25, 26 through 39, 40, 41 and 42, 43
24 through 53, and 54 through 55, and then,
25 finally, 56 through 68.

1 THE COURT: 56 through 68?

2 MS. JONES: Yes, sir.

3 THE COURT: All right, so all of those are
4 photographs that you've seen, Ms. Tolley?

5 MS. TOLLEY: Yes, sir.

6 THE COURT: And they're being admitted
7 without objection; is that correct?

8 MS. TOLLEY: Yes.

9 THE COURT: Thank you so much. Go ahead.
10 (State's Exhibits 9 - 24 and 26 - 58
11 admitted into evidence.)

12 MS. JONES: Thank you, Judge.

13 BY MS. JONES:

14 Q. Okay, I'm going to show you, and we're
15 gonna use the big screen here, State's Exhibit
16 9. And what is this?

17 A. This is -- it looks like an overall
18 photograph of the crime scene. A little
19 different angle than what we previously saw. We
20 have a grouping of evidence placards on the
21 right, we have a smaller grouping on the left,
22 and then a closer one that we're actually
23 viewing.

24 Q. All right, and State's 10 here, if we
25 zoom in, let's start identifying some of those

1 placards.

2 A. If we zoom in, yeah, so what we have
3 there it looks like one of my still-photographs,
4 an overall of the crime scene and the evidence
5 as it laid and was marked with the placards. So
6 we have letters right there, like some or all
7 the letters, and then if we zoom out, where you
8 can see just a couple of placards on the left
9 right there. It's kind of hard to tell.

10 Q. States's 11?

11 A. And this is going to be a closeup of
12 another shell casing. So if you want to talk
13 about this one a little bit.

14 Q. Sure.

15 A. Yeah, so this is placard K, it's got
16 measurements on there, but what you'll notice
17 is, this looks like it's been buried in the
18 sand, maybe like it's been there for a while,
19 and weather, it's dark in color. And I'd say a
20 little more than half of it is in the sand
21 buried.

22 Q. Okay. State's 12.

23 A. So this is placard L, if you can zoom
24 in on that one. It looks like a shell casing.
25 It does look older, but it looks like a shell

1 casing.

2 Q. Okay. If we can go to State's 13?

3 A. Okay, this is just a different angle.
4 So this series of photographs is where I took
5 360-degree photographs of the entire crime
6 scene.

7 Q. Okay.

8 A. It's just a different angle, so here we
9 have a little better view of the letters that
10 were behind the vehicle.

11 Q. And State's 14?

12 A. There we have another shell casing,
13 that's placard letter M.

14 Q. Okay, and I noticed that these photos
15 appear to be taken at nighttime; is that true?

16 A. It is. When we got there it was
17 daytime, it was full light out --

18 Q. Okay.

19 A. -- and then we worked into the evening.

20 Q. How long do you think you were
21 processing this crime scene?

22 A. I guess maybe eight hours, maybe more.

23 Q. Okay. State's 15?

24 A. That looks like a magazine on that,
25 placard N, and that looks to be a projectile,

1 which is the part of a bullet that goes out of
2 the shell casing once it's fired from the gun.

3 Q. Okay. 16?

4 A. That looks like letter O with a shell
5 casing.

6 Q. And 17?

7 A. Here we have letter placard P, a shell
8 casing next to it.

9 Q. And 18?

10 A. Number 18 is letter placard Q, another
11 shell casing next to it.

12 Q. If we can just go back to State's 13?
13 Those are all those placards right there towards
14 the back right quarter panel of that car, right?

15 A. That is correct.

16 Q. Okay, thank you. You mentioned an old
17 casing earlier.

18 Did you'all have -- did you'all come across
19 some other ones that appeared to be old to you?

20 A. Yes. As I was taking the digital
21 photographs all the way around the entire crime
22 scene, one of the crime scene members had
23 mentioned that there were other casings that
24 were located, but they all appeared to be buried
25 in the sand.

1 Q. Okay.

2 A. Like I'd say three-quarters down, or --

3 Q. State's 19?

4 A. I believe those are depicted by the
5 numbered placards two, three, four, five.

6 Q. Okay. You said two, three, four, five?

7 A. Yes.

8 Q. Yeah.

9 A. Yeah, it looks like two, five, three,
10 six, and then there's a one a little bit over
11 there.

12 Q. Okay. I'm gonna show you State's 20, a
13 closeup. That doesn't appear anywhere, does it?

14 A. No, it does not.

15 Q. Okay.

16 A. It's t's numbered placard one, and as I
17 said not very many rounds.

18 Q. Okay. And then you mentioned two,
19 three, four, five and six. We didn't see two?

20 A. Yeah, so that's a little more buried
21 into the ground from that angle.

22 Q. State's 22?

23 A. Same thing with those two. So number
24 placard four that's even more buried into the
25 ground. Yeah, it's buried in the ground.

1 Q. Okay. Let's move onto State's 26.
2 Okay, again, an overview of the different
3 placards?

4 A. Yeah, this looks like one of our still
5 photographs of the letter grouping placards to
6 the right of that vehicle of those.

7 Q. Okay, State's 27?

8 A. Just another overview of the crime
9 scene. It looks like it's one of my still
10 photographs.

11 Q. Okay, if we could zoom out. Is that
12 placard A we see up here?

13 A. Yes, I believe so.

14 Q. State's 28, what is that showing us?

15 A. That's going to be a photograph of
16 placard A, it's a shell casing.

17 Q. Okay. How about State's 29?

18 A. In there we have a grouping of placards
19 that are marked as shell casings.

20 Q. Do you remember if all these shell
21 casings, aside from the ones that you indicated
22 as appearing old, were the same caliber?

23 A. Yes. Later on I took some closeup
24 photographs, and they were mostly .9mm.

25 Q. Okay. And that's what 29 is showing,

1 it's more .9mm shell casings?

2 A. That's correct.

3 Q. And 30?

4 A. A closeup of letter placard B, a shell
5 casing.

6 Q. All right, 31?

7 A. It's letter placard C, another shell
8 casing.

9 Q. 32?

10 A. It's going to be letter placard D, a
11 shell casing.

12 Q. 33?

13 A. And there we have two shell casings.
14 They were close enough together, so we just used
15 one placard for that.

16 Q. Okay. 34?

17 A. Yeah, another shell casing, placard F,
18 yeah.

19 Q. 35?

20 A. It's going to be letter placard G,
21 another shell casing.

22 Q. 36?

23 A. It's gonna be a shell casing, letter
24 placard H.

25 Q. 37?

1 A. Letter placard I, another shell casing.

2 Q. All right. Now, we're going to go to
3 another overview in 38.

4 A. Yeah, this looks like an Oscar
5 photograph, a different angle of the crime scene
6 from the front of the vehicle. You can see off
7 to the left all those letter placards.

8 Q. And what is the one in the forefront?

9 A. That looks like J.

10 Q. All right, State's 39?

11 A. Yeah, it's a closeup of J.

12 Q. With a .9mm?

13 A. With the shell casing.

14 Q. I'm gonna show you and go through now
15 State's 40.

16 A. Okay, so this would be the other side
17 of the vehicle.

18 Q. All right.

19 A. I believe this is one of my still
20 photographs of the initial 360-degree photos of
21 the crime scene.

22 Q. Okay. And in the forefront, we see
23 letter placard S?

24 A. It does look like it.

25 MS. JONES: And if we can go to State's 41?

1 BY MS. JONES:

2 Q. What does that show us?

3 A. That looks like a closeup of an actual
4 bullet --

5 Q. Okay.

6 A. -- unfired. So there you see the
7 projectile and the shell casing, meaning it
8 hasn't been inserted into a gun, it's not been
9 fired at all.

10 Q. Okay. When you say projectile, you
11 mean the part that -- the bottom copper colored
12 part?

13 A. Yes.

14 Q. Okay. And the shell case is what
15 you're referring to as the other part of the
16 bullet?

17 A. That's correct.

18 Q. Okay.

19 A. When it's fired, a projectile comes out
20 of the shell casing.

21 Q. Okay, could you repeat that again, when
22 the shell casing is expelled?

23 A. Out of the weapon.

24 Q. Okay. So they, essentially, separate
25 when the trigger's pulled and the bullet's

1 fired?

2 A. That's correct.

3 Q. Okay. Finally, 42?

4 A. It looks like letter placard T, and
5 that's going to be a shell casing.

6 Q. Okay. Now we're gonna go from 43
7 through 53. 43?

8 A. This is gonna be the other side of the
9 vehicle. You'll notice on the right we had
10 marked the -- with the numbered placards, and
11 then we added an initial placard there. And
12 this is going to be evidentiary evidence on the
13 driver's side of the vehicle.

14 Q. Okay. 44?

15 A. So we have the number 9, that's W, and
16 V-9, they are all indicating that they were
17 shell casings.

18 Q. Okay. 45?

19 A. Okay, so if you look at the top right
20 corner of the nine, there was a shell casing
21 just under the vehicle, and I had the most
22 difficult time trying to get the photo and
23 that's where the shell casing was at.

24 Q. Okay. How about 46?

25 A. Then that should be a shell casing in

1 this photograph here.

2 Q. Okay. 47?

3 A. That should be a shell casing in that
4 photo, that right there.

5 Q. And 48?

6 A. That's gonna be letter placard W with
7 another shell casing.

8 Q. So State's 49, these are items we just
9 looked at, and they were individually collected,
10 right?

11 A. Yeah.

12 Q. Okay. Was the car towed at some point?

13 A. The car was towed when we were done
14 collecting all of the evidence. I believe the
15 car was part of that when they came and
16 collected the vehicle.

17 Q. Okay. There were some other items?

18 A. Yes, once they moved the vehicle there
19 were three additional casings and a projectile
20 underneath the vehicle, which we couldn't see?

21 MS. JONES: If we could see State's 50?

22 BY WITNESS:

23 A. It's going to be marked and identified.
24 That's small letter placards, one, two, three,
25 four.

1 Q. Okay.

2 A. Small letter placards.

3 MS. JONES: 51, please?

4 BY WITNESS:

5 A. So if you look, if you can zoom in on
6 number one, it's going to be a projectile, and
7 then right next to it, number two, it's going to
8 be a shell casing.

9 Q. State's 52?

10 A. And if you zoom in on that, it'll be
11 placard three with a shell casing.

12 Q. And State's 53?

13 A. If you zoom in on that one, we have
14 another shell casing marked with placard four.

15 Q. So aside from the shell casings,
16 there's other items that were collected on-
17 scene?

18 A. Yes.

19 Q. I'm gonna hand you State's 54 and 55
20 together. Have you seen these before?

21 A. Yeah, so if we can zoom in on the
22 placard on the right, that's going to be a jar
23 of green leafy substance, and I believe that's
24 placard U.

25 Q. We can move onto State's 55.

1 A. And that's a closeup of the evidence.
2 It's letter placard U, with a jar of a green
3 leafy substance.

4 Q. Okay. You also photographed damage to
5 the car, didn't you?

6 A. That is correct.

7 MS. JONES: Okay, if we can go through
8 State's 56?

9 BY MS. JONES:

10 Q. So what do we have here?

11 A. So when we have any type of evidence
12 that we can't mark that's on the ground with one
13 of the little yellow tent placards, we have
14 sticker placards, which you'll see on this
15 vehicle, and we use the stickers to mark bullet
16 holes into the vehicle, or projectile holes into
17 the vehicle.

18 Q. And is that what we see here in the
19 door below the window of that car door?

20 A. It is. And if you'll notice, we went
21 -- there were so many projectile holes in this
22 vehicle, we went A through Z, and then we had to
23 start going AA, BB, CC, we had to double up
24 letters.

25 Q. State's 57?

1 A. That's a closeup of the passenger side
2 door. You can see holes in the window, and like
3 they've got holes in the window, and the
4 doorframe itself down by the handle.

5 Q. State's 58?

6 A. And then you'll notice the -- what we
7 call the feed pillar, which would be the pillar
8 between the front and the backseat, so we
9 noticed on that lots of projectiles were stuck
10 in the vehicle, and we marked all those with
11 sticker placards.

12 Q. And those are more holes in the
13 window --

14 A. Right.

15 Q. -- and door?

16 A. That's correct.

17 Q. State's 59, a photo closeup of what we
18 were just discussing?

19 A. Yes, it is.

20 Q. And those silver-colored circles are
21 those the projectiles you're referencing?

22 A. Yes, they are.

23 Q. State's 60?

24 A. That's just a different angle. You --
25 we were able to see -- it looks like letter

1 placard E, G, K and J on the lower part of the
2 back passenger side door.

3 Q. Okay, how about 61?

4 A. And that's a closeup of what I was just
5 talking about on that.

6 Q. More bullet holes?

7 A. Yes.

8 Q. 62?

9 A. And then we have -- we can start to see
10 in the back windshield there's a couple of
11 bullet holes there, marked with letter placards;
12 and then if we can zoom back out, it's just a
13 different angle, and then we're able to capture
14 the rear passenger side fender, rear fender, and
15 it also has the projectile hole.

16 Q. What about State's 63?

17 A. That is --

18 Q. What are those rods that we see here?

19 A. Okay, those are projectile rods.
20 They're meant to be able to insert into where
21 there's an actual bullet hole, not like in the
22 doorframe, where there was an actual projectile
23 in it, these are meant to show the general
24 direction of where the bullets are -- where the
25 gun was fired from. And in the way of different

1 colors here, you can see, if we can zoom in on
2 there, we inserted one in J, I believe that
3 might be K underneath J, E, M and then Q.

4 You can -- it really just tells us the
5 general direction of where are they coming from.

6 Q. Okay. Were those consistent with where
7 the groupings of shell casings were found?

8 A. Yes.

9 MS. JONES: If we can go to 64?

10 BY WITNESS:

11 A. Yeah, that's a different angle -- a top
12 side angle of the projectile rods.

13 Q. Okay, 65?

14 A. All right, and then this is gonna be
15 the rear of the vehicle. You can see there are
16 also projectile holes in the front and in the
17 right rear lights. And then if you zoom out, I
18 think you might be able to see one more into
19 that back windshield, kind of the bottom left.

20 Q. State's 66?

21 A. Okay, this is a closeup of the trunk
22 and the taillight.

23 Q. State's 67?

24 A. And then we were able to insert a
25 couple of trajectory rods or projectile rods

1 through a few of those.

2 Q. And, finally, State's 68?

3 A. That is a closeup of the back
4 windshield with two bullet holes in it.

5 Q. Those strips off to the right are to
6 scale?

7 A. Yeah, those are scales meant to just
8 measure.

9 Q. All right.

10 MS. JONES: Beg the Court's indulgence.

11 THE COURT: Yes, ma'am.

12 BY MS. JONES:

13 Q. Corporal Ireland, I don't have any
14 further questions for you. Thank you.

15 A. You're welcome.

16 MS. JONES: Move to admit State's Exhibits
17 59 - 68.

18 THE COURT: Any objection?

19 MS. TOLLEY: No objection.

20 THE COURT: Admitted without objection.

21 (State's Exhibits 59 - 68 admitted into
22 evidence.)

23 THE COURT: Ms. Tolley, do you have any
24 cross-examination?

25 MS. TOLLEY: Just a couple questions.

1 THE COURT: Yes, ma'am.

2 **

3 **CROSS-EXAMINATION**

4 BY MS. TOLLEY:

5 Q. Were you able to take photographs of
6 all the evidence?

7 A. I would have to -- not with my camera,
8 only from what was in plain view --

9 Q. Uh-huh.

10 A. -- or wherever we see that the door
11 opened. I didn't like reach in with my camera
12 for any further evidence.

13 Q. Thank you.

14 THE COURT: All right, anything else,
15 Solicitor?

16 MS. JONES: No, sir.

17 THE COURT: All right, any objection to
18 Officer Ireland being excused from his subpoena?

19 MS. JONES: No, sir.

20 THE COURT: Defense?

21 MS. TOLLEY: No, sir.

22 THE COURT: Have a great day, sir, thank
23 you.

24 WITNESS: Thank you, sir.

25 THE COURT: Are you ready to call your next

1 witness?

2 MS. JONES: Yes, sir, State calls Officer
3 Erin Lynn.

4 * * *

5 **ERIN LYNN**

6 * * *

7 being first duly sworn, testified as
8 follows:

9 THE COURT: Ms. Jones?

10 MS. JONES: Thank you, Judge.

11 **

12 **DIRECT EXAMINATION**

13 BY MS. JONES:

14 Q. Officer Lynn, where do you work?

15 A. I currently work at Montgomery County
16 in Maryland.

17 Q. And what do you do for Montgomery
18 County?

19 A. I work as a Patrol Officer.

20 Q. Prior to that, did you work for the
21 Beaufort County Sheriff's Office?

22 A. I did.

23 Q. And what took you to Montgomery County?

24 A. I have family there.

25 Q. When you were with Beaufort County,

1 what did you do?

2 A. I also worked for the Sherrif's Office.

3 Q. How long were you employed with the
4 Beaufort County Sheriff's Office?

5 A. Just under five years before I left.

6 Q. How many years total in law
7 enforcement?

8 A. Now it's seven-and-a-half or eight.

9 Q. Okay. Did you respond to [REDACTED] Stonewood
10 back then?

11 A. Yes, ma'am.

12 Q. And why did you respond to [REDACTED]
13 Stonewood?

14 A. There had been a shooting there.

15 Q. And you responded as part of the Crime
16 Scene Unit?

17 A. Yes, ma'am.

18 Q. And were you tasked with a certain --
19 did you have a certain job on-scene that day?

20 A. Yes, ma'am, I did.

21 Q. And what was that?

22 A. To collect the evidence and admit it
23 into evidence.

24 Q. Okay. When you get on-scene what do
25 you see?

1 A. There is a silver Nissan in the front
2 yard facing the house with the door cracked
3 open, and the victim that's on the ground on the
4 right side of the car -- vehicle.

5 Q. You marked -- you note something in
6 your report about the shoes. Do you remember if
7 he was wearing shoes that day?

8 A. He was not wearing shoes.

9 Q. Did you start collecting evidence?

10 A. Not immediately.

11 Q. What happens when you first get there?

12 A. I -- the crime scene tape and the
13 placards had already been put in place, so I
14 just did an initial walk-thru.

15 Q. Okay, and after your initial walk-thru
16 what did you do?

17 A. We started looking at the items of
18 evidence that were at each one of the markers.

19 Q. Okay. And when an item of potential
20 evidence was located, is that when a placard is
21 put in place?

22 A. Yes, ma'am.

23 Q. These yellow markers that we see?

24 A. Yes, ma'am.

25 Q. Okay. I'm gonna hand you first -- if

1 you could speak up a little bit, everything
2 you're saying the Court Reporter's taking down,
3 and you're very soft-spoken.

4 A. Sorry.

5 Q. That's all right. I'm gonna hand you
6 some things that you collected that night.

7 A. Okay.

8 MS. JONES: Permission to approach?

9 THE COURT: Yes, ma'am.

10 BY MS. JONES:

11 Q. I'm gonna hand you State's 199. What
12 is that?

13 A. This was a mason jar with some stuffed-
14 in marijuana that I labeled.

15 Q. Okay.

16 A. Yes.

17 Q. Okay, and is that what you collected?

18 A. Yes, ma'am.

19 Q. And how do you know that's the item you
20 collected? Is your signature on that bag?

21 A. Yes, ma'am.

22 Q. Okay.

23 MS. JONES: Your Honor, at this time the
24 State moves 199 into evidence.

25 THE COURT: Any objection?

1 MS. TOLLEY: No, sir.

2 THE COURT: 199 admitted without objection.

3 (State's Exhibit 199 admitted into
4 evidence.)

5 MS. JONES: Permission to publish it to the
6 jury?

7 THE COURT: Sure.

8 Q. Now I'm gonna show you what's been
9 marked State's 70 through 92.

10 A. Yes.

11 Q. I'll go through them. Okay, I'm gonna
12 start with State's 70. Do you recognize that
13 photo?

14 A. Yes, ma'am.

15 Q. And what is that?

16 A. It's a .9mm casing that was located at
17 placard one.

18 Q. Okay, and you collected that casing?

19 A. Yes.

20 Q. Is that indicated by your signature?

21 A. Yes, ma'am.

22 Q. State's 71? Do you recognize that?

23 A. Yes, ma'am.

24 Q. And what is that?

25 A. It's a .9mm casing that was located at

1 placard nine.

2 Q. Okay, and that is the casing you
3 collected?

4 A. Yes, ma'am.

5 Q. Okay, State's 72? And what is that?

6 A. It's a .9mm casing, and it was
7 indicated by placard.

8 Q. Okay, and you collected that casing?

9 A. Yes, ma'am.

10 Q. And State's 73?

11 A. A .9mm casing that was located at the
12 scene.

13 Q. Okay, and that's marked by your
14 signature?

15 A. Yes, ma'am.

16 Q. State's 74?

17 A. A .9mm casing that was located at
18 placard W at the crime scene.

19 Q. Again, your signature is on the bag?

20 A. Yes, ma'am.

21 Q. State's 75?

22 A. A .9mm casing that was located at
23 placard L that I collected.

24 Q. All right, we're gonna look at State's
25 76, 77, 78, 79 and 80.

1 Do you recognize those?

2 A. Yes, ma'am.

3 Q. And what are those?

4 A. They are all .9mm casings that I
5 collected at the scene of the crime.

6 Q. Okay, and you collected those, packaged
7 them up and sent them into evidence?

8 A. Yes.

9 Q. State's 81, 82, 83, 84 and 85.

10 A. Yes, ma'am, these are all .9mm casings
11 that were collected from the crime scene.

12 Q. And you personally collected these
13 items?

14 A. Yes.

15 Q. And you indicated on the bag?

16 A. Yes.

17 Q. When you collect all these shell
18 casings, do you seal them before you submit them
19 into evidence?

20 A. Yes, ma'am.

21 Q. All right, I'm gonna show you State's
22 86, 87, 88, 89, 90, 91 and 92. And what are
23 those items?

24 A. They're all .9mm shell casings
25 collected at the scene.

1 Q. And aside from collecting all of these
2 items, Item 70 through 92, did you do anything
3 to manipulate them, alter them, or change them
4 in any way?

5 A. No, ma'am.

6 Q. Were you wearing gloves when you
7 collected these items?

8 A. Yes, ma'am.

9 Q. And did you put each of these casings
10 in a separate sealed bag?

11 A. Yes, ma'am.

12 Q. And then they were sent to evidence?

13 A. Yes, ma'am.

14 (Court Reporter marks State's Exhibit
15 Number 70, Photograph, as attached hereto.)

16 (Court Reporter marks State's Exhibit
17 Number 71, Photograph, as attached hereto.)

18 (Court Reporter marks State's Exhibit
19 Number 72, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 73 Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit
23 Number 74, Photograph, as attached hereto.)

24 (Court Reporter marks State's Exhibit
25 Number 75, Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 76, Photograph, as attached hereto.)
3 (Court Reporter marks State's Exhibit
4 Number 77, Photograph, as attached hereto.)
5 (Court Reporter marks State's Exhibit
6 Number 78, Photograph, as attached hereto.)
7 (Court Reporter marks State's Exhibit
8 Number 79, Photograph, as attached hereto.)
9 (Court Reporter marks State's Exhibit
10 Number 80, Photograph, as attached hereto.)
11 (Court Reporter marks State's Exhibit
12 Number 81, Photograph, as attached hereto.)
13 (Court Reporter marks State's Exhibit
14 Number 82, Photograph, as attached hereto.)
15 (Court Reporter marks State's Exhibit
16 Number 83, Photograph, as attached hereto.)
17 (Court Reporter marks State's Exhibit
18 Number 84, Photograph, as attached hereto.)
19 (Court Reporter marks State's Exhibit
20 Number 85, Photograph, as attached hereto.)
21 (Court Reporter marks State's Exhibit
22 Number 86, Photograph, as attached hereto.)
23 (Court Reporter marks State's Exhibit
24 Number 87, Photograph, as attached hereto.)
25 (Court Reporter marks State's Exhibit

1 Number 88, Photograph, as attached hereto.)

2 (Court Reporter marks State's Exhibit
3 Number 89, Photograph, as attached hereto.)

4 (Court Reporter marks State's Exhibit
5 Number 90, Photograph, as attached hereto.)

6 (Court Reporter marks State's Exhibit
7 Number 91, Photograph, as attached hereto.)

8 (Court Reporter marks State's Exhibit
9 Number 92, Photograph, as attached hereto.)

10 MS. JONES: Your Honor, at this time State
11 moves 70 through 92 into evidence.

12 THE COURT: Any objection?

13 MS. TOLLEY: No, sir.

14 THE COURT: All right, admitted without
15 objection.

16 (State's Exhibits 70 - 92 admitted into
17 evidence.)

18 BY MS. JONES:

19 Q. Let me get those out of your way. You
20 collected a couple of casings of a different
21 caliber, didn't you?

22 A. Yes, ma'am.

23 Q. Okay. I'm gonna show you what has been
24 marked as State's 93 and State's 94.

25 Do you recognize those items?

1 A. Yes, ma'am.

2 Q. And what are those?

3 A. They were .40 caliber casings.

4 Q. Okay, and those were collected at 70
5 Stonewood?

6 A. Yes, ma'am.

7 Q. And, again, you collected them, put
8 them in a sealed bag, and submitted them into
9 evidence?

10 A. Yes, ma'am.

11 (Court Reporter marks State's Exhibit
12 Number 93, Photograph, as attached hereto.)

13 (Court Reporter marks State's Exhibit
14 Number 94, Photograph, as attached hereto.)

15 MS. JONES: Your Honor, the State now moves
16 State's 93 and 94 into evidence.

17 THE COURT: Any objection, Ms. Tolley?

18 MS. TOLLEY: No, sir.

19 THE COURT: All right, admitted without
20 objection. Thank you.

21 (State's Exhibits 93 - 94 admitted into
22 evidence.)

23 BY MS. JONES:

24 Q. Now, also --

25 THE COURT: Hold on, one second. Okay, go

1 ahead.

2 BY MS. JONES:

3 Q. I'm gonna hand you now what's been
4 marked as State's 95, and what is that?

5 A. It's a live round, .357 caliber.

6 Q. Okay, and who collected that item?

7 A. I collected it at the scene.

8 Q. And you sealed it in that bag?

9 A. Yes, ma'am.

10 (Court Reporter marks State's Exhibit
11 Number 95, Photograph, as attached hereto.)

12 MS. JONES: Your Honor, at this time the
13 State moves 95 into evidence.

14 THE COURT: Objection?

15 MS. TOLLEY: No, sir.

16 THE COURT: Admitted without objection.

17 (State's Exhibit 95 admitted into
18 evidence.)

19 BY MS. JONES:

20 Q. I'm gonna show you now 96, 97 and 98.

21 A. These are projectiles that I collected
22 from the location.

23 Q. Okay, and, again, you didn't tamper,
24 manipulate or alter these, you just collected
25 them with gloves?

1 A. Correct.

2 Q. And, again, a projectile is the -- when
3 the bullet splits, hits the front porch, and the
4 casing is left back where it was projected?

5 A. Yes, ma'am.

6 Q. Okay.

7 (Court Reporter marks State's Exhibit
8 Number 96, Photograph, as attached hereto.)

9 (Court Reporter marks State's Exhibit
10 Number 97, Photograph, as attached hereto.)

11 (Court Reporter marks State's Exhibit
12 Number 98, Photograph, as attached hereto.)

13 MS. JONES: Your Honor, at this time the
14 State moves 96, 97 and 98 into evidence.

15 THE COURT: Ms. Tolley?

16 MS. TOLLEY: Without objection, Your Honor.

17 THE COURT: Submitted without objection.

18 (State's Exhibit 96 - 98 admitted into
19 evidence.)

20 BY MS. JONES:

21 Q. And finally -- well, just to recap on
22 all of this, you said earlier that this was
23 potential evidence because you don't know what
24 is connected to this case and what's not, do
25 you?

1 A. Correct.

2 Q. Okay. This is just what you found on-
3 scene that day?

4 A. Yes, ma'am.

5 Q. I'm gonna show you some photographs.

6 MS. JONES: Permission to approach?

7 THE COURT: Yes, ma'am.

8 BY MS. JONES:

9 Q. I'm gonna show you 192, 193 and 194.
10 What are those items?

11 A. 192 is a picture of the front of the
12 residence.

13 Q. Okay.

14 A. 193 and 194 were the items I found.

15 Q. And are those a fair and accurate
16 depictions of photos taken that day?

17 A. Yes, ma'am.

18 (Court Reporter marks State's Exhibit
19 Number 192, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 193, Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit
23 Number 194, Photograph, as attached hereto.)

24 MS. JONES: Your Honor, at this time the
25 State moves 193, 194 and 195 into evidence --

1 oh, my apologies, 192, 193 and 194.

2 MS. TOLLEY: Without objection, Your Honor.

3 THE COURT: Admitted without objection.

4 (State's Exhibits 192 - 194 admitted into
5 evidence.)

6 BY MS. JONES:

7 Q. And 192 what is in the center of that
8 photograph?

9 A. It's a camera.

10 Q. And did you'all find that there was
11 surveillance of this home?

12 A. Yes, ma'am.

13 Q. Okay, and that was State's 193 and 194?

14 A. Yes, ma'am.

15 Q. And did you actually locate that in the
16 home?

17 A. Yes, ma'am.

18 Q. I'm gonna how you State's 99. And do
19 you recognize that item?

20 A. Yes, ma'am.

21 Q. And what is that?

22 A. That's the blanket I found inside the
23 residence.

24 Q. The residence of [REDACTED] Stonewood?

25 A. Yes.

1 Q. Okay.

2 MS. JONES: your Hoor, at this time the
3 State moves 99 into evidence.

4 MS. TOLLEY: Without objection.

5 THE COURT: Admitted without objection.

6 (State's Exhibit 99 admitted into
7 evidence.)

8 MS. JONES: Thank you.

9 BY MS. JONES:

10 Q. Deputy Lynn, I don't think I have any
11 more questions for you. Thank you.

12 A. Thank you.

13 THE COURT: Cross-examination, counsel?

14 MS. TOLLEY: Nothing, Your Honor, thank
15 you.

16 THE COURT: All right, thank you.

17 Any objection of her being excused from her
18 subpoena?

19 MS. TOLLEY: Yes, sir, no objection.

20 MS. JONES: No objection.

21 THE COURT: No objections? All right, that
22 sounds great. Ma'am, thanks a lot, have a great
23 day, okay?

24 WITNESS: Thank you, Your Honor, you do as
25 well.

1 THE COURT: The State calls Investigator
2 Jen Snider.

3 * * *

4 **JENNIFER SNIDER**

5 * * *

6 being first duly sworn, testified as
7 follows:

8 THE COURT: Your witness, ma'am.

9 MS. JONES: Thank you.

10 **

11 **DIRECT EXAMINATION**

12 BY MS. JONES:

13 Q. Good afternoon, Investigator Jen
14 Snider.

15 A. Good afternoon.

16 Q. I called you Investigator Snider, where
17 do you work?

18 A. I work at the Beaufort County Sheriff's
19 Office.

20 Q. And what do you do with the Sheriff's
21 Office?

22 A. I'm an Investigator on the north side,
23 which is this side.

24 Q. Okay, here in Beaufort County?

25 A. Yes.

1 Q. And were you -- how long have you been
2 with the Sheriff's Office?

3 A. For 13-and-a-half years.

4 Q. So you were there in 2020?

5 A. Yes.

6 Q. And were you working on November 18th,
7 2020?

8 A. Yes.

9 Q. And did you respond to a call of the
10 shooting of Steven Glover?

11 A. Yes, I did.

12 Q. And when did you respond?

13 A. So I was in the office at the time. We
14 actually had a different office than where we're
15 at now, we were at 1920 Duke Street, and I was
16 with Investigator Duncan, who is at the table
17 right here, and we were watching the call come
18 out on our computer screen, so we responded to
19 152 Eddings Point Road.

20 Q. And why did you respond to 152 Eddings
21 Point Road?

22 A. So as we watched the call from the --
23 we call it our CAD, and we could see the notes
24 that the dispatchers were putting in from what
25 they were getting from the actual phone call,

1 from whoever called in the 911, and we,
2 recognized the name Glizzy from the names we had
3 come across before, and we knew Glizzy to be
4 Channon Preston. And that was identified as
5 potentially one of the suspects in the case,
6 involving gunshot victims.

7 So as I said we were familiar with Glizzy
8 being Channon Preston, and we knew his mother
9 lived at [REDACTED] Eddings Point Road, so we jumped in
10 Investigator Duncan's car, and we drove out to
11 Eddings Point what do you see?

12 A. So it took us probably about that time
13 of day because that call came in just after 1
14 o'clock in the afternoon, it took us probably --
15 I'd say with traffic at that time of day, 20, 25
16 minutes to get out there. And we drove past the
17 residence, and we did see a white minivan, which
18 was the description that was given, it was
19 either it first came out as a Nissan or a Toyota
20 minivan, and we did see a white minivan parked
21 in the driveway, there were actually three
22 vehicles, in the driveway of [REDACTED] Eddings Point
23 Road, which is a -- it's kind of a horseshoe-
24 shaped driveway.

25 Q. Were you sent something on your phone

1 to confirm the white minivan?

2 A. Yes. I was sent some screenshots from
3 some video surveillance footage that was taken
4 from [REDACTED] Stonewood, which is where the incident
5 occurred.

6 Q. And I'm gonna show you what's been
7 admitted as State's Exhibit 100, is that the
8 screenshot you received?

9 A. Yes.

10 Q. And is that the white minivan?

11 A. Yes.

12 Q. And were you able to confirm that that
13 white minivan was at [REDACTED] Eddings Point Road?

14 A. Yes.

15 Q. So what do you and Investigator Duncan
16 do when you realize that the suspect van is
17 right in front of you?

18 A. So when we did our drive-by, if you
19 will because at the time we knew there was at
20 least one gunshot victim, potentially two, we
21 didn't want to go into a residence, just the two
22 of us, we wanted to wait for backup, and the
23 fact that there were two other vehicles at the
24 house, so we had no idea how many people were
25 actually inside the residence.

1 So we turned around and Eddings Point Road
2 is just a two-lane road, and there is -- I don't
3 know if you're familiar with St. Helena Island
4 surrounded, obviously, by the water, so there's
5 a lot of marsh grass and what not, so we turned
6 around, and we went back down past the house,
7 and so we were trying to go back towards Highway
8 21, the house would have been on our left side.

9 And we drove past, and we found a little --
10 I guess a little side road that we kind of
11 tucked into, backed into it, so that we could
12 still look down that road, and see if anybody
13 came out of the driveway. We couldn't
14 necessarily see the house itself because it sat
15 back from the road, but we could see if anybody
16 left the residence. And Eddings Point Road you
17 can't -- there's only one way in and one way
18 out, you can't like get to it another way. If
19 you go anywhere else, you hit water. So we knew
20 if anybody left, we'd be able to see.

21 MS. TOLLEY: Your Honor, may we approach?

22 THE COURT: Sure.

23 (Bench conference.)

24 BY MS. JONES:

25 Q. Okay, so from where y'all were, from

1 when you got there, laid eyes on the van, and
2 nobody left or came?

3 A. No.

4 Q. Okay. So while you and Investigator
5 Duncan are waiting, what do you do?

6 A. So we contacted our Violent Crime Task
7 Force, and we waited until they got there. It
8 was roughly -- I'd say we probably waited less
9 than 30 minutes because I believe they came from
10 Bluffton.

11 They were doing something over on the other
12 side of the Broad River, so we had to wait for
13 them to get there.

14 So when they got there, we kind of met up,
15 decided what we were going to do, and then we
16 surrounded the house because on the opposite
17 side of the residence, there's a mobile home
18 that sits up probably about 10 feet off the
19 ground. So we just kind of surrounded it the
20 best we could.

21 Q. Once this perimeter was established
22 because of the nature of the homes, what
23 happened next?

24 A. So I was looking at the residence, I
25 was on the right side with another deputy. Of

1 course, there were deputies on the other side as
2 well. We see two people exiting the residence,
3 and we didn't know who they were. As soon as
4 they exited the residence, we helped the
5 deputies until they were detained.

6 As soon as they were detained, I went over
7 and sat with David Glover in a deputy's patrol
8 car. It was very cold that, so I sat outside
9 the vehicle with David to let him know that you
10 are not under arrest. You are being detained,
11 and this is what is going on. I was just
12 explaining to him, hey, there was a shooting
13 over on Stonewood. This is why we are here.

14 Why did you detain David Glover and Josh
15 Washington?

16 A. We detained them because we had no idea
17 at this point who was involved, and for safety
18 reasons, do they have any weapons on them. What
19 was going on - trying to help. That is a very
20 normal thing that we do, especially when there
21 are weapons involved. It can get very chaotic.
22 We were getting fed pieces of information
23 because we had the scene where the van was. We
24 had a scene where at that point we at that point
25 we knew that we had someone who was deceased

1 over at 70 Stonewood.

2 So everything was unfolding. We are trying
3 to figure out what is going on and who is
4 involved.

5 Q. Did David Glover agree to speak with
6 you?

7 A. He did. David was extremely
8 cooperative.

9 Q. Did you collect a DNA sample from David
10 Glover?

11 A. I did.

12 Q. I will show you what has been marked as
13 State's 103.

14 Do you recognize that item?

15 A. Yes, I do.

16 Q. What is that?

17 A. This is a buccal swab that I collected
18 from David Glover.

19 Q. You collected that swab and place it in
20 that bag and sealed it?

21 A. I did, yes.

22 Q. Besides actually collecting a swab from
23 him - if you could explain how you collect
24 somebody's DNA swab.

25 A. Yes. So what we do is - it's like a Q-

1 tip is the easiest way to explain it.

2 We glove up. We have big Q-tip with a
3 plastic piece on the end that covers it. We unsnap
4 it, we pulled the piece of plastic down. I normally
5 give it to them if they consent, which he did give
6 consent, and have them stick it in her mouth because
7 I don't want to, you know, put it in their mouth or
8 hurt them or anything like that.

9 So he put it in his mouth, and he just kind of
10 swabbed on the inside of the cheeks to get it nice
11 and damp, to get those skin cells. And then when
12 they take it out and just pull the cap up, click the
13 little lid on it, and then we have them put it
14 upside down into a white envelope. And then we put
15 it inside this yellow envelope, and the white
16 envelope is sealed, signed - signed and then sealed
17 again.

18 Q. So aside from assisting the collection
19 of data and this DNA sample, did you manipulate
20 or alter that sample in any way?

21 A. No.

22 MS. JONES: Your Honor, at this time the
23 State moves 103 into evidence.

24 THE COURT: Any objection?

25 MS. TOLLEY: No, sir.

1 THE COURT: 103 admitted without objection.

2 MS. JONES: Thank you.

3 (State's Exhibit 103 was admitted into
4 evidence.)

5 BY MS. JONES:

6 Q. So you said that there were two people
7 who initially came out of the house.

8 What -- and that was David Glover and
9 Joshua Washington?

10 A. Yes.

11 Q. What happened after they came out and
12 were detained?

13 What did BCSO do in response to that?

14 A. So after David and Joshua came out,
15 they came out on their own. Once they were
16 detained -- when I say they were detained, they
17 call out -- what we refer to as calling people
18 out. They will call out and outside to anyone
19 else that is in the house or potentially in the
20 house.

21 So there were six other people in the
22 house, and when they started calling people out,
23 four people came out, which was Anita Baker and
24 three children, and then Channon Preston came
25 out and then Xavier -- I don't believe he came

1 out until they went in to retrieve him, and they
2 found him in the bedroom, so he was the last one
3 out.

4 Q. And when you say call out, they just --
5 explain, describe that to me.

6 A. So they -- whoever -- one person
7 basically takes command of that, and they yell,
8 for lack of a better term, "Come out of the
9 house," you know, "any occupants in the house,
10 come out of the house," and they call them out,
11 and then they tell them to, you know, like this
12 was -- because it was high up, it was about ten
13 feet off the ground, and there were steps coming
14 down either side of the porch, and we had a
15 woman and children, we treat it with a little
16 bit more caution because we have small children,
17 and an elderly person. So they called them out,
18 they immediately had other deputies that moved
19 in to assist them, get them down.

20 And then when Channon Preston came out, we
21 had dealt with him in the past for --

22 MS. TOLLEY: Objection.

23 THE COURT: I'm gonna sustain that.

24 MS. JONES: We can move on.

25 BY MS. JONES:

1 Q. It's not a subtle experience, is it?

2 A. No, they're yelling. I mean that --
3 and when I say yelling, it's not, you know,
4 quiet. It's, "Come out of the house."

5 So you know, if you're inside that house
6 that somebody's calling for you to come out, and
7 it is the police. We're announcing, "It's the
8 Sheriff's Office," we're announcing, "Come out
9 of the house," so there's no question that the
10 police are there telling them to come out.

11 Q. And the last person to be pulled from
12 that house was who?

13 A. Xavier Polite.

14 Q. And do you see him in the courtroom
15 today?

16 A. Yes.

17 Q. Can you please point him out for the
18 Court?

19 A. He's sitting at the defense table with
20 a light polo shirt -- I'm sorry, dress shirt,
21 and a tie.

22 MS. JONES: May the record reflect the
23 witness identified the Defendant.

24 THE COURT: She did, yes, ma'am.

25 MS. JONES: Thank you.

1 BY MS. JONES:

2 Q. After the house has been cleared and
3 safe to enter, do you go inside?

4 A. Yes.

5 Q. And what do you do inside?

6 A. So we had a search warrant. One of our
7 investigators had gotten a search warrant for
8 that property, as well as █████ Stonewood.

9 So the search warrants were executed pretty
10 much simultaneously, and --

11 MS. TOLLEY: Objection, may we approach?

12 THE COURT: Yes, ma'am.

13 (Bench conference.)

14 THE COURT: All right, ladies and
15 gentlemen, there's a matter I've got to take up
16 outside of your presence, but it would also be
17 about the time we would take a mid-afternoon
18 break, so I'm gonna ask you go back to the jury
19 room.

20 Please don't discuss the case, and I'll get
21 you back out here in a little bit. Thank you.

22 (Jury exits the courtroom.)

23 BAILIFF: The jury's cleared, Your Honor.

24 THE COURT: All right, thank you. Let's
25 take about a five-minute break, then we'll come

1 back and pick up the search warrant matter,
2 okay? Thank you.

3 (RECESS)

4 **

5 **PROCEEDINGS CONTINUED**

6 BAILIFF: All rise, the Court is back in
7 session.

8 THE COURT: Please be seated.

9 All right, counsel for defense, I
10 understand you've got an issue concerning the
11 search warrant? Yes, ma'am, I'm happy to hear
12 from you.

13 MS. TOLLEY: Thank you, Your Honor. We
14 believe that the search warrant in this case was
15 invalid or gotten based on possibly
16 misinformation. Part of the reason that they
17 were able to get the search warrant is because
18 they believed what was reported, I guess in the
19 CAD report, that Glizzy may be one of the
20 suspects.

21 And there were multiple times where Corey
22 was speaking at the initial 911 call, where he
23 said, "I don't know who did it. I don't know
24 who did it." I think he said that to almost
25 everybody he spoke with after the initial 911

1 call.

2 And we believe that the police knew that
3 there was some question about whether or not
4 Glizzy did it because there was some
5 conversation between the police officers at 152
6 Eddings Point Road, prior to going in, about the
7 fact that they were trying to figure out where
8 the name Glizzy came from, and that they knew
9 that Corey was denying that it was Glizzy at
10 that point.

11 THE COURT: All right, do we have a copy of
12 the search warrant?

13 MS. TOLLEY: I do.

14 THE COURT: All right.

15 Solicitor, let me hear from you.

16 MS. JONES: Judge, I think that's
17 mischaracterizing Corey's statements. He never
18 denies it's Glizzy. He says that he doesn't
19 know Glizzy's real name, he refers to him as
20 Glizzy.

21 They ask him if he knows his real name. He
22 then is very clear that he doesn't know who the
23 other shooter is. BCSO then looks at the
24 surveillance. They see the white van, they know
25 that Glizzy, who they know as Channon Preston,

1 who they know lives at 152 Eddings Point Road,
2 who they know his mother drives a white van, and
3 saw this white van. That white van was just the
4 suspect car in a murder, roughly, 30 some odd
5 minutes earlier.

6 They have it on camera. They have a
7 suspect name. They have probably -- he comes --
8 Glizzy comes out of the residence. They have
9 probable to believe that evidence of the crime
10 will be found inside that home, and inside that
11 white van. I don't think there's any false
12 information in this affidavit.

13 THE COURT: All right, hold on one second.
14 Let me ask you this, Ms. Tolley, my recollection
15 is that the gentleman did, at one point, used
16 the name Glizzy; did he not? I know at one
17 point he also said he didn't know, but didn't he
18 refer to Glizzy at one point?

19 MS. TOLLEY: There is a reference to Glizzy
20 in the 911 call, yes.

21 THE COURT: No, but I'm talking about the
22 video, didn't I hear the word Glizzy come up,
23 either on the -- excuse me, on the 911 call?

24 MS. TOLLEY: Right. It says here that
25 Cynthia Stewart said Glizzy, but I guess the

1 basis of our motion is that there was
2 information that maybe it wasn't Glizzy.

3 THE COURT: Right.

4 MS. TOLLEY: We have a -- we could play a
5 clip of that conversation --

6 THE COURT: Well --

7 MS. TOLLEY: -- that the police were asking
8 about --

9 THE COURT: -- you're saying -- I'm with
10 you, so what you're saying is at one point on
11 the 911 call, the name Glizzy is used, or
12 certainly, from what I'm listening to, it sounds
13 as though the young man used the name Glizzy,
14 and told that to the lady who was calling in;
15 that's the way I perceived that event.

16 MS. TOLLEY: Right.

17 THE COURT: Okay? And then I know of
18 another place, either perhaps on the 911 call,
19 or in some of the videos, he indicates he wasn't
20 sure who they were, perhaps giving reference to
21 the other shooter, and the driver/ perhaps
22 shooter --

23 MS. TOLLEY: That's correct.

24 THE COURT: Is that what you're saying?

25 MS. TOLLEY: Yes, sir.

1 THE COURT: And so failure to go and
2 basically put that additional information into
3 the search warrant, you're saying that
4 invalidates the search warrant? I mean, I'm
5 trying to figure out because --

6 MS. TOLLEY: I guess our issue is that they
7 had information that was -- Corey, at one point,
8 is saying on the 911 call, I guess made by
9 Cynthia Glover, that perhaps explains it.

10 The question is whether or not he made a
11 conscious decision to lie thereafter. And if
12 the basis of the search warrant is on a lie that
13 he told that it was Glizzy, possibly, and that
14 information is not provided to the Judge, then
15 perhaps we have different information now. That
16 maybe it wasn't Glizzy, he doesn't know who it
17 is, then that's the problem.

18 MS. JONES: Judge, the reason Corey's
19 statement to Cynthia was allowed in Court is
20 because based on the Rules of Evidence, it is
21 reliable. He is in the throes of just having
22 been shot at. He doesn't have the wherewithal
23 to make up a lie, as he's running for his life
24 from his home, where somebody just ambushed and
25 murdered his cousin to Cynthia's house.

1 He gives the name Glizzy. There's no
2 question in that 911 call, which is what the
3 affidavit says. The affidavit says the CAD
4 notes from the call, which the call would be the
5 911 call, which Judge Snider already said that's
6 what they --

7 THE COURT: Go ahead.

8 MS. JONES: That's what they heard. They
9 were in their office, they heard the CAD, they
10 heard the call come out, they saw the name
11 Glizzy, they heard the name Glizzy. They know
12 Glizzy as Channon Preston.

13 The CAD report also reported a white
14 minivan being used because that's what Corey
15 said. Corey said that repeatedly. They know
16 that Channon Preston's mom drives a white
17 minivan, and that they know that she lives at
18 Eddings Point Road.

19 They go there and lo and behold, there's
20 the same minivan they see on camera from the
21 shooting incident. Just because he doesn't say
22 government names of who these people are,
23 doesn't invalidate the fact that he did identify
24 Glizzy off-the-bat.

25 THE COURT: Well - yes, ma'am. Well, what

1 about they put Glizzy, but later said he's not
2 sure who the shooter is?

3 MS. TOLLEY: That's exactly what happened,
4 and during the --

5 THE COURT: Well --

6 MS. TOLLEY: -- investigation with
7 Driscoll, part of the reason that you allowed
8 that in is because supposedly it was part of the
9 investigation, and in part of the investigation
10 they found out that he said, "I don't know who
11 did it," then that should have been something
12 that was relayed to the Judge.

13 THE COURT: Well, you know, could the
14 affidavit have been more detailed? Could it
15 have been more complete?

16 Yeah, I think it could have, but even with
17 that information had it been included, I think
18 when I look at the totality of the circumstances
19 that would have been presented to the Magistrate
20 at the time, and now as I'm sitting here faced
21 with this information, I think that there's
22 still enough for probable cause to have been
23 found, such that a warrant could have been
24 signed.

25 I mean I don't think that failing to

1 include the fact that at one point, Glizzy was
2 not included, and, of course, it also says that
3 these individuals looked at and heard the name
4 Glizzy. They're not necessarily -- I don't know
5 what -- I don't know if they heard anything else
6 or not, but I think that based upon that, if
7 they heard that name, they knew who that was, I
8 think the information they're presenting is --
9 and what I believe certainly from the exigent
10 circumstance, I think it's substantially
11 complete to allow for the Judge to then review
12 this information.

13 I mean, you know, in a perfect world, they
14 would have gone and consulted with each other,
15 and every officer would have gone and compiled,
16 and made sure we had every bit of information
17 before we then went and presented a search
18 warrant to the Magistrate; but I don't think,
19 unfortunately, we live in a perfect world, and I
20 think the information contained in the search
21 warrant is sufficient to allow the Magistrate to
22 have made this finding, and to have authorized
23 these warrants, and quite frankly, I think even
24 if the information potentially had been in
25 there, that indicated he wasn't sure, I think

1 with the additional information that's been
2 provided, and given the circumstance, I think
3 that the warrant is valid.

4 And so with all due respect, ma'am, I would
5 deny your motion, and, certainly, if you want to
6 make a copy of this, I won't take Ms. Jones'
7 copy, it's got -- or somebody's copy has got a
8 three-ring punch to it. I don't think that --
9 we will make a copy, and if you want to make
10 this a Court's exhibit, that would be fine.

11 MS. TOLLEY: Thank you, Your Honor.

12 THE COURT: Yes, ma'am.

13 (Court's Exhibit 19 admitted into
14 evidence.)

15 All right, anything else before we bring
16 the jury back in?

17 MS. JONES: Not from the State, Your Honor.

18 THE COURT: All right. Anything from the
19 defense? I'm sorry.

20 MS. TOLLEY: No, Your Honor.

21 THE COURT: Solicitor, have you finished
22 your direct examination of this witness?

23 MS. JONES: No, sir.

24 THE COURT: Okay, you're still -- all
25 right.

1 MS. JONES: We're about to go through a lot
2 of evidence.

3 BAILIFF: Your Honor, the jury is entering
4 the courtroom.

5 THE COURT: Thank you.

6 (Jury enters the courtroom.)

7 BAILIFF: All seated, sir.

8 THE COURT: All right, thank you.
9 Solicitor, you can continue with your direct
10 examination of this witness, please.

11 **

12 **DIRECT EXAMINATION CONTINUES**

13 BY MS. JONES:

14 Q. Investigator Snider, we were talking
15 about [REDACTED] Eddings Point Road. You mentioned
16 that you did observe that white van on-scene?

17 A. Yes, we did.

18 Q. Did you photograph that van?

19 A. Yes.

20 MS. JONES: My apologies, I have not shown
21 these to Ms. --

22 THE COURT: Okay.

23 MS. JONES: Permission to approach?

24 THE COURT: Yes, ma'am.

25 BY MS. JONES:

1 Q. Investigator Snider, I'm gonna had you
2 State's 104 through 119. Can you identify
3 those?

4 A. Yes, these are pictures of the van, the
5 white minivan that belonged to Anita Baker, and
6 items that we ended up collecting from inside
7 the van.

8 Q. And are those fair and accurate
9 depictions of the minivan, as you found it on
10 the afternoon of November 18th?

11 A. Yes.

12 (Court Reporter marks State's Exhibit
13 Number 104, Photograph, as attached hereto.)

14 (Court Reporter marks State's Exhibit
15 Number 105, Photograph, as attached hereto.)

16 (Court Reporter marks State's Exhibit
17 Number 106, Photograph, as attached hereto.)

18 (Court Reporter marks State's Exhibit
19 Number 107, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 108, Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit
23 Number 109, Photograph, as attached hereto.)

24 (Court Reporter marks State's Exhibit
25 Number 110, Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 111, Photograph, as attached hereto.)

3 (Court Reporter marks State's Exhibit
4 Number 112, Photograph, as attached hereto.)

5 (Court Reporter marks State's Exhibit
6 Number 113, Photograph, as attached hereto.)

7 (Court Reporter marks State's Exhibit
8 Number 114, Photograph, as attached hereto.)

9 (Court Reporter marks State's Exhibit
10 Number 115, Photograph, as attached hereto.)

11 (Court Reporter marks State's Exhibit
12 Number 116, Photograph, as attached hereto.)

13 (Court Reporter marks State's Exhibit
14 Number 117, Photograph, as attached hereto.)

15 (Court Reporter marks State's Exhibit
16 Number 118, Photograph, as attached hereto.)

17 (Court Reporter marks State's Exhibit
18 Number 119, Photograph, as attached hereto.)

19 MS. JONES: Your Honor, at this time the
20 State moves 104 through 199 into evidence.

21 THE COURT: Any objection?

22 MS. TOLLEY: Without objection, Your Honor.

23 THE COURT: All right, 104 through 199
24 moved in without objection. Thank you.

25 (State's Exhibits 104 - 119 admitted into

1 evidence.)

2 MS. JONES: And permission to publish, Your
3 Honor?

4 THE COURT: Yes, ma'am.

5 MS. JONES: Thank you.

6 BY MS. JONES:

7 Q. And starting with 104, what do we see
8 here?

9 A. So this is the white minivan. This was
10 the passenger side, it was a four-door van, and
11 that's the passenger side of the passenger side
12 door opened, and that's one of our Canine
13 Deputies, his -- I don't know if you can see his
14 dog on his right side.

15 No, he's just standing off to the side.

16 Q. Is it common to call Canine Deputies
17 out in a case like this?

18 A. Yes. Typically, we -- because we had
19 two scenes that we were at, we were stretched
20 pretty thin, so we had some extra people that
21 came out from our south side.

22 So that's one of the reasons he was there,
23 and also to do any article searches we needed to
24 because his dog, this dog in particular, I don't
25 recall the dog's name, actually does the article

1 searches.

2 Q. What's an article search?

3 A. If we need to find a gun, or a knife,
4 or, you know, something particular, he has the
5 expertise to have that dog search for that item.

6 Q. Was that needed in this case?

7 A. We did not use the dog in this case..

8 Q. Moving onto 105.

9 A. This is just a picture of the front
10 side of the van, just showing the driver's side
11 door open. The way that the van was in the
12 driveway, as I explained earlier, it was a
13 horseshoe-shaped driveway, and if you're
14 familiar with -- I'm sorry, St. Helena Island,
15 the way the van is sitting in the driveway,
16 Eddings Point runs in between Highway 21 and the
17 water. It's probably the easiest way to explain
18 it.

19 So the nose of the van was facing towards
20 the water, where the rear of the van was facing
21 back towards Highway 21.

22 Q. State's 106?

23 A. That's inside of the minivan, the front
24 driver's seat, and the front passenger seat.

25 Q. What is that in the front passenger

1 seat?

2 A. So that item in the passenger seat is
3 just a black head covering, which you commonly
4 see.

5 Q. Did you collect that item?

6 A. We did.

7 Q. I'm gonna hand you what's been marked
8 as State's 153. Do you recognize that item?

9 A. Yes, this is the black head covering
10 that we located in the front passenger seat,
11 which is shown in 106.

12 Q. And you collected that item?

13 A. Yes.

14 (Court Reporter marks State's Exhibit
15 Number 153, as attached hereto.)

16 MS. JONES: The State moves 153 into
17 evidence.

18 THE COURT: Any objection?

19 MS. TOLLEY: Without objection, Your Honor.

20 THE COURT: 153 admitted without objection.

21 (State's Exhibit 153 admitted into
22 evidence.)

23 BY MS. JONES:

24 Q. So this is the head covering that we
25 see depicted in that van -- that photograph of

1 the van?

2 A. Yes.

3 Q. 107, please.

4 A. So 107 is just another photograph of
5 the front passenger, I'm sorry, the front
6 driver's seat area, and the passenger seat.

7 Q. 108?

8 A. This is the trunk area of the minivan.
9 The backpack was an item of interest for us.

10 Q. Okay. Was that backpack searched?

11 A. It was.

12 Q. Okay, and was anything found inside
13 that black backpack?

14 A. Yes, we located a magazine from inside
15 that backpack, which was a -- an empty .9mm mag,
16 that we located in the back of it in the
17 backpack.

18 Q. I'm gonna hand you 150. Do you
19 recognize that item?

20 A. I do, it's the empty .9mm magazine.

21 Q. And you collected that item?

22 A. Yes, I did.

23 (Court Reporter marks State's Exhibit
24 Number 150 as attached hereto.)

25 MS. JONES: The State moves 150 into

1 evidence.

2 THE COURT: Any objection?

3 MS. TOLLEY: Without objection, Your Honor.

4 THE COURT: All right, it's admitted.

5 (State's Exhibit 150 admitted into
6 evidence.)

7 BY MS. JONES:

8 Q. So it's .9mm?

9 MS. TOLLEY: Subject to our previous
10 objection.

11 THE COURT: All right, yes, ma'am.

12 MS. TOLLEY: All of those items.

13 THE COURT: That'll be fine.

14 MS. JONES: Okay, if we can see State's
15 109?

16 BY WITNESS:

17 A. 109 is just a different view of the
18 backside of the minivan and captures the
19 registration, a South Carolina registration,
20 which is nothing more than the tag on the back.

21 Q. How about 110?

22 A. So 110 we took that picture because it
23 shows -- that ended up being a portion of
24 Channon Preston's paystub. . We took it
25 because his name is obviously handwritten on the

1 outside of it, and then we opened it up, and
2 took an additional photograph.

3 Q. 111?

4 A. So this picture is on the floorboard of
5 the -- the passenger area behind the driver's
6 seat in the passenger seat, I guess, the second
7 row, if you will, of a .9mm bullet that was just
8 laying right there, kind of behind the console
9 area just on the floor.

10 Q. Did you collect this bullet?

11 A. Yes, that was collected.

12 Q. Let me show you State's 152.

13 Do you recognize that item?

14 A. Yes, I do, this is the .9mm bullet that
15 was collected from the rear passenger area.

16 (Court Reporter marks State's Exhibit
17 Number 152, as attached hereto.)

18 MS. JONES: Your Honor, at this time the
19 State moves 152 into evidence.

20 THE COURT: All right, I'm going to note an
21 ongoing objection, as it relates to anything
22 collected from the residence.

23 Beyond that objection, anything else?

24 MS. TOLLEY: Nothing, Your Honor.

25 THE COURT: All right, I'm gonna admit it

1 over an ongoing objection as it relates any of
2 these that we discussed.

3 (State's Exhibit 152 admitted into
4 evidence.)

5 Beyond that objection, anything else?

6 MS. TOLLEY: Nothing, Your Honor.

7 THE COURT: I will admit it subject to your
8 objection.

9 BY MS. TOLLEY:

10 Q. States's 112?

11 A. Again, this is just another photograph
12 with the rear passenger's side door. It's one
13 of those slide doors that automatically slides
14 open.

15 Q. 113?

16 A. This is the backside of the minivan.
17 It's the windshield wiper. It's just above
18 where the registration is. That is a casing
19 from a fired bullet. That casing was of
20 interest because the bullet was gone, it
21 expired, and it was found here.

22 Q. I'm going to show you State's 151.

23 Do you recognize this item?

24 A. Yes, I do. This is the casing that I
25 collected from the windshield wiper from the

1 back of the minivan.

2 Q. And you sealed it in that bag --

3 A. I did.

4 Q. -- and submitted it into evidence?

5 A. And it's -- yes, and it's been tested,
6 that's why it looks like this.

7 Q. Okay.

8 MS. JONES: State's 151 into evidence.

9 THE COURT: Do you have anything besides
10 your pre-existing objection?

11 MS. TOLLEY: No, Your Honor.

12 THE COURT: Thank you.

13 (State's Exhibit 151 admitted into
14 evidence.)

15 BY MS. JONES:

16 Q. Let's go to 114, please.

17 A. So that's --

18 THE COURT: Hold on, and for the record, I
19 will admit that, subject to her objection.

20 Go ahead, I'm sorry.

21 BY WITNESS:

22 A. So this is, again, another picture of
23 the inside of the van, with the bullet, the .9mm
24 bullet on the floorboard.

25 Q. You mentioned earlier about earnings

1 paystub.

2 MS. JONES: If we could go to 116.

3 BY MS. JONES:

4 Q. Is that the paystub you were speaking
5 of?

6 A. Yes.

7 Q. Okay, and what is the name of that
8 paystub? The name on the paystub?

9 A. Channon Preston.

10 Q. And where does he live?

11 A. [REDACTED] Eddings Point Road.

12 Q. Let me show you 117.

13 A. So this is a picture of, mainly, the
14 box, the box that had the .9mm drum, it's a 50-
15 round drum that you attach to a firearm.

16 Q. Okay.

17 A. And that photograph was taken because
18 that box was found in the very rear passenger
19 seat, or seat area of the van, the very
20 backseat. I guess it would be the third row.

21 Q. Okay. Does that box have anything in
22 it?

23 A. It did not, it was empty.

24 Q. State's 118?

25 A. That is a picture of the backpack that

1 was in the trunk area, and that's the magazine
2 that was found in it, and that was a .9mm
3 magazine.

4 Q. The previously admitted .9 magazine?

5 A. Yes.

6 Q. Okay. After searching the van, did you
7 go inside the residence at Eddings Point?

8 A. Yes.

9 Q. And tell me about that.

10 A. So the residence, as I stated earlier,
11 is an older, I don't know what year, but it was
12 an older model mobile home, that sat
13 approximately ten feet off the ground, and it
14 had stairs that went up either side to a porch
15 area.

16 And going up the steps there was bags of
17 trash on the porch area, and it was loose trash.
18 And going inside I -- I had been there before,
19 so I knew it was an older type of home.

20 MS. TOLLEY: Objection.

21 THE COURT: Sustained. The jury will
22 disregard her last statement. Proceed.

23 BY MS. SMITH:

24 Q. So when I got to the doorway, as soon
25 as I went into the door, there was a smell of

1 garbage and human feces and urine and ammonia
2 that was just overpowering, and it was extremely
3 difficult to move inside the home because there
4 was so much stuff in there.

5 There was a lot of furniture with just
6 items, kitchen items, household-type items,
7 garbage in the living room area, and when you
8 walk in that's what you walk into is the living
9 room area. And we, just for our purposes of
10 searching, we like to break it down per room, so
11 that was the living room, and then directly in
12 front of the doorway entering into the home was
13 a bathroom. There was no running water. It
14 didn't appear there was any running water.

15 MS. TOLLEY: Objection.

16 THE COURT: All right, counsel approach.

17 (Bench conference.)

18 THE COURT: All right, so I'm gonna sustain
19 the objection.

20 Go ahead, proceed with your examination.

21 MS. JONES: Thank you, Judge.

22 BY MS. JONES:

23 Q. Investigator Snider, you took photos of
24 -- or photos were taken of [REDACTED] Eddings Point,
25 the inside, weren't they?

1 A. Yes.

2 Q. Okay, I'm going to hand you, previously
3 shown to Ms. Tolley, State's 120 through 148, so
4 that's 120 through 148.

5 Do you recognize those photographs?

6 THE COURT: I'm sorry, what was the list?

7 MS. JONES: 120 through 148.

8 THE COURT: Thank you.

9 BY WITNESS:

10 A. Yes, ma'am.

11 Q. And those are fair and accurate
12 depictions of photos from 152 Eddings Point on
13 the afternoon of the 18th?

14 A. Yes, they are.

15 (Court Reporter marks State's Exhibit
16 Number 120, Photograph, as attached hereto.)

17 (Court Reporter marks State's Exhibit
18 Number 121, Photograph, as attached hereto.)

19 (Court Reporter marks State's Exhibit
20 Number 122, Photograph, as attached hereto.)

21 (Court Reporter marks State's Exhibit
22 Number 123, Photograph, as attached hereto.)

23 (Court Reporter marks State's Exhibit
24 Number 124, Photograph, as attached hereto.)

25 (Court Reporter marks State's Exhibit

1 Number 125, Photograph, as attached hereto.)

2 (Court Reporter marks State's Exhibit
3 Number 126, Photograph, as attached hereto.)

4 (Court Reporter marks State's Exhibit
5 Number 127, Photograph, as attached hereto.)

6 (Court Reporter marks State's Exhibit
7 Number 128, Photograph, as attached hereto.)

8 (Court Reporter marks State's Exhibit
9 Number 129, Photograph, as attached hereto.)

10 (Court Reporter marks State's Exhibit
11 Number 130, Photograph, as attached hereto.)

12 (Court Reporter marks State's Exhibit
13 Number 131, Photograph, as attached hereto.)

14 (Court Reporter marks State's Exhibit
15 Number 132, Photograph, as attached hereto.)

16 (Court Reporter marks State's Exhibit
17 Number 133, Photograph, as attached hereto.)

18 (Court Reporter marks State's Exhibit
19 Number 134, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 135, Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit
23 Number 136, Photograph, as attached hereto.)

24 (Court Reporter marks State's Exhibit
25 Number 137, Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 138, Photograph, as attached hereto.)

3 (Court Reporter marks State's Exhibit
4 Number 139, Photograph, as attached hereto.)

5 (Court Reporter marks State's Exhibit
6 Number 140, Photograph, as attached hereto.)

7 (Court Reporter marks State's Exhibit
8 Number 141, Photograph, as attached hereto.)

9 (Court Reporter marks State's Exhibit
10 Number 142, Photograph, as attached hereto.)

11 (Court Reporter marks State's Exhibit
12 Number 143, Photograph, as attached hereto.)

13 (Court Reporter marks State's Exhibit
14 Number 144, Photograph, as attached hereto.)

15 (Court Reporter marks State's Exhibit
16 Number 145, Photograph, as attached hereto.)

17 (Court Reporter marks State's Exhibit
18 Number 146, Photograph, as attached hereto.)

19 (Court Reporter marks State's Exhibit
20 Number 147, Photograph, as attached hereto.)

21 (Court Reporter marks State's Exhibit
22 Number 148, Photograph, as attached hereto.)

23 MS. JONES: Your Honor, at this time the
24 State moves 120 to 148 into evidence.

25 THE COURT: All right, I know you've got an

1 ongoing objection to that, we discussed that
2 outside the presence of the jury earlier. There
3 was some objection to a couple photographs, you
4 know, that I made reference to, I think, when we
5 had our bench conference.

6 Anything else, Ms. Tolley --

7 MS. TOLLEY: Nothing, Your Honor.

8 THE COURT: -- other than those objections?

9 MS. TOLLEY: Nothing, Your Honor, thank
10 you.

11 THE COURT: All right, thank you, then
12 admitted subject to the objections. Thank you.

13 (State's Exhibits 120 - 148 admitted into
14 evidence.)

15 MS. JONES: Thank you. Permission to
16 publish?

17 THE COURT: Yes, ma'am.

18 BY MS. JONES:

19 Q. If we can start with 120, what part of
20 the home is this?

21 A. That would be the living room.

22 Q. Okay. And 121?

23 A. That would be Channon Preston's room.

24 Q. And what do we see next to that multi-
25 colored shoe?

1 A. There is a .9mm shell casing.

2 Q. Okay, 122?

3 A. That's another picture of Channon
4 Preston's room, and that's a picture of a shell
5 casing, which is in a previous picture as well.

6 Q. 123?

7 A. That's in Channon's room -- and -- oh,
8 I'm sorry, I don't know which of the rooms, I
9 don't recall, but it's Glizzy, which is Channon
10 Preston's nickname that he went by, and a
11 picture of his brother.

12 Q. And 124?

13 A. That would be Channon Preston's room
14 again.

15 Q. And 125?

16 A. That's Channon Preston's room. And
17 that's two magazines that were found, .9mm
18 magazines.

19 Q. Did you collect those magazines?

20 A. Yes, those were collected.

21 Q. I'm gonna show you 157.

22 What is 157?

23 A. These are the two magazines, .9mm, one
24 being the extended magazine that's shown there,
25 or up there in the picture, and then the shorter

1 .9mm magazine we recovered.

2 Q. And you collected those items?

3 A. I did, yes.

4 (Court Reporter marks State's Exhibit
5 Number 157, Photograph, as attached hereto.)

6 MS. JONES: Your Honor, at this time State
7 moves 157 into evidence.

8 THE COURT: Noting the same objection?

9 MS. TOLLEY: Yes, sir.

10 THE COURT: All right. Admitted.

11 (State's Exhibit 157 admitted into
12 evidence.)

13 BY MS. JONES:

14 Q. What caliber were these?

15 A. .9mm.

16 Q. 126?

17 A. That's also a picture of Channon's
18 bedroom, and that's his cell phone.

19 Q. Okay. 127?

20 A. That's a closeup of his cell phone,
21 with a picture of Channon Preston's face.

22 Q. Was that cell phone collected?

23 A. Yes, it was collected.

24 Q. I'm gonna hand you 154. What is this
25 item?

1 A. This is gonna be the cell phone that
2 was found in Channon's room.

3 Q. Okay, and you collected that item and
4 packaged it?

5 A. I did, yes.

6 (Court Reporter marks State's Exhibit
7 Number 154, Photograph, as attached hereto.)

8 MS. JONES: Your Honor, at this time State
9 moves 154 into evidence.

10 THE COURT: Any other objection?

11 MS. TOLLEY: No, sir.

12 THE COURT: All right, admitted subject to
13 her prior objection.

14 (State's Exhibit 154 admitted into
15 evidence.)

16 MS. JONES: Okay.

17 BY MS. JONES:

18 Q. 128, what is that picture showing us?

19 A. That's a picture of Channon's bedroom,
20 again, and on the mattress, there are two .99
21 bullets. Of course, the -- where the kind of
22 corner where we was looking at in the center of
23 the picture, and those were collected.

24 Q. Let's move to 129. It's a closeup of
25 those same bullets?

1 A. Yes.

2 Q. Okay. 130?

3 A. That's one of the drawers in the
4 dresser. When you walk into the bedroom that
5 dresser was on the left with a television on it,
6 and that was a pair of his pants, Channon's --
7 presumably Channon's pants, and there were
8 similar bullets.

9 Q. Okay, and if we move to 131? Such --
10 it's different, the pants are now out of the
11 drawer being held up?

12 A. Yes.

13 Q. Okay, and 132?

14 A. That's a picture of Channon Preston'
15 identification card that was in a pocket of the
16 pants.

17 Q. All right, and 133?

18 A. It's just a closeup of the
19 identification card with his information on it.

20 Q. All right. 134?

21 A. That's a picture of Channon's room,
22 that's a suitcase that we had to go through.

23 Q. 135?

24 A. That's a picture of that same suitcase
25 just opened up in Channon's room.

1 Q. 136?

2 A. That same suitcase with different
3 rounds in it, bullets in it.

4 MS. JONES: Permission to approach?

5 THE COURT: Yes, ma'am.

6 BY MS. JONES:

7 Q. I will hand you 158.

8 Do you recognize that item?

9 A. Yes, these are the rounds that were
10 collected from that suitcase, different calibers
11 of ammunition.

12 Q. Okay. And did you collect that ammo?

13 A. Yes, I did.

14 (Court Reporter marks State's Exhibit
15 Number 158 as attached hereto.)

16 MS. JONES: Your Honor, at this time the
17 State moves 158 into evidence.

18 THE COURT: All right, subject to the same
19 objection, counselor?

20 MS. TOLLEY: Yes.

21 THE COURT: All right, admitted.

22 (State's Exhibit 158 admitted into
23 evidence.)

24 BY MS. JONES:

25 Q. 157?

1 A. That's also a picture of Channon's
2 bedroom. That's a holster that was in between
3 the bed and the wall.

4 Q. Did you collect that holster?

5 A. Yes, the holster was collected.

6 Q. I'm gonna hand you State's 156.

7 A. This is the holster that was on the
8 floor that's shown in that picture right there.

9 Q. You collected that holster --

10 A. Yes.

11 Q. -- and submitted it into evidence?

12 A. I sure did.

13 (Court Reporter marks State's Exhibit
14 Number 156, Holster, as attached hereto.)

15 MS. JONES: Your Honor, at this time the
16 State moves 156 into evidence.

17 THE COURT: With same objection, counsel?

18 MS. TOLLEY: Yes, sir.

19 THE COURT: It's admitted.

20 (State's Exhibit 156 admitted into
21 evidence.)

22 BY MS. JONES:

23 Q. Would this hold a .9mm gun?

24 A. Yes.

25 Q. State's 138?

1 A. That's a picture of the top of the
2 dresser that was in the room. The same dresser
3 on the left side when we walked in the door, and
4 that was a little bit of marijuana that was on
5 top of the dresser.

6 Q. State's 139?

7 A. That's a picture of the same dresser in
8 Channon's bedroom. There's a bullet that's in
9 that upper right corner, it was on the backside
10 of the television, and a magazine.

11 Q. 140?

12 A. And that's a view from the front of the
13 dresser looking down showing the .9mm.

14 Q. 141?

15 A. And that's a drawer of the dresser
16 showing the .9mm bullet.

17 Q. 142?

18 A. Same .9mm bullets in a drawer --
19 dresser drawer, same bedroom, Channon's bedroom.

20 Q. But Channon's bedroom wasn't the only
21 bedroom in that home, was it?

22 A. No, there were two additional bedrooms.

23 Q. Okay, I'm gonna show you State's
24 Exhibit 143.

25 A. So this was -- we labeled this bedroom,

1 bedroom one, and this is the bedroom where
2 Xavier actually had been located, when we went
3 inside the house to clear it.

4 Q. Okay.

5 A. And this was immediately to the right
6 when you came in through the front door. The
7 two bedrooms were side-by-side.

8 Q. State's 144?

9 A. So this is bedroom one, so the one
10 right next to Channon's, and this was between
11 the mattresses.

12 Q. Okay, so you had to lift up the
13 mattress to view this -- these items?

14 A. Yes, that's correct.

15 Q. What is that balled up next to the
16 couch and the remote?

17 A. The white item?

18 Q. Yes.

19 A. It was some type of gauze or something.

20 Q. Okay.

21 A. We didn't collect that.

22 Q. State's 145?

23 A. That is a box with ammo in it, .9mm.

24 Q. Okay. Are we now in bedroom three?

25 A. No, I believe that -- I believe we

1 found that in bedroom two, in Channon's room.

2 Q. Okay. You also searched bedroom three
3 though, correct?

4 A. We did.

5 Q. Okay.

6 A. We actually searched it a couple of
7 times because it was -- there was a lot of stuff
8 in it. It was just -- you couldn't walk
9 through.

10 Q. I'm gonna show you State's 146. What
11 does that picture show us?

12 A. So that picture -- this is towards the
13 end of the evening, and that picture shows two
14 weapons that we found, with the help of Xavier,
15 that were up against the back wall of that
16 bedroom near a hot water heater. I don't think
17 it was in use, it just looked like it had been
18 placed in the room.

19 They were actually hidden a bunch of items,
20 and he told us where they were at, that's why we
21 went back in.

22 MS. TOLLEY: Objection.

23 THE COURT: Yes, ma'am, hold on one second.
24 Yes, ma'am?

25 MS. TOLLEY: She's testifying about what

1 someone said, hearsay.

2 MS. JONES: By definition, it's not
3 hearsay.

4 THE COURT: I'm gonna sustain the
5 objection.

6 BY MS. JONES:

7 Q. Did you collect those items?

8 A. We did.

9 Q. Okay. State's 147?

10 A. That's just a closer photograph of the
11 two weapons that were found. The one at the top
12 that's black, that you can see there's a drum on
13 it, and then you're seeing a teal green weapon
14 that's upside down sitting on the slide.
15 They're both .9mm, and the -- they were both
16 collected.

17 The teal green one is the Taurus .9mm, and
18 I believe the black one was a Draco.

19 Q. Is that drum consistent with the box
20 you located in the van?

21 A. Yes.

22 Q. 148?

23 A. So that weapon was cleared. That's
24 just a picture of the Taurus .9mm that was
25 cleared. The reason that the single bullet is

1 on the bed is because when the magazine was
2 removed, there was a bullet in the chamber, so
3 that bullet was placed on the mattress.

4 Q. My apologies, I'm gonna backtrack a
5 little bit, go back to the van just briefly.
6 Did you process that van for DNA?

7 A. Yes, we processed the van for DNA and
8 GSR, which is gunshot residue.

9 Q. And did you collect DNA swabs from that
10 van?

11 A. Yes.

12 Q. I'm gonna hand you State's 149.
13 Do you recognize that item?

14 A. Yes, these are the attached DNA swabs
15 that I collected from the van.

16 Q. And you put them in that envelope and
17 sealed it and submitted it for testing?

18 A. Yes.

19 (Court Reporter marks State's Exhibit
20 Number 149 as attached hereto.)

21 MS. JONES: Now, Your Honor, at this time
22 the State moves 149 into evidence.

23 THE COURT: All right, subject to your same
24 objection, Ms. Tolley?

25 MS. TOLLEY: Yes, sir.

1 THE COURT: All right, yes, ma'am, thank
2 you.

3 (State's Exhibit 149 admitted into
4 evidence.)

5 BY MS. JONES:

6 Q. Photo 148 you said you collected that
7 item?

8 A. Yes, we did.

9 Q. I'm gonna show you what's been marked
10 as 151 to 162, and what are those items?

11 A. So item 162 is four .9mm bullets that
12 were removed from the car that I collected and
13 placed in this bad and it was sealed.

14 And 161 is the actual Taurus and the
15 magazine that was collected, and I placed it in
16 this box and sealed it.

17 Q. What is the BCSO, Beaufort County
18 Sheriff's Office property number for that
19 Taurus?

20 A. Our property number for this is 172273.

21 Q. 273?

22 A. Yes.

23 Q. And that is actually the Taurus and the
24 bullets you collected from bedroom number three
25 at Eddings Point Road?

1 A. Yes.

2 Q. Has this gun been disarmed?

3 A. Yes.

4 Q. Okay.

5 (Court Reporter marks State's Exhibit
6 Number 161 as attached hereto.)

7 (Court Reporter marks State's Exhibit
8 Number 162 as attached hereto.)

9 MS. JONES: And, Your Honor, at this time
10 the State moves 161 and 162 into evidence.

11 THE COURT: All right, any objection, other
12 than your prior objection?

13 MS. TOLLEY: No, sir.

14 THE COURT: All right, so admitted with
15 noted objection.

16 (State's Exhibits 161 - 162 admitted into
17 evidence.)

18 BY MS. JONES:

19 Q. And this black thing is what disarms
20 the gun, essentially; is that correct? That's
21 the lock?

22 A. That's correct, that's the, you know,
23 safety lock.

24 MS. JONES: Going back to that photo that
25 showed both of the weapons, thank you.

1 BY MS. JONES:

2 Q. You also collected this larger gun?

3 A. Yes.

4 Q. Let me show you what has been marked as
5 State's 159. I'm not sure if you can see that.

6 A. Yes, this is the Draco that was
7 collected --

8 Q. Okay.

9 A. -- as seen in that photograph.

10 Q. And you collected that gun?

11 A. Yes, I did.

12 (Court Reporter marks State's Exhibit
13 Number 159 as attached hereto.)

14 MS. JONES: Your Honor, at this time the
15 State would move State's 159 into evidence.

16 THE COURT: Same objection? Yes, ma'am.
17 Admitted subject to her objection.

18 (State's Exhibit 159 admitted into
19 evidence.)

20 MS. JONES: Okay, and for your information,
21 Judge, that is also disarmed. Permission to
22 show the jury?

23 THE COURT: Yes, ma'am. You can step down
24 to assist her.

25 BY MS. JONES:

1 Q. So this is the Draco that you collected
2 from 152 Eddings Point Road?

3 A. Yes.

4 Q. The photo seems to have something
5 attached to the bottom of it; did you collect
6 that also?

7 A. I did, yes.

8 Q. Moving to State's 160.

9 A. Yes, this is the drum, the .9mm drum,
10 which would have been inserted by this end, and
11 that holds 50 rounds, so it was inserted --
12 still inserted in that weapon when we found it.

13 Q. Would that be in this portion of the
14 weapon?

15 A. Yes, in the magazine well, where the
16 two white zip-ties are sticking out.

17 Q. Okay. And you collected that magazine?

18 A. Yes.

19 MS. JONES: Your Honor, the State moves --
20 my apologies, 160 into evidence.

21 THE COURT: Same objection?

22 MS. TOLLEY: Yes, Judge.

23 THE COURT: Subject to the same objection,
24 admitted.

25 (State's Exhibit 160 admitted into

1 evidence.)

2 BY MS. JONES:

3 Q. So collected magazines from the
4 firearm?

5 A. Correct.

6 Q. And was that gun or that magazine
7 loaded when you collected it?

8 A. Yes.

9 Q. Okay. I'm gonna hand you State's 200.

10 A. Yes, these were the bullets that were
11 taken out of the drum once we took the drum out
12 of the weapon and made it safe.

13 There were 17 that were in the gun.

14 MS. JONES: Your Honor, at this time the
15 State moves 200 into evidence.

16 THE COURT: All right, subject to your same
17 objection?

18 MS. TOLLEY: Yes, Judge.

19 THE COURT: All right, admitted.

20 (State's Exhibit 200 admitted into
21 evidence.)

22 MS. JONES: And permission to show the
23 jury, Judge?

24 THE COURT: Yes, ma'am.

25 BY MS. JONES:

1 Q. And this came out of the 50 -- what did
2 you call it?

3 A. 50-round drum, yes.

4 Q. 17?

5 A. 17, yes.

6 Q. And one more thing though, if you
7 could, you may need to step down again to help
8 me with this. If you could tell me the Beaufort
9 County property number for that Draco?

10 A. This is property number 117272.

11 Q. Thank you.

12 Investigator Snider, I don't believe I have
13 any more questions for you. If you could take a
14 seat and answer any questions Ms. Tolley may
15 have.

16 THE COURT: All right. Counsel?

17 MS. TOLLEY: Thank you.

18 THE COURT: Yes, ma'am.

19 **

20 **CROSS-EXAMINATION**

21 BY MS. TOLLEY:

22 Q. Good afternoon, Officer Snider.

23 A. Good afternoon.

24 Q. How are you doing?

25 A. Good.

1 Q. So you respond to [REDACTED] Eddings Point
2 Road; is that correct?

3 A. That's correct.

4 Q. Okay, and that was based on the fact
5 that there was something that came across your
6 path?

7 A. Yes.

8 Q. And that day allegedly it came from
9 what, the 911 call?

10 A. Yes, the 911 call.

11 Q. Okay, and while you were on-scene at
12 the [REDACTED] Eddings Point Road, did you receive
13 information that Corey Singleton was saying that
14 he doesn't know who --

15 MS. JONES: Objection.

16 BY MS. TOLLEY:

17 Q. -- it is.

18 MS. JONES: Objection.

19 THE COURT: Sustained.

20 MS. JONES: Thank you.

21 MS. TOLLEY: Could I reword it?

22 MS. JONES: No.

23 THE COURT: Well, you certainly can
24 rephrase it.

25 MS. JONES: Okay.

1 THE COURT: Of course.

2 BY MS. TOLLEY:

3 Q. At some point did you receive
4 information from the officers at [REDACTED] Stonewood
5 that Corey did not know who did it.

6 A. No, I didn't receive any information
7 like that.

8 Q. You didn't?

9 A. No.

10 Q. So there was no conversation between
11 you and the other officers at [REDACTED] Eddings Point
12 about the fact that Corey was denying that he
13 did it?

14 A. Not that I can --

15 Q. So --

16 A. -- recall, no.

17 Q. Okay. So if I played you a little
18 video --

19 MS. JONES: Your Honor --

20 BY MS. TOLLEY:

21 Q. -- of that conversation, would it
22 refresh --

23 THE COURT: Counsel --

24 BY MS. TOLLEY:

25 Q. -- your recollection?

1 THE COURT: Approach.

2 (Bench conference.)

3 BY MS. TOLLEY:

4 Q. At some point then, you testified that
5 you received a video, was that from Officer
6 Draisen?

7 A. Yes, he sent some screenshots.

8 Q. And in that screenshot were you able to
9 make out the faces on those videos?

10 A. No.

11 Q. And there have been no action taken
12 towards the second person at that point; is that
13 correct?

14 A. Not to my knowledge.

15 Q. And you indicated that Josh came out
16 voluntarily. He was already on the -- he was
17 already outside; he didn't know you were there;
18 is that correct?

19 A. Joshua and David came out. They had no
20 idea we were there, and they just happened to
21 come out of the house.

22 Q. So you didn't have to call for them
23 because they were already out?

24 A. Correct.

25 Q. And there were other people in the

1 house, right? Anita?

2 A. Yes.

3 Q. Okay, who's Anita?

4 A. She is Channon Preston's mother.

5 Q. And there were three kids there? Who
6 were they?

7 A. Yes. They were her grandkids.

8 Q. So this was Channon's house?

9 A. Yes.

10 Q. And you referenced a CAD report.
11 You're familiar with CAD reports?

12 A. I have a little bit of knowledge of
13 them. I don't necessarily deal with the reports
14 themselves.

15 Q. Okay, but you testified that you heard
16 information, and you reviewed the CAD reports,
17 or you have in the past?

18 A. Right.

19 Q. Okay.

20 A. So you get the CAD reports, and so
21 you're familiar enough with them to know what
22 they look like and what information's contained
23 in them. It's -- some of it is chatter between
24 the police officers; is that correct?

25 A. Yes, ma'am whatever the police officers

1 are relaying to Dispatch, and sometime the
2 Dispatch captured what they're relaying to each
3 other, they're not always consistent.

4 Q. Okay. Well, there would be chatter, I
5 guess, in this instance probably about who the
6 suspect was probably?

7 A. Well, we -- yes, I saw that, it was on
8 the CAD earlier.

9 Q. Okay.

10 A. Shortly after.

11 MS. TOLLEY: Can I see my, I guess, defense
12 Exhibit Number 1?

13 THE COURT REPORTER: It's right here.

14 MS. TOLLEY: Thank you.

15 BY MS. TOLLEY:

16 Q. So there might be information about the
17 suspect, and there might be information about
18 the victims as well?

19 A. Yes.

20 MS. JONES: Objection, Judge.

21 THE COURT: I'm gonna overrule that, go
22 ahead.

23 BY MS. TOLLEY:

24 Q. There might be chatter about the
25 victim?

1 A. Potentially. I'm not sure what your
2 question is.

3 Q. I'm saying that, generally, there's --
4 when the police officers are investigating some
5 things, and a CAD report is being generated,
6 that sometimes there's conversation about who's
7 all involved, and sometimes there's conversation
8 about the victims, as well as whoever you
9 believe the suspects are?

10 A. Yes.

11 Q. Okay. And was there a CAD report
12 generated in this case?

13 A. I'm assuming there was, yes.

14 Q. Okay.

15 A. Typically, there is on every case.

16 Q. Okay. And do you recognize?

17 A. That looks like the call detail report.

18 Q. Right. Okay. And in that report is
19 there some information about the -- that police
20 would want to know who the victim is; is that
21 correct? There's some information about Glover.

22 A. I believe he was mentioned. I didn't
23 read it very thoroughly.

24 Q. Okay.

25 MS. JONES: With that answer, Judge, I

1 would * this line of questioning is outside the
2 scope of this witness' knowledge.

3 THE COURT: Well --

4 MS. JONES: She just said she didn't read
5 the CAD report thoroughly.

6 THE COURT: Well, she can testify to what
7 she knows, and she read. I'm going to overrule
8 the objection.

9 BY MS. TOLLEY:

10 Q. So the officers would want to know
11 enough -- know information about all the people
12 involved because that helps them with their
13 investigation, and how they proceed in a case,
14 right?

15 A. Sure. The more information we have is
16 definitely helpful, right.

17 Q. And if they have information about
18 someone that they thought was important, that
19 might be something that's in the CAD report?

20 A. Hopefully it is.

21 Q. So in the CAD report it say, "Glover
22 alert gang member and prior arrest."

23 MS. JONES: Objection.

24 THE COURT: Sustained.

25 MS. JONES: Judge --

1 THE COURT: Jury, disregard that. Let's
2 move on.

3 MS. TOLLEY: Okay.

4 BY MS. TOLLEY:

5 Q. But important information is in the CAD
6 report -- important information is --

7 A. Yeah, yeah, it certainly absolutely is,
8 yes.

9 Q. Thank you.

10 A. Uh-huh.

11 THE COURT: All right, anything else?

12 **

13 **REDIRECT EXAMINATION**

14 BY MS. JONES:

15 Q. That CAD report that's not verified
16 information, is it? You said some of it was
17 police chatter?

18 A. Yeah, some of it can be. I mean the
19 CAD reports are kind of hit and miss because we
20 don't always get the information in real-time.
21 Sometimes we get there and it's not exactly what
22 was put into it. It's kind of a crapshoot
23 sometimes.

24 Q. Okay.

25 A. For lack of better terms.

1 Q. And you were given a still photograph
2 by Master Sergeant Draisen?

3 A. Yes.

4 Q. How many people are in this still
5 photograph?

6 MS. JONES: If we can see it up here,
7 please, States's 100.

8 BY MS. JONES:

9 Q. How many people are there?

10 A. There are two, there's one on the
11 driver's side and on the passenger side.

12 Q. There's three.

13 A. Oh, I'm sorry, there's three because
14 there's Steven Glover, who is deceased.

15 Q. How many people are holding guns in
16 that photo?

17 A. Two.

18 Q. Where did you find this gun?

19 A. At [REDACTED] Eddings Point Road.

20 Q. Where did you find the 50-rounds and
21 magazine?

22 A. At [REDACTED] Eddings Point Road inside the
23 residence.

24 Q. I can take that back from you.

25 Who had to be pulled out last from [REDACTED]

1 Eddings Point Road?

2 A. Xavier Polite

3 Q. Thank you.

4 MS. JONES: I have no further questions.

5 THE COURT: All right.

6 Anything else, Ms. Tolley?

7 MS. TOLLEY: Briefly.

8 ***

9 **RECROSS-EXAMINATION**

10 BY MS. TOLLEY:

11 Q. There are videos of some of what
12 happened at [REDACTED] Eddings Point Road? You're
13 aware of body-cameras --

14 A. No, we did not have videos, no.

15 Q. But some of you did.

16 A. Some of us had the body-cams. I did
17 not have a body-cam.

18 Q. So if I told you that there was a video
19 of Xavier Polite coming out on his own from [REDACTED]
20 Eddings Point Road, you would say the video is
21 accurate?

22 A. I'd have to see it.

23 Q. Well, I mean I'm assuming that the
24 police don't manipulate videos. That would be
25 horrendous.

1 MS. JONES: Was there a question, Judge?

2 THE COURT: Well, I was waiting to see if
3 there was gonna be an objection.

4 MS. JONES: Withdrawn.

5 THE COURT: That's all right, we're gonna
6 move on. Anything else?

7 MS. JONES: Not from the State?

8 THE COURT: Do you have anything else?

9 MS. TOLLEY: Nothing, Your Honor.

10 THE COURT: All right, counsel approach.

11 (Bench conference.)

12 THE COURT: All right, call your next
13 witness, Solicitor.

14 MS. JONES: The State calls Jim Tunis.

15 WITNESS: May I be excused?

16 THE COURT: Oh, I'm sorry. Sure you can.
17 I forgot all about you right there. Thank you
18 very much for being here.

19 Any objection to her being released from
20 her subpoena?

21 MS. JONES: Not from the State.

22 MS. TOLLEY: None, Your Honor.

23 THE COURT: All right, thanks, have a great
24 afternoon, okay? Yes, ma'am.

25 MS. JONES: Now the State will call Jim

1 Tunis.

2 THE COURT: All right, thank you.

3 * * *

4 **JIM TUNIS**

5 being first duly sworn, testified as
6 follows:

7 **

8 **DIRECT EXAMINATION**

9 BY MS. JONES:

10 Q. Good afternoon, Investigator Tunis.
11 Where do you work?

12 A. Good afternoon. I work for the
13 Beaufort County Sheriff's Office in our Northern
14 Investigation Division.

15 Q. And what do you do with Northern
16 Investigations?

17 A. I'm a general criminal investigator
18 with Investigations, but I also have a
19 collateral duty with the Device Extraction Unit
20 with the Sheriff's Office.

21 Q. What does that mean?

22 A. So the Device Extraction Unit is a
23 small unit, we extract cell phones and other
24 digital devices.

25 Q. A cell phone would be a digital device

1 you could extract?

2 A. Yes, ma'am.

3 Q. What sort of program do you use to
4 extract a cell phone?

5 A. We use the Cellebrite products, both
6 their software and hardware.

7 Q. And what is Cellebrite?

8 A. So Cellebrite is a company that
9 specializes in digital forensics, and the
10 collection of digital data.

11 Q. And when did Beaufort County Sheriff's
12 Office get this technology?

13 A. We've been using Cellebrite for
14 probably the past three years, but most recently
15 we got -- we subscribe to the Cellebrite Premium
16 service --

17 Q. Uh-huh.

18 A. -- which allows us to bypass phones
19 with blocks and to unlock phones that are
20 locked.

21 Q. Does it always bypass a phone with a
22 lock?

23 A. No, it doesn't.

24 Q. Okay. Are phones with four-number
25 passcodes as opposed to six-number passcodes, is

1 there a difference in those?

2 A. It -- there is. The device makes a
3 different, whether it's Android or Apple, and
4 then, again, like you say, the four-digit or
5 six-digit passcodes, sometimes the four digits
6 tend to break sooner or unlock sooner than a
7 six-digit.

8 Q. And were you asked to extract some
9 things for the case we're here --

10 A. Yeah.

11 Q. -- for today?

12 A. Yes, I was.

13 Q. Do you have certain training that you
14 have had in the past, in order to use Cellebrite
15 and to extract cell phones?

16 A. Yes, I do. So I was certified with
17 Cellebrite to use their products, and I was
18 certified as a Cellebrite certified operator,
19 and a Cellebrite certified physical analyst.

20 Q. How many employees at the Beaufort
21 County Sheriff's Office extract cell phones like
22 you have been trained to do.

23 A. Currently, four of us.

24 Q. Including yourself?

25 A. Yes.

1 Q. And were you to get a full extraction
2 of a cell phone, would it be more helpful to
3 have the passcode?

4 A. Yeah. If we had the passcode for the
5 cell phone, it's almost guaranteed that we can
6 extract it.

7 Q. And when I say extraction, what does
8 that mean?

9 A. So an extraction is basically taking
10 all the digital data from the cell phone, and
11 extracting it into a rough format, and then --
12 that we can put into an analyzer system to be
13 able to compile all that information.

14 Q. And were you asked to analyze State's
15 154?

16 A. Yes, ma'am, I was.

17 MS. JONES: And if we could see State's
18 photo 127.

19 BY MS. JONES:

20 Q. Is that a photograph of State's 154?

21 A. Yes, ma'am, I believe so.

22 Q. And that's a -- what kind of phone is
23 that?

24 A. I believe it's an iPhone XR.

25 Q. And did it have a passcode?

1 A. It did, six-digit.

2 Q. Were you able to fully break that
3 passcode?

4 A. No, I wasn't.

5 Q. Were you ever provided that passcode?

6 A. No, I was not.

7 Q. Okay. When you extract that cell
8 phone, what do you do with the information?

9 A. So when I extract that cell phone, like
10 I said, we put it into the physical analyzer
11 program, which allows us to package it into a
12 reader report, and then I provide that reader
13 report to the case officer, and also some of the
14 other techs.

15 Q. And what format do you submit it into
16 evidence?

17 A. Usually, I burn it to a thumb drive for
18 -- if they ask for something like that,
19 depending on the size.

20 Q. Okay. I'm gonna show you what has been
21 marked as State's 183.

22 MS. JONES: Permission to approach?

23 THE COURT: Yes.

24 BY MS. JONES:

25 Q. I'm gonna hand you State's 183. Do you

1 recognize that item?

2 A. Yes, I do.

3 Q. And what is that?

4 A. This is the thumb drive containing the
5 extraction for the cell phone that's pictured up
6 there.

7 Q. The cell phone pictured up there, and
8 also the cell phone in State's 154?

9 A. Yes, ma'am.

10 Q. Okay.

11 A. Correct.

12 Q. When you extract information off of a
13 phone, do you manipulate it or change it in any
14 way?

15 A. No, ma'am, there's no way to add,
16 delete, or change any information, it basically
17 takes what's there, and puts into, like I said,
18 a report.

19 Q. Okay, so it's almost a replica of what
20 that phone contains?

21 A. Yes, ma'am, all the data that's in that
22 report comes from that phone.

23 Q. Okay. What you can get without the
24 passcode?

25 A. Yes.

1 Q. What are examples of some of the things
2 you can get without the passcode?

3 A. So without a passcode, and specifically
4 with iPhone, without a passcode we do what's
5 called a before first.

6 And that specifically speaks to the state
7 of the phone, so the phone that the phone is
8 powered on, a code or a passcode has never been
9 put into the phone to unlock it.

10 So at that point, the phone is encrypted,
11 so when you do a BFU or before first unlock
12 extraction, all you're gonna get is system data,
13 and very limited user data.

14 Q. Okay. In the state that this phone was
15 in, when you extracted it, were you able to get
16 photographs or videos off of it?

17 A. Yes, because that's considered some
18 user data. We were able to get some of that
19 stuff off there.

20 Q. And are those contained on that thumb
21 drive, 183?

22 A. Yes, ma'am, they are.

23 (Court Reporter marks State's Exhibit
24 Number 183, Thumb Drive, as attached hereto.)

25 MS. JONES: Your Honor, at this time the

1 State moves 183 into evidence.

2 THE COURT: All right, any objection other
3 than your existing objections?

4 MS. TOLLEY: No, sir.

5 THE COURT: All right, thank you.

6 (State's Exhibit 183 admitted into
7 evidence.)

8 BY MS. JONES:

9 Q. Investigator Draisen, that's all I have
10 for you at this time. Thank you.

11 A. Yes, ma'am.

12 THE COURT: Cross-examine?

13 MS. TOLLEY: Yes, sir.

14 **

15 **CROSS-EXAMINATION**

16 BY MS. TOLLEY:

17 Q. How are you?

18 A. Good.

19 Q. How long was your training for the
20 Cellebrite?

21 A. The initial training was a week.

22 Q. Okay, and the information that the
23 Solicitor, that you were provided, the phones
24 that you were provided to extract, none of those
25 were Corey Singleton's phones, were they?

1 A. I'm not sure.

2 Q. Okay. Do you have a list of the phones
3 that you were provided?

4 A. I don't have a list with me, no, ma'am.

5 Q. Okay. So you don't know if Corey
6 Singleton's phone was extracted?

7 A. No, I don't.

8 Q. And you don't know if they even took
9 custody of his phone?

10 A. I don't know that.

11 Q. Okay. Thanks.

12 THE COURT: Is that all, Ms. Tolley?

13 MS. TOLLEY: Let me check one thing, if I
14 could.

15 THE COURT: Yes, ma'am, sure.

16 BY MS. TOLLEY:

17 Q. If you had been provided his cell
18 phone, you could download whatever information's
19 on there?

20 A. Possibly.

21 Q. Okay. And if there were videos of the
22 shooting, you could download that as well?

23 A. If they were there, it's possible.

24 Q. Thanks. But we don't have that, right?

25 A. I'm not sure if we do or not.

1 Q. Thank you.

2 THE COURT: Solicitor, anything else?

3 MS. JONES: No, sir.

4 THE COURT: All right. Sir, thank you very
5 much. May he be released?

6 MS. JONES: Yes, sir.

7 MS. TOLLEY: Yes.

8 THE COURT: All right, great, have a good
9 afternoon.

10 WITNESS: Thank you, Your Honor.

11 THE COURT: All right, ladies and
12 gentlemen, I think now is a good time to break
13 for the evening.

14 I would instruct you and remind you once
15 again to please don't research this case, or any
16 aspect of the case. Please don't talk with
17 anyone about the case. Don't talk to your
18 fellow-jurors, friends, family.

19 Again, the time for you to talk about the
20 case is gonna be once I charge you on the law
21 and instruct you that together can discuss this
22 matter as the jury.

23 With that having been said, I'll look
24 forward to seeing everybody tomorrow morning at
25 9:30, and we'll be ready to proceed. Thank you

1 so much.

2 (Jury exits the courtroom.)

3 BAILIFF: The jury's cleared, Your Honor.

4 THE COURT: All right, thank you.

5 All right, any matters that we need to take
6 up from the State before we break for the
7 evening?

8 MS. JONES: No, sir.

9 THE COURT: Okay, Ms. Tolley, anything
10 else?

11 MS. TOLLEY: No, sir.

12 THE COURT: All right, great, we'll see
13 you -- yes, ma'am?

14 MS. JONES: Sorry, the redaction issues.

15 THE COURT: Oh, yeah, Ms. Tolley, you'all
16 can sit down.

17 There's an interview that they were going
18 to play that's approximately 27 minutes long.
19 They need to know what it is, or what issue
20 you've got with that, if any.

21 You indicated you didn't have any. You
22 indicated to the Solicitor that you may have
23 some objection, and so now would be the time to
24 -- let's talk about that.

25 MS. TOLLEY: I think the only part would be

1 the part where he says, "I feel like I've been
2 in prison for the last three years," and I don't
3 want the jury to misconstrue that, as him having
4 physically being in prison.

5 MS. JONES: I'm fine to redact it.

6 THE COURT: You know, and I think that
7 that's fine. I don't have a problem with that.
8 I think that would be appropriate. She doesn't
9 have a problem with that.

10 What else, Ms. Tolley?

11 MS. TOLLEY: I think that's it, Your Honor.

12 MS. JONES: Judge, I want to ask you, I've
13 been thinking about the other comment made by
14 Investigator Duncan, I think that that could be
15 construed as burden shifting. What are you
16 going to say or prove to the Court?

17 THE court: What about that, Ms. Tolley? I
18 am assuming you heard the concern about -I
19 brought it up just because - you know, like I
20 said, it is what it is, but we have got this
21 issue around the 18-, 19-minute mark where it
22 says, we will have to explain something, or he
23 says you will have a chance to explain
24 something.

25 What do you want to do about that?

1 MS. TOLLEY: We are okay with leaving it
2 in, Your Honor. It certainly raises some
3 questions. So, yes.

4 THE COURT: It raises what question?

5 MS. TOLLEY: Well, we are okay with keeping
6 it in, Your Honor, so there is no question.

7 THE COURT: Yes, ma'am.

8 MS. JONES: I have never done this before,
9 but I think out of an abundance of caution, it
10 needs to come out.

11 THE COURT: You know, I don't think that's
12 up to me to make that decision.

13 She has the opportunity to decide what she
14 thinks is best and how she wants to try her
15 case. If she wants to leave something in that
16 does that, then that is her prerogative.

17 I don't think it appropriate for me - I
18 think it's appropriate for me in a matter like
19 this to voice concern about something that I
20 think is important. I have, and she has
21 indicated that she doesn't have a problem with
22 that remaining in the tape.

23 So I don't think that I've got the
24 authority right now to take that out. I don't
25 know what the strategy could be, but I am not

1 going to sit there and second-guess an attorney
2 on the case that I know she has spent a lot of
3 time on. So I am not going to be able to do
4 that.

5 Just because you want it out at this point,
6 I am not going to be able to do that, Solicitor.

7 MS. JONES: That's fine, Judge. That is
8 part of our strategy.

9 THE COURT: Yes, ma'am. Well, I'm sure it
10 is. I'm sure it's part of the strategy. Thank
11 you.

12 All right. So we will reconvene tomorrow
13 morning at 9:30.

14 (At 5:32 p.m. the trial was continued to the
15 following day without interruption.)

16 **END OF VOLUME II**

17

18

19

20

21

22

23

24

25

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

CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 13th Day of June 2023.

I do further certify that I am neither related, of counsel or have any interest to any party hereto.

This, the 2nd day of January, 2024.



Kymberlee M. Williams, CSR/RPR

STATE OF SOUTH CAROLINA	IN THE GENERAL SESSIONS COURT
COUNTY OF BEAUFORT	2020GS-07-02185, -086, -2312

-----)
 State of South Carolina)
)
) Plaintiff,)
) vs.)
 XAVIER M. POLITE,)
)
) Defendant.)
 -----)

TRANSCRIPT OF JURY TRIAL
 VOLUME III
 PAGES 415 - 648

June 14, 2023
 Beaufort, South Carolina

B E F O R E:

The Honorable Robert J. Bonds, Judge Presiding

Kymerlee M. Williams, CSR/RPR
 Official Circuit Court Reporter III
 Post Office Box 8091
 Beaufort, South Carolina 29903

A P P E A R A N C E S

Appearing for The State of South Carolina:

Mary Jones, Esquire
Sarah Malone, Esquire
Assistant Solicitors
14th Circuit Solicitor's Office
102 Ribaut Road
Beaufort, South Carolina 29902

Appearing For the Defendant:

Juan Tolley, Esquire
Seth Paulk, Esquire
Assistant Public Defenders
Fourteenth Circuit Public Defender's Office
P.O. Box 545
Beaufort, South Carolina 29901

INDEX

PROCEEDINGS:	419
WITNESS: KENNETH LABADIE	
Direct Examination (J)	431
Cross-Examination (T)	435
WITNESS: DAVID GLOVER	
Direct Examination (J)	437
Cross-Examination (T)	443
Redirect Examination (J)	445
WITNESS: TODD DUNCAN	
Direct Examination (J)	460
Cross-Examination (T)	541
Redirect Examination (J)	560
WITNESS: ZACHARIAH CUSHMAN	
Direct Examination (J)	561
WITNESS: CHAD SMITH	
Direct Examination (J)	565
Cross-Examination (P)	580
Redirect Examination (J)	585
WITNESS: TIMOTHY SMITH	
Direct Examination (J)	586
Cross-Examination (P)	598
PROCEEDINGS CONTINUED	647
CERTIFICATE OF REPORTER	648

EXHIBIT LIST

**

ITEM NO.	DESCRIPTION	PAGE
S-156	Gun holster	534
S-164	DVD - Deft. Interview	410
S-165	Parkers surveillance	435
S-168	Photo	466
S-169	Buccal swab	475
S-170	DNA swabs	503
S-171	DNA Swabs	503
S-172	DNA swabs	503
S-173	DNA swabs	496
S-174	DNA swabs	496
S-175	DNA swabs	497
S-176	DNA swabs	497
S-177	DNA swabs	497
S-178	DNA swabs	247
S-179	DNA swabs	505
S-180	DNA swabs	505
S-181	X-ray	608
S-182	Diagram	607
S-184	Bodycam footage	479
S-195	Autopsy bullet	564
S-196	Test fire bullets	571
S-196	Test fire bullets	571
S-196	Test fire bullets	571
S-201	Cell phone extraction	537

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

PROCEEDINGS

WEDNESDAY, JUNE 14, 2023

BEAUFORT, SOUTH CAROLINA

(The following proceedings were held in open court. All parties were present.)

THE COURT: Good morning. Anything to take up before we bring the jury in?

MS. JONES: Your Honor, we might have a juror issue. That there was a phone call last night that Mr. Polite made to a female, indicating that he knew one of the jurors. He couldn't place where he knew her, but he knows her from somewhere. I believe it's number 189. I think she needs to be asked if she knows the defendant. I know she already had, but sometimes people forget at the time they are questioned and remember later.

THE COURT: Ms. Tolley?

MS. TOLLEY: If she was already questioned about whether or not she knew any of the parties. I don't think it's necessary, but we will defer to whatever the Court decides.

THE COURT: All right, so let me just ask,

1 I guess it would be someone monitoring a phone
2 call --

3 MS. JONES: Yes.

4 THE COURT: -- that he made?

5 MS. JONES: Yes, sir.

6 THE COURT: And in that phone call
7 monitoring he indicated to whoever was calling
8 him, or he had called --

9 MS. JONES: Yes, sir.

10 THE COURT: -- that he had some
11 relationship with a juror. He doesn't know what
12 it was, or from where; is that what we're
13 talking about?

14 MS. JONES: He recognizes and knows her
15 from somewhere, but he can't place where he
16 knows her from.

17 MS. TOLLEY: It just --

18 THE COURT: Hold on one second.

19 MS. TOLLEY: Oh.

20 MS. JONES: And I don't know if there's
21 anything to it, I just felt like it --

22 THE COURT: Well, to me that almost goes to
23 someone who looks familiar. I mean that can --
24 I mean I can see people that look familiar, but
25 I don't know who they are, but go ahead, I

1 didn't mean to cut you off. I'll be happy to
2 hear from you, ma'am.

3 MS. JONES: I'm just concerned, because we
4 have had instances where during the voir dire
5 they are far from the person, they don't see
6 them up close, they don't know a little -- they
7 don't know anything about the trial.

8 As the trial developed, they realized, oh,
9 yes, I do know that person from somewhere. He
10 says he knows her from somewhere, that was his
11 statement --

12 THE COURT: All right.

13 MS. JONES: -- he actually says he knows
14 her from somewhere, he just can't place where he
15 knows her from.

16 THE COURT: And, of course, I think that
17 if she knows him from somewhere, but she doesn't
18 know where, or recognize him, I don't think that
19 that would -- I don't think she would have
20 necessarily responded to my question based on
21 that. 'Because I don't think my question -- my
22 question deals with the relationship, and I
23 think just recognizing somebody is -- I don't
24 think it's a relationship. Ms. Tolley, let me
25 hear from you.

1 MS. TOLLEY: Your Honor --

2 THE COURT: Yes, ma'am.

3 MS. TOLLEY: -- we agree with what Your
4 Honor has already said. We haven't heard the
5 calls. I don't know exactly what it says, but
6 my client seems to indicate that whatever
7 conversation he had, he was just saying that he
8 might recognize her from somewhere, and she, of
9 course, has not said any of that.

10 THE COURT: Okay, what I'm gonna do is, I
11 think out of an abundance of caution, there's no
12 reason not to ask her that. If she said, "I
13 recognize him from somewhere, I don't know
14 where," you know, that's fine. If we get into
15 that she has some type of relationship with him,
16 or knows him beyond that, then we'll broach that
17 at the appropriate time.

18 All right, anything else, Ms. Tolley,
19 before we bring the jury out? I understand
20 we'll deal with that, but anything else, ma'am,
21 that you need to bring up?

22 MS. TOLLEY: No, sir, we're gonna --

23 THE COURT: All right.

24 MS. TOLLEY: Are we gonna talk about the
25 one juror first and then --

1 THE COURT: Yeah.

2 MS. TOLLEY: Oh, okay.

3 THE COURT: Yeah, but I was asking if you
4 had any other matters. We're gonna talk about
5 the juror, I want to know if you have any other
6 matters before -- let's pretend that matter
7 didn't exist, is there anything else that you
8 would need to bring to the Court's attention
9 before we bring the jury in?

10 MS. TOLLEY: No. Just as related to that
11 issue, Your Honor, I guess our concern would be
12 how that information came to the Solicitor's
13 Office, whether or not they're listening to jail
14 calls, whether or not the jail people are
15 listening to jail calls.

16 That brings up all kinds of issues, and one
17 of the reasons why we think the jail call that
18 was talked about in this particular case should
19 not come into evidence. Are they listening for
20 security purposes? Are they listening --

21 THE COURT: That issue is a whole other
22 matter.

23 That's not the issue, of course, now,
24 concerning this call. I don't really care who
25 was listening right now to the call last night,

1 that's not really the issue. The issue is the
2 contents of the call and whether or not this
3 juror knows your client, and so that's what I
4 want to get.

5 Now, if you want to get in, as it relates
6 to other matters, concerning phones, and things
7 of that nature, that's something that maybe we
8 discussed, or we did discuss, and decided we
9 were gonna do it later, because, in fact, we had
10 had that issue come up.

11 We'll talk about that, but for right now
12 let's get juror 189, if she's here?

13 BAILIFF: Yes, sir.

14 THE COURT: All right, let's get juror 189
15 to come out here, and I will have a brief
16 conversation with her. 189? I don't have a
17 189. 187?

18 MS. TOLLEY: 187.

19 MS. JONES: 187, my apologies.

20 THE COURT: Yeah. Sure, well, go tell him
21 not to bring her out then, and let's key-up the
22 call. You're talking about the call that was
23 listened to last night. I'm happy to hear that.

24 Do you want -- do you need someone here to
25 authenticate the call? I'm asking?

1 MS. TOLLEY: No.

2 THE COURT: I mean what I don't want to do
3 is get in here, and then 20 minutes later you
4 say you want somebody to authenticate the call.

5 MS. TOLLEY: We may do that, but for now
6 let's just hear --

7 THE COURT: We're gonna play the call. I
8 can't play -- flipflop. Okay, the juror has not
9 come in yet, right?

10 BAILIFF: Correct.

11 THE COURT: That's good. Let's play the
12 call.

13 (Audio being played for the Court.)

14 MS. JONES: That's it, Judge, that's where
15 the call from.

16 THE COURT: All right, okay. Well, I'm
17 gonna bring the juror out for questioning.

18 BAILIFF: 187?

19 THE COURT: 187 is my understanding.

20 MS. JONES: Yeah.

21 (Juror 187 enters the courtroom.)

22 BAILIFF: Just come right here and face the
23 Judge.

24 THE COURT: Hey, ma'am, good morning, how
25 you doing?

1 JUROR 187: Good.

2 THE COURT: Good. We wanted to ask you
3 this, do you know Mr. Polite, or any of his
4 relatives or family?

5 JUROR 187: No.

6 THE COURT: Do you recognize him from
7 anywhere?

8 JUROR 187: No.

9 THE COURT: Okay. Why don't you take her
10 right back to the hallway for a second, and I'm
11 going to bring you right back here in just one
12 minute, okay?

13 JUROR 187: Okay.

14 THE COURT: Great, thank you very much.
15 (Juror exits the courtroom.)

16 THE COURT: Is the door closed?

17 BAILIFF: Yeah, there's somebody out there
18 with her.

19 THE COURT: Thank you very much.
20 Solicitor?

21 MS. JONES: Judge, I don't think she knows
22 him from her answer.

23 THE COURT: Any additional questioning?

24 MS. JONES: No, sir.

25 THE COURT: Ms. Tolley?

1 MS. TOLLEY: No, sir.

2 THE COURT: What I'm gonna do is, I'm gonna
3 bring her back in, and I'm gonna ask her that
4 she not discuss with any of her fellow jurors
5 what we discussed in here, questions I asked
6 her, and thank her, and return her to the jury
7 room. Is that satisfactory?

8 MS. JONES: Yes, sir.

9 THE COURT: Satisfactory?

10 MS. TOLLEY: Yes, sir.

11 THE COURT: Okay.

12 BAILIFF: Yes, Your Honor.

13 (Juror enters the courtroom.)

14 THE COURT: All right, thank you so much
15 for answering those questions, I appreciate it.
16 Go back to the jury room.

17 JUROR 187: Uh-huh.

18 THE COURT: I would also ask if you would
19 not discuss with the jurors any question I've
20 asked you, or what's transpired here in the
21 courtroom, while you've been here, okay?

22 JUROR 187: Okay.

23 THE COURT: Thank.

24 JUROR 187: You're welcome.

25

1 MS. TOLLEY: Your Honor, we'd like a copy
2 of the phone call disk, a copy of that, we'd
3 appreciate it.

4 THE COURT: Sure. Well, probably what we
5 ought to do is, we ought to make it a Court's
6 exhibit, since we played it, and certainly you
7 can have a copy of it.

8 MS. TOLLEY: Thank you.

9 THE COURT: All right, any objections to
10 the instructions that I gave the juror when she
11 came back into the courtroom from the State?

12 MS. JONES: No, sir.

13 THE COURT: Ms. Tolley?

14 MS. TOLLEY: No, sir.

15 THE COURT: All right, anything else from
16 the State before we bring the jury in?

17 MS. JONES: No, Your Honor.

18 THE COURT: Anything from the defense?

19 Ms. Tolley --

20 MS. TOLLEY: No, sir.

21 THE COURT: -- anything from the defense?

22 All right. I do want to say something, Ms.

23 Tolley, I addressed this yesterday at the bench.

24 When the Solicitor objects, ma'am, you've

25 got to stop asking your question. Twice you've

1 done that. And I know what you're trying to get
2 in, okay? Both times it's been, basically,
3 essentially, the same thing. I'm not letting
4 the information in the CAD report, as it relates
5 to the gang activity and the reference to CSC,
6 and whatever that line was in the CAD report,
7 I'm not letting that into evidence.

8 And to that extent, you certainly can
9 question about the CAD report, about the fact
10 that it may contain information and so forth,
11 but I'm not letting you get into that
12 information, unless there's some significant
13 change, okay, in the development of the case, or
14 the testimony.

15 And there is a significant change, what I
16 would say is this, if you think there's
17 been some type of significant change that
18 would allow that to come in now, you've got
19 to come back up here, and let's talk to me
20 beforehand, because I'm tired of trying to
21 get that out, and talk it over with the
22 jury, as it relates to that issue.

23 Do you understand?

24 MS. TOLLEY: I do, Judge.

25 THE COURT: Okay, all right. Ma'am? I'm

1 sorry, did you say something else?

2 MS. TOLLEY: No, sir.

3 THE COURT: Okay, thank you very much. All
4 right, let's get the jury in.

5 BAILIFF: Your Honor, the jury's entering
6 the courtroom.

7 THE COURT: Thank you.

8 (Jury enters the courtroom.)

9 BAILIFF: All are present.

10 THE COURT: All right, thank you. Ladies
11 and gentlemen, good morning, we are ready to
12 proceed with the case. Solicitor, you can call
13 your next witness, ma'am.

14 MS. JONES: Thank you, Judge. The State
15 calls Ken Labadie.

16 * * *

17 **KENNETH LABADIE**

18 being first duly sworn, testified as
19 follows:

20 THE COURT: Counsel approach.

21 (Bench conference.)

22 THE COURT: Just to let you-all know, that
23 was a conversation about keeping the doors open,
24 and whether or not we're gonna keep the doors
25 open, because of the fact that it's a little bit

1 warm in here, perhaps a little bit humid,
2 particularly, if you're wearing one of these,
3 and so we want to make sure that the hallway
4 stays clear, and that the hallway doesn't have
5 people walking around, talking, and things of
6 this nature that would distract me.

7 So that's what that conversation was about,
8 all right? Your witness, yes, ma'am.

9 MS. JONES: Thank you, sir.

10

**

11

DIRECT EXAMINATION

12

BY MS. JONES:

13

14

Q. Good morning. Would you pronounce your
name one more time?

15

A. Sure, it's Ken Labadie.

16

17

Q. Labadie. Where do you work, Mr.
Labadie?

18

19

A. I am the Asset Protection Manager at
Parker's.

20

Q. And is that Parker's Gas station?

21

A. Yes, ma'am.

22

Q. And what does that mean?

23

24

25

A. So I'm responsible for the safety and
security of all of our 75 locations, corporate
surveillance, warehouses.

1 Q. And are your Parker's Gas stations
2 equipped with surveillance videos?

3 A. They are.

4 Q. More particularly, is the one on St.
5 Helena Island equipped with surveillance
6 cameras?

7 A. Yes, ma'am, inside and out.

8 Q. And is there only one Parker's on the
9 Island?

10 A. Yes.

11 Q. You said inside and out?

12 A. Yes, ma'am.

13 Q. Well, how do these cameras work?

14 A. So once installed they're basically set
15 up on a two-way feed to record the motions, so
16 if somebody comes into view it will start
17 recording, or it's continuous. Most of the
18 exterior cameras are continuous recordings.

19 Q. And as far as you know, the cameras at
20 that St. Helena location were working on
21 November 18th of 2020?

22 A. Yes, ma'am.

23 Q. And were you asked to provide the
24 surveillance to the Beaufort County Sheriff's
25 Office?

1 A. I was.

2 Q. And did you provide that surveillance?

3 A. I did.

4 Q. Did they ask you for a certain
5 timeframe?

6 A. Yes, ma'am.

7 Q. And what time was that?

8 A. I'm trying to remember; I believe it
9 was like 9 o'clock. Sometimes they give a
10 bigger range, it could be an hour before, or an
11 hour afterward they need, so --

12 Q. Okay.

13 A. Yeah.

14 Q. Could it have been later in the
15 afternoon around 1:00, 1:30?

16 A. Yes, it's -- I'm sorry, I'm trying to
17 remember, it was a while ago, I believe --

18 MS. TOLLEY: Objection, it's a leading
19 question.

20 THE COURT: I'm gonna overrule it. Go
21 ahead.

22 BY WITNESS:

23 A. Honestly, I don't recall.

24 Q. That's okay, but your cameras have a
25 timestamp on them?

1 A. They do.

2 Q. And as far as you know, was the
3 timestamp accurate --

4 A. Yes.

5 Q. -- for this video? I'm going to show
6 you, and I've previously shown it to Ms. Tolley.

7 MS. JONES: Permission to approach, Judge?

8 THE COURT: Yes, ma'am.

9 BY MS. JONES:

10 Q. I'm gonna show you State's 165. Do you
11 recognize that?

12 A. I do.

13 Q. And what is that?

14 A. That is the video that was supplied to
15 Beaufort County.

16 Q. And that's surveillance from the St.
17 Helena Parker's gas station?

18 A. It is.

19 Q. And is it a fair and accurate recording
20 of the surveillance you provided?

21 A. It is.

22 Q. It doesn't appear to be altered or
23 manipulated in any way?

24 A. No.

25 (Court Reporter marks State's Exhibit

1 Number 165 as attached hereto.)

2 MS. JONES: Your Honor, at this time the
3 State moves 165 into evidence.

4 THE COURT: All right, any objection?

5 MS. TOLLEY: Without objection, Your Honor.

6 THE COURT: All right, 165 admitted without
7 objection, go ahead.

8 (State's Exhibit 165 admitted into
9 evidence.)

10 MS. JONES: Thank you. I'll publish it at
11 a later time, and I have no further questions
12 for this witness.

13 THE COURT: Ms. Tolley, cross-examination?

14 MS. TOLLEY: Just briefly, Your Honor.

15 Does that State want to publish it?

16 MS. JONES: I'll publish it later.

17 MS. TOLLEY: Okay, gotcha.

18 **

19 **CROSS-EXAMINATION**

20 BY MS. TOLLEY:

21 Q. You had an opportunity to review the
22 video?

23 A. Yes, ma'am.

24 Q. And as far as you know, you don't know
25 any of the people in the video?

1 A. I do not.

2 Q. And you don't know where they were
3 before they came to your store?

4 A. I do not.

5 Q. And you don't know where they went
6 after they came to the store?

7 A. That is correct.

8 Q. And while they were they caused no
9 problems as far as you know?

10 A. As far as I know.

11 Q. Thank you.

12 THE COURT: Anything else, Solicitor?

13 MS. JONES: - No, sir.

14 THE COURT: All right, any objection to him
15 being excused from his subpoena, from the State?

16 MS. JONES: Not from the State.

17 THE COURT: Defense?

18 MS. TOLLEY: None from the defense.

19 THE COURT: Sir, have a great day,
20 appreciate it. All right, Solicitor, you can
21 call your next witness.

22 MS. JONES: Thank you, Judge. The State
23 calls David Glover.

24

25

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

DAVID GLOVER,

being first duly sworn, testified as follows:

THE COURT: Yes, ma'am.

MS. JONES: Thank you, Judge.

**

DIRECT EXAMINATION

BY MS. JONES:

Q. Good morning, Mr. Glover, how are you?

A. I'm good.

Q. Mr. Glover, did you know Steven Glover?

A. Yes.

Q. And who was he to you?

A. He's my first cousin.

Q. And did you know, or do you know a man
named Channon Preston?

A. Yes.

Q. And do you know him by any other names?

A. C.J.

Q. Okay, does he go by anything else that
you're aware of?

A. C.J.

Q. And how did you know Mr. Preston, or
C.J., as you call him?

A. Like a friend, like a brother to me.

Q. And how do you know -- or do you know a

1 man named Xavier Polite?

2 A. Know him as well.

3 Q. As well. Have you seen him in the
4 past?

5 A. Yeah, I've seen him before.

6 Q. Okay. I'm gonna take you back to
7 November 18th of 2020; do you remember that day?

8 A. Yes.

9 Q. What were you doing the morning of
10 November 18th?

11 A. Well, my battery had died, so I had to
12 go to Auto Advanced to go get a new battery, and
13 then I went to C.J.'s house.

14 Q. And was that the house over on Eddings
15 Point Road?

16 A. Yes.

17 Q. When you get there, what do you see?

18 A. Just an empty yard.

19 Q. Is anybody at home when you arrive?

20 A. I believe his mom was home.

21 Q. At some point, does C.J. or Channon
22 comes out of the Eddings Point house?

23 A. Yes, they pulled up pretty much the
24 same time I did.

25 Q. You said they, who was with Channon

1 when they pulled up?

2 A. I don't know.

3 Q. Okay, and what car were they in?

4 A. Minivan.

5 Q. And you said some other guy, do you
6 know who this other guy was?

7 A. No, I really didn't know him.

8 Q. Had you seen him before?

9 A. Yeah, probably about a couple weeks --

10 Q. Okay.

11 A. - but I didn't know him.

12 Q. You saw them after that?

13 A. No, like I just know - I saw him then,
14 and like I never really knew who he was.

15 Q. Okay, so back in 2020, this other
16 person that you saw with C.J., was new to the
17 group, I guess you could say?

18 A. Yeah.

19 Q. Okay, but before that November 18th
20 date had you seen him before?

21 A. Oh, yeah.

22 Q. Okay, okay. So you had recognized him
23 when he got out of the van with Channon that
24 day?

25 A. Yes.

1 Q. Okay, and do you see that man in the
2 courtroom today?

3 A. Yeah.

4 Q. Okay. Can you please point him out?

5 A. He's right there.

6 Q. And can you describe what he's wearing?

7 A. I mean he's got on a white shirt.

8 Q. Okay.

9 MS. JONES: Let the record reflect that the
10 witness did identify the Defendant.

11 THE COURT: All right, he did, yes, ma'am.

12 BY MS. JONES:

13 Q. When they get out-of the van and you
14 get out of your car, what do you-all do?

15 A. We went to the store.

16 Q. What store did you-all go to?

17 A. Parker's.

18 Q. Okay, and why did you-all go to
19 Parker's?

20 A. Just to grab some drinks and stuff.

21 Q. Get some drinks? Okay.

22 MS. JONES: If we could see State's 165.

23 (Video being played for the jury.)

24 BY MS. JONES:

25 Q. David, what kind of car did you have

- 1 during this time?
- 2 A. I had my Honda.
- 3 Q. What color was it?
- 4 A. Kind of blueish, grayish.
- 5 Q. Is that you coming into the Parker's
- 6 right there?
- 7 A. Yeah, I believe so.
- 8 Q. Okay, and parking right up near the
- 9 store?
- 10 A. Yeah.
- 11 Q. Okay.
- 12 MS. JONES: If we could see a second clip?
- 13 BY MS. JONES:
- 14 Q. Is that your car right there?
- 15 A. Yeah.
- 16 Q. Who's driving?
- 17 A. I'm driving.
- 18 Q. Who was that that just exited the front
- 19 passenger?
- 20 A. That's C.J.
- 21 Q. Okay. Is there somebody else in the
- 22 car as well?
- 23 A. Yeah, in the backseat.
- 24 Q. And who's in the backseat?
- 25 A. The other guy.

1 COURT REPORTER? I'm sorry, say that again,
2 sir?

3 BY WITNESS:

4 A. It was the other guy.

5 Q. The other guy that was in the van?

6 A. Yes.

7 Q. Do you remember his name?

8 A. I mean not really.

9 Q. Do you see him in the courtroom today?

10 A. Yes.

11 Q. Is it the same man you identified
12 earlier?

13 A. Yes.

14 Q. All right. Is that you?

15 A. Yes.

16 Q. The other guy you identified earlier as
17 being Xavier Polite, does he ever get out of the
18 car and go into Parker's?

19 A. No, I don't believe so.

20 Q. When you pulled into [REDACTED] Eddings Point
21 and the van pulled in at the same time, were
22 there only two people in that van?

23 A. Yes.

24 Q. Nobody else was in that van, and you
25 identified them as Channon Preston?

1 A. Yes.

2 Q. And then the other guy who you
3 identified as Xavier Polite?

4 A. Yes.

5 MS. JONES: I beg the Court's indulgence.

6 THE COURT: Yes, ma'am.

7 MS. JONES: Nothing further, Judge.

8 THE COURT: Ms. Tolley.

9 MS. TOLLEY: Thank you, Your Honor.

10 THE COURT: Yes, ma'am.

11 **

12 **CROSS-EXAMINATION**

13 BY MS. TOLLEY:

14 Q. Good morning, Mr. Glover.

15 A. Hey.

16 Q. How are you doing?

17 THE COURT: Mr. Glover, speak up just a
18 little bit, I want to make sure the jury hears
19 you and I hear you, okay?

20 WITNESS: All right.

21 THE COURT: Thank you.

22 BY MS. TOLLEY:

23 Q. So is it your testimony that you were
24 together with Channon and Xavier that day?

25 A. Yes.

1 Q. And you don't know how long they were
2 together before you pulled up into the driveway,
3 do you?

4 A. No, ma'am.

5 Q. And you don't know where they were
6 before they pulled up into the driveway,
7 correct?

8 A. No, ma'am.

9 Q. And you didn't see any guns that day?

10 A. No, ma'am.

11 Q. Are you aware that your DNA is on the
12 door handle of the van?

13 A. Of the van?

14 Q. Uh-huh.

15 A. No, ma'am, I didn't know that.

16 Q. Are you aware that you had gunshot
17 residue on your hand as well?

18 A. They told me that I did.

19 Q. All right, thank you, sir.

20 A. You're welcome.

21 THE COURT: Solicitor, anything else?

22 MS. JONES: Just briefly.

23

24

25

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

REDIRECT EXAMINATION

BY MS. JONES:

Q. Mr. Glover, when you come outside at Eddings Point, that's when the police are already there, right?

A. I -- well, I was on the porch for a little while, and then they showed up.

Q. And do you remember speaking with a lady investigator named Jen Snider?

A. Yes, ma'am.

Q. And you agreed to talk to her, you were cooperative, weren't you?

A. Yes, ma'am.

Q. And you voluntarily gave over your DNA sample and a GSR kit, didn't you?

A. Yes, ma'am.

Q. Okay.

MS. JONES: I have no further questions.

THE COURT: Ms. Tolley, anything else?

MS. JONES: Nothing, Your Honor.

THE COURT: Can he be excused?

MS. JONES: Yes, sir.

THE COURT: Yes.

MS. TOLLEY: Yes.

THE COURT: Okay, great. Sir, thanks a

1 lot, have a great day, okay?

2 WITNESS: Thank you.

3 MS. JONES: Judge, the State calls
4 Investigator Duncan.

5 THE COURT: All right.

6 MS. JONES: Your Honor, I think there is a
7 matter of law before Investigator Duncan
8 testifies.

9 THE COURT: All right.

10 Ladies and gentlemen, I'm gonna need to
11 send you to your jury room for five minutes,
12 there's something that I need to do, and I
13 promise it won't take long. Don't talk about
14 the case. Thank you.

15 (Jury exits the courtroom.)

16 (OFF RECORD)

17 THE COURT: All right. Let me ask you,
18 Solicitor, I'm assuming that, basically, there
19 appears to be a -- I want to call it the aqua
20 colored gun in the second photograph, and I'm
21 assuming that, basically, you're alleging that
22 there's substantially so much of the aqua
23 colored gun that's already been show to the
24 jury --

25 MS. JONES: Yes, sir.

1 THE COURT: -- is that right?

2 MS. JONES: Yes, sir.

3 THE COURT: And I'm also assuming that both
4 of these photographs are stills from the video
5 that you'll testify came from the telephone
6 of --

7 MS. JONES: Channon Preston.

8 THE COURT: -- of Channon Preston?

9 MS. JONES: Yes, sir.

10 THE COURT: So this photograph, and when
11 I'm referring to this photograph, I'm referring
12 to State's 186 on the first page.

13 MS. JONES: Okay.

14 THE COURT: That would identify or show an
15 individual, in my opinion, who was smoking a
16 marijuana blunt, a marijuana cigarette, but the
17 second photograph that -- and the second
18 photograph is a photograph of the gun. And, in
19 fact, in the second photograph you do not see
20 the gentleman in the first photograph at all.

21 The only part of his body that I see, if it
22 is his body, is a hand, and, of course, I don't
23 see his hands in the first photograph. So what
24 I'm asking is, to me, it's not like they are on
25 top of each other, and so I will tell you, I've

1 got a problem with the first photograph --

2 MS. JONES: Okay.

3 THE COURT: -- but I don't have a problem
4 with the second photograph.

5 MS. JONES: Okay.

6 THE COURT: Okay? The second photograph, I
7 think if it's coming from his phone, I think the
8 second photograph shows a gun that is very
9 unique in character and appears to be
10 substantially similar to a gun that's already
11 been shown to the jury. I think that's fair
12 game.

13 I think the first photograph, I'm just not
14 gonna let that photograph in. I don't think
15 that -- I think that that photograph -- it's
16 certainly relevant, but not at all relevant,
17 evidence is admissible, and I think under 403
18 that I think there's a strong probability that
19 the prejudicial effect of the appearance of this
20 young man, with what appears to be a marijuana
21 cigarette in his mouth, and I just think that
22 there's a substantial likelihood there's a
23 prejudicial effect outweighs the probative
24 value, so I'm not going to allow that top
25 photograph in, but I'm going to allow the second

1 photograph in, because I'm assuming he'll be
2 able to, or someone will testify it came from
3 his phone.

4 Assuming, again, that all the proper
5 foundations are laid, such that that could come
6 in, I would allow it to come in at that time.

7 MS. JONES: Since the photo with the face
8 is not coming in, Judge, this video was reviewed
9 by Investigator Duncan. He knows Channon
10 Preston personally. He reviewed the video. He
11 knows that that is the lap of Channon Preston,
12 and he testified to that. And I'm asking --

13 THE COURT: If the proper foundation's
14 laid, I think he can testify to that --

15 MS. JONES: Right.

16 THE COURT: -- okay? If he's able to say
17 that he's seen photographs, or, quite frankly,
18 has reviewed photographs, and he says that's
19 him, but now he's not going to identify the
20 marijuana cigarette --

21 MS. JONES: No.

22 THE COURT: -- and this photograph would
23 not be shown to the jury.

24 MS. JONES: No, sir.

25 THE COURT: Ms. Tolley, anything you want

1 to add, ma'am."

2 MS. TOLLEY: No, Your Honor, we would just
3 renew our previous objection, and with regard to
4 the photo that's going to be introduced of
5 Xavier Polite, we would renew our objection to
6 that, based on Rule 901, Rule 403, Rule 602,
7 Rule 608, and Rule 1002, and Rule 802, hearsay.

8 THE COURT: Yes, ma'am, and I note all
9 those objections for the record. And, again, I
10 think for the same reasons that I told you that
11 I would rule on allowing it into evidence, I
12 would stand on the same reason, the rationale as
13 before, okay?

14 MS. JONES: Judge, one more thing before
15 Investigator Duncan testifies. Ms. Tolley's
16 objecting to the public profile page of Channon
17 Preston. I have it right here, it identifies in
18 parentheses, Glizzy G, next to his name, Channon
19 Preston.

20 I would be asking to admit this, just to
21 confirm the identify of Channon Preston as
22 Glizzy.

23 THE COURT: Have you seen this page, Ms.
24 Tolley?

25 MS. TOLLEY: I have, Your Honor.

1 THE COURT: All right.

2 MS. TOLLEY: And at this --

3 THE COURT: Hold on one second.

4 Yes, ma'am, Ms. Tolley, I'm happy to hear
5 from you.

6 MS. TOLLEY: If this was Channon Preston's
7 phone, that would certainly be appropriate, but
8 in this type of a case, where my client is on
9 trial, basically, what she's trying to do is try
10 my client and Channon at the same time, and put
11 Channon and my client together, and that's
12 highly prejudicial.

13 I think the emphasis on the fact that it's
14 Glizzy, the emphases on the fact that there's a
15 blue gun, and now we've got a separate picture
16 of just the blue guy, and my guy holding a gun,
17 all of that together is highly prejudicial to my
18 client, and for those reasons we don't think
19 that none of those pictures should be admitted.

20 THE COURT: All right. Let me ask you
21 that. Why are we getting so much into Glizzy Z.
22 or G., or whatever it is? Why are we getting
23 into this in this case?

24 MS. JONES: Because at the end of this case
25 I'm going to ask for a hand-of-one/hand-of-all

1 charge, Judge, and these two acted in concert
2 together. They rode there together, they got
3 out of the van together, and they both fired
4 together. Now, I can connect specific shell
5 casings to a gun, that I can also connect
6 through DNA in that photograph to Mr. Xavier
7 Polite. I can also connect through shell
8 casings and DNA that aqua handgun to Channon
9 Preston.

10 I think that for res gestae it shows the
11 full context of this. I'm allowed to present
12 evidence that it shows the full crime and full
13 context, when they have heard testimony about
14 the man, Glizzy, this is just confirmation that
15 Channon Preston's profile Facebook page on
16 Facebook also has the name right there.

17 You can't -- I can't try him without
18 bringing up Channon Preston, because they are so
19 connected in this. If he had just been the
20 getaway driver, or if he had just been the
21 lookout somewhere else, I think they could be
22 disconnected, but because they both acted in the
23 same exact manner, they did the same exact
24 thing, and they both killed Steven Glover, I'm
25 allowed to present all the evidence against

1 Channon Preston, as well as all the evidence
2 against Xaiver Polite, under hand-of-one/hand-
3 of-all.

4 THE COURT: All right, what about a hand-
5 of-one/hand-of-all, Ms. Tolley? I mean -- yes,
6 sir, I'm happy to hear from you.

7 MR. PAULK: Your Honor, we do not believe
8 that a hand-of-one/hand-of-all charge is
9 appropriate. I spent --

10 THE COURT: Why?

11 MR. PAULK: -- hours last night looking
12 over all the case law, and in every single one
13 of these cases, there's some sort of plan
14 beforehand.

15 Now, the law does state that it could be
16 through overacts, and that it can be through a
17 common scheme, it doesn't have to be through
18 text messages, or through a formally laid out
19 plan; however, the Court in State v. Madison,
20 which is 388SC469, is quoting the American juris-
21 prudence on homicide. They say that although
22 the Courts have required that the alleged
23 accomplice must have acted with the intention of
24 encouraging and embedding the commission of the
25 homicide.

1 COURT REPORTER: Slow down.

2 MR. PAULK: Excuse me.

3 Where the commission of the murder, by the
4 principle, must have been a reasonably
5 foreseeable consequence of the defendant's
6 actions. Your Honor, the Defendant's actions
7 that day were to go to buy marijuana. Now,
8 something happened between them going to buy
9 marijuana and this incident occurring.

10 We do not know what that is, because we do
11 not have the surveillance footage that would
12 have been on Mr. Corey Singleton's phone. We
13 have not heard any testimony about what happened
14 between them going to make a purchase of
15 marijuana and this gentleman being shot.

16 THE COURT: Well --

17 MR. PAULK: Certainly, we don't know if
18 there was any plan that this was supposed to
19 happen.

20 THE COURT: Right, but now wouldn't this
21 probably be an argument that we'd make at the
22 close of the evidence?

23 MR. PAULK: Absolutely.

24 THE COURT: Okay.

25 MR. PAULK: I mean I think that's a much

1 more to cover --

2 THE COURT: I mean you're making an
3 argument about what was going to happen, and why
4 did it happen?

5 MS. TOLLEY: Also, they've already
6 introduced the name Glizzy in evidence.

7 I think there was a photo that was
8 introduced in his bedroom, where there was a
9 picture of his brother, and the name Glizzy is
10 there. There's been testimony from other
11 witnesses already about the fact that his name
12 is Glizzy, so I don't think there's any question
13 about that, in that evidence having been
14 presented.

15 THE COURT: So you're just saying this is
16 being introduced, Solicitor, to go and to show
17 who Glizzy is? I mean don't we already know?
18 We've got the -- we'll, potentially, have the
19 testimony of the officer who can identify the
20 photograph that knows who he is, we have
21 Glizzy's name, we've got a picture of Glizzy's
22 brother.

23 I think that was on the wall or somebody
24 was. Why do we need this?

25 MS. JONES: Because that says Channon

1 Preston, Glizzy, and that corroborates the
2 testimony. What we have regarding the name
3 Channon Preston actually being Glizzy is
4 testimony, and this is a hard tangible object
5 that corroborates what that testimony is.

6 THE COURT: Now, the last witness
7 identifies Channon Preston as the van driver,
8 right?

9 MS. JONES: He did, but he also called him
10 C.J.

11 THE COURT: You asked him if he knew him by
12 any other name.

13 MS. JONES: And the next witness to testify
14 will testify that he goes by C.J. and Glizzy.

15 THE COURT: You know, things seem simple,
16 but there's nothing simple about this case.
17 This is an important case for everybody that's
18 involved. And so I want you-all to know the
19 fact that I'm giving my best thoughts to this,
20 because everything's important. Yeah.

21 MR. PAULK: When Investigator Snider was
22 testifying, I believe that she also identified
23 Channon Preston as Glizzy, is the reason why she
24 was familiar with him.

25 THE COURT: She said she recognized the

1 name Glizzy.

2 MR. PAULK: She recognized Channon Preston,
3 Your Honor.

4 MS. JONES: And that's exactly what I said.
5 We have testimony that it is.

6 THE COURT: All right.

7 MS. JONES: With this now we have a
8 tangible insertion by Channon Preston calling
9 himself Glizzy.

10 THE COURT: But he's going to testify, the
11 next witness, or one of your witnesses is going
12 to testify as to who that is? That Channon is
13 Glizzy?

14 MS. JONES: Yes, sir.

15 THE COURT: Right?

16 MS. JONES: Yes, sir.

17 THE COURT: So I don't know, why do you
18 need this? It seems to me just to be cumulative
19 at this point.

20 MS. JONES: It's because it's the only
21 physical piece of evidence that actually ties
22 two things together, everything else has just
23 been testimony. Testimony is subject to cross-
24 examination, this is not.

25 THE COURT: Well, all right, I'm going to

1 allow this, and I'll note your objection.

2 I'm going to allow State's 160, and I think
3 it does -- I mean I think it shows, basically,
4 if it's properly entered -- when I say,
5 properly, if the foundation is properly laid, of
6 course, all -- everything that I'm saying is
7 assuming that the proper foundation is laid to
8 allow this document to be admitted into
9 evidence, then I'm going to allow it.

10 I think that it does -- I think that Glizzy
11 -- I think that folks know, and I think enough
12 information has come in, that would allow a
13 reasonable person to figure that Glizzy is
14 Channon Preston, but I do understand that this
15 is beyond just verbal testimony, as showing an
16 alleged -- show the fact that Channon is Glizzy.

17 So for those reasons I think it's relevant,
18 and I don't think it's unduly prejudicial in
19 this matter, so I'm going to allow that in, and
20 I'll note your objection for the record,
21 counselor.

22 All right, anything else before we bring
23 the jury in? Ms. Tolley?

24 MS. TOLLEY: Nothing, Your Honor.

25 THE COURT: Thank you very much. Let's get

1 them in.

2 MS. JONES: May Investigator Duncan go back
3 to the stand?

4 THE COURT: Was he on the stand?

5 MS. JONES: Yes.

6 THE COURT: That would be great.

7 MS. JONES: Thank you.

8 THE COURT: Counsel approach.

9 (Bench conference.)

10 BAILIFF: Your Honor, jury's entering the
11 courtroom.

12 (Jury enters the courtroom.)

13 BAILIFF: All jurors are present, Your
14 Honor.

15 THE COURT: All right, folks, I told you it
16 would be a few minutes, it took longer. And I'm
17 gonna tell you the same thing I told these folks
18 just a second ago, the decisions -- we deal with
19 important things here, and we've got to do
20 everything we can to make sure the decisions
21 that we're making are the right decisions.

22 Again, like we talked about, there are no
23 do-overs for anything, and this is not for
24 entertainment. So I will tell you that the time
25 that you were out just then, that's on me, and

1 certainly not the parties, or any lack of
2 preparation on their part. They certainly have
3 been ready and have presented the information
4 that I needed. Thank you very much. Solicitor,
5 you can call your next witness.

6 MS. JONES: Thank you, Judge. The State
7 calls Investigator Todd Duncan.

8 **

9 **TODD DUNCAN,**

10 being first duly sworn, testified as
11 follows:

12 THE COURT: Your witness, ma'am.

13 MS. JONES: thank you, Judge.

14 **

15 **DIRECT EXAMINATION**

16 BY MS. JONES:

17 Q. Good morning, Investigator Duncan, how
18 are you?

19 A. Good morning, I'm great.

20 Q. You've been with us all week. What is
21 your role in the case that we're here for today?

22 A. I am the case investigator, and I work
23 for the Beaufort County Sheriff's Office as a
24 Northern Investigator.

25 Q. How long have you been with the

1 Sheriff's Office?

2 A. Roughly, 12 years.

3 Q. So on November 18th, 2020, were you
4 working in Investigations with the Sheriff's
5 Office?

6 A. Yes, ma'am.

7 Q. And tell us about how you got assigned
8 to this case we're here for today.

9 A. Kind of like you heard earlier from
10 Investigator Snider, her and I share an office
11 together. We were doing normal case work, you
12 know, boring typing stuff, and we usually have a
13 radio going at the office as well too, known as
14 our CAD system.

15 When a gunshot wound that just comes out
16 over the radio automatically our antenna go up,
17 you know, we know we're gonna get called to a
18 major scene like that.

19 So we start, you know, getting everybody
20 ready, or reading the notes to it, and we see
21 that it's at [REDACTED] Stonewood. We have people
22 starting to head that way. At this point, like
23 the road units aren't even there yet, we're
24 still reading the notes as they go along.

25 We, you know, see the name Glizzy come up.

1 I've had past dealings, I know who Glizzy is,
2 and like I said, we've had so many people go to
3 █████ Stonewood. Investigator Snider got the call
4 with me, and we drove down to Glizzy's house, to
5 see if it matched some of the details we had so
6 far.

7 Q. Do you know Glizzy's full name?

8 A. Yeah, it's actually Channon Talon
9 Preston, Jr.

10 Q. And does he go by anything other than
11 Glizzy?

12 A. Yeah, he goes by C.J. for Channon, Jr.
13 Channon is spelled C-H-A-N, so --

14 Q. Okay. Would you be able to recognize
15 Mr. Preston on sight?

16 A. Oh absolutely.

17 Q. And when you hear the name Glizzy, is
18 there any doubt in your mind that that is
19 Channon Preston?

20 A. That's the only one I know.

21 Q. That's the only Glizzy you know?

22 A. Yes.

23 Q. Okay. Prior to this investigation, do
24 you have access to the internet to run sort of
25 searches on people involving cases, victims,

1 witnesses, defendants?

2 A. Yeah, I mean that's a typical part of
3 the investigation. In today's world almost
4 everybody has social media, or some kind of
5 social media. I don't, I'm one of the few that
6 doesn't do that, but as part of my
7 investigations, yes, I would do that.

8 Q. So it's common for you to go to social
9 media to try to gather information?

10 A. Yes.

11 Q. And did you do that in this case?

12 A. Yes, ma'am.

13 Q. Did you try to find a social media
14 account for Channon Preston?

15 A. Yes, ma'am.

16 Q. And on what social media platform did
17 you search?

18 A. It's on Facebook.

19 Q. Tell me about your search for Mr.
20 Preston on Facebook.

21 A. As you already know, Facebook is a
22 public entity, basically. It's -- you can make
23 your account private, if you want, but, you
24 know, if your account is public, you can search
25 for any name on there.

1 You type in the name, in this case I knew
2 his name, Channon Preston, typed that in, and
3 found his account.

4 Q. And you typed in Channon Preston on the
5 Facebook search bar, I guess you would say?

6 A. Yep.

7 Q. And did an account pop up?

8 A. Yes.

9 Q. And was that account public or private?

10 A. That was a public account.

11 Q. So did you document that you documented
12 his public account on Facebook?

13 A. Yes, ma'am.

14 Q. And how did you do that?

15 A. I did, basically, a screenshot or a
16 print screen of the actual Facebook page.

17 MS. JONES: Judge, permission to approach?

18 THE COURT: Yes, ma'am.

19 BY MS. JONES:

20 Q. I'm gonna show you what has been marked
21 as State's 168. Do you recognize that item?

22 A. Yes, ma'am.

23 Q. And what is that?

24 A. This is the screenshot or printed
25 screen of the Facebook account.

1 Q. So you took this photograph?

2 A. Yes, ma'am.

3 Q. And when you took it, were you able to
4 manipulate, or change, or alter anything
5 contained in the Facebook page that you were
6 photographing?

7 A. No, ma'am.

8 Q. Since looking at this photograph, the
9 screenshot, does it appear to be different,
10 altered, manipulated in any way from what you
11 saw on Facebook that day?

12 A. No, this is the Facebook account.

13 Q. That is the exact screenshot you took?

14 A. Yes, ma'am.

15 (Court Reporter marks State's Exhibit
16 Number 168 as attached hereto.)

17 MS. JONES: Your Honor, at this time the
18 State moves 168 into evidence.

19 MS. TOLLEY: With my same objection, Your
20 Honor.

21 THE COURT: Yes, ma'am, so noted. I'm
22 going to admit into evidence, subject to the
23 objection. And what number was that? I'm
24 sorry.

25 MS. JONES: 168.

1 THE COURT: Thank you.

2 (State's Exhibit 168 admitted into
3 evidence.)

4 MS. JONES: And permission to publish,
5 Judge?

6 THE COURT: Yes, ma'am.

7 MS. JONES: thank you.

8 BY MS. JONES:

9 Q. Okay, so State's 168 we have up here,
10 who is in the profile picture, the round picture
11 next to the bold name?

12 A. That is Channon Preston.

13 Q. And then it says -- what does it say
14 next to it?

15 A. It says Channon Preston, and in
16 parentheses Glizzy G.

17 Q. Okay.

18 MS. JONES: You can take that down.

19 BY MS. JONES:

20 Q. Okay, going back to Eddings Point,
21 because of what you heard, because hearing the
22 name Glizzy, you don't go to [REDACTED] Stonewood, do
23 you?

24 A. No, ma'am.

25 Q. You go to 152 Eddings Point Road?

1 A. Yes, ma'am.

2 Q. And when you get there, what do you do,
3 and what do you see?

4 A. Well, kind of like I explained,
5 Investigator Snider was riding with me. I have
6 an unmarked SUV. You know, if you look at it,
7 you wouldn't know that's a police car, so we
8 drove by the residence.

9 We already had the information of a white
10 Toyota van possibly, and we had the name Glizzy,
11 so we drove by to see what was going on at that
12 house, and lo and behold, the white van was
13 parked right in front of it.

14 Q. And how far away was that location from
15 where you were located?

16 A. Oh, I'd say, roughly, five miles, it's
17 not long.

18 Q. Do you know about what time you and
19 Investigator Snider got to [REDACTED] Eddings Point?

20 A. The call came out at 1:06ish, so I
21 would say 15, 20 minutes after that possibly.

22 Q. Are you familiar with the Parker's on
23 St. Helena Island?

24 A. Yes, ma'am.

25 Q. How far away is that from the incident

1 location?

2 A. Probably two and a half miles.

3 Q. Okay. So Eddings Point Road and that
4 Parker's are all within a few miles of each
5 other?

6 A. Yes, ma'am.

7 Q. And when you get there, you lay eyes on
8 this white van?

9 A. Yes.

10 Q. And you-all don't stay there, do you?

11 A. No, ma'am.

12 Q. What do you-all do next?

13 A. So kind of like you were told earlier
14 with Investigator Snider, you know, we kept eyes
15 on the house, knowing a shooting just happened.

16 There's at least two suspects at this time
17 with weapons. Obviously, we're not gonna just
18 go up and knock on the door. We called our
19 Violent Crime Taskforce, which they are a group
20 of guys, and they usually deal with, you know,
21 violent crimes is their name, you know. So they
22 came to help us give us more bodies, and we
23 surrounded the house.

24 Q. Prior to surrounding the house, were
25 you provided a photograph of this white van that

1 you're obviously looking for?

2 A. Yes, ma'am.

3 Q. And you're familiar with that
4 photograph taken from the surveillance video?

5 A. Yes, ma'am.

6 MS. JONES: Can we see that? I believe
7 that it's --

8 COURT REPORTER: Is it 165? No.

9 MS. JONES: 106.

10 BY MS. JONES:

11 Q. This is State's 102.

12 MS. JONES: If you could play State's 102.

13 (Video being played for the jury.)

14 BY MS. JONES:

15 Q. Who is that walking?

16 A. Walking?

17 Q. Away from the home.

18 A. That is Corey Singleton.

19 Q. Okay.

20 MS. JONES: I'm sorry, you can continue to
21 play it.

22 (Video being played for the jury.)

23 THE COURT: Yes, ma'am.

24 BY MS. JONES:

25 Q. Okay. And that white van, you found it

1 at [REDACTED] Eddings Point Road.

2 A. Yes, but I want to clarify if I can.

3 Q. Sure.

4 A. 'We didn't have this video. At the time
5 we just had a screenshot or file sent to
6 Investigator Snider.

7 Q. Okay.

8 MS. JONES: Sorry, Your Honor, I'm gonna
9 switch over technologies.

10 THE COURT: That's all right.

11 BY MS. JHONES:

12 Q. State's 100, is this the screenshot
13 that you and Investigator Snider had?

14 A. Yes, so, you know, looking at that,
15 that's what we had at the time. And, you know,
16 we went to some of the identifying features on
17 the van that aren't common with every vehicle.
18 Like the roof rail's going down.

19 There's also like a flat spoiler coming off
20 the back top windshield, and then that was the
21 same as the van that was parked in front of the
22 house.

23 Q. While at Eddings Point you and
24 Investigator Snider, essentially, just keep eyes
25 on this van?

1 A. Yes, ma'am.

2 Q. And then what happens?

3 A. So we wait for the Violent Crime
4 Taskforce to get there. They get there, we
5 surround the house, and we start calling them
6 out, like Investigator Snider showed us the
7 other day.

8 You know, we get everybody out of the
9 house. I believe Channon's mom and the three
10 kids came out first. Well, sorry, we already
11 had Joshua Washington. So Joshua and David
12 Glover were outside, so I made contact with
13 them. We called everybody else out; Ms. Baker,
14 who is Channon's mom, came out with three kids.

15 Then Channon came out, and then as we were
16 going inside to clear the residence is when we
17 made contact with Xaiver.

18 Q. So BCSO had to go inside the home to
19 find Xavier Polite?

20 A. They were on the way inside the house,
21 yes, when they made contact. So as they kind of
22 explained, the house is up on stilts. It has
23 two stairs going up it. One stair is the only
24 accessible one.

25 As they were walking up the stairs, there's

1 a window, which is the first bedroom, and as
2 they're going up the stairs they see Xavier
3 through that window, and call him out at
4 gunpoint.

5 Q. About how much time passed since the
6 initial calling out, "Everybody come out of the
7 house," to BCSO going to the door and seeing him
8 through the window?

9 A. To put a number on it, I don't know if
10 I can. It was a process to get everybody out.
11 Like I said, we had got Joshua Washington and
12 David Glover there already outside. I was
13 standing alongside Joshua.

14 Ms. Baker came out with the three kids,
15 obviously, kind of protecting them, asking
16 what's going on, and to get her away from the
17 house.

18 We called Channon out, and he kind of came
19 out argumentative, and showed himself a little
20 bit. As that's happening, like I said, I'm
21 standing next to Joshua Washington, he's
22 yelling, "Come on, Gliz, just listen to what
23 they say, come on out of the house."

24 And then there's a couple minutes I believe
25 that goes by, and then we finally go in to clear

1 the house, and that's when they see Xaiver
2 inside.

3 Q. Would BCSO had gone inside knowing that
4 Xavier was still in there?

5 A. If we had knowledge that somebody is
6 still in there, especially after a homicide had
7 just happened, and there's, you know, weapons
8 involved, you know, you don't just go inside
9 like that.

10 Usually, we'll call our negotiations team
11 out. We have a robot that will go inside. We
12 have a SWAT team. There's no point in risking
13 lives going inside to try to get somebody out,
14 there's other ways to do it.

15 Q. You mentioned a Joshua Washington, that
16 you were standing with him around this time?

17 A. Yes, ma'am.

18 Q. Describe his behavior that afternoon.

19 A. His behavior, I remember --

20 MS. TOLLEY: Objection.

21 THE COURT: Hold on.

22 Yes, ma'am?

23 MS. TOLLEY: He's about to testify about
24 somebody's state of mind, or how they are
25 thinking at the time.

1 THE COURT: Well, I think he can testify as
2 to what his observations of the individual are,
3 so I'm gonna overrule that, go ahead.

4 BY MS. JONES: '

5 Q. What were your observations of Mr.
6 Washington?

7 A. My observations were he was very
8 cooperative. Any question I asked he gave me an
9 immediate answer to. He actually tried to calm
10 down Channon, like I had said earlier, by, you
11 know telling him, "Just calm down, Gliz, just
12 dome one down, do what they say."

13 He was very forthcoming with any answers,
14 you know. I went through an interview with him,
15 no red flags.

16 Q. All right. Did you collect a DNA
17 sample from him?

18 A. I did.

19 Q. And did he agree to give you a sample?

20 A. Yeah, that's voluntary. I can't force
21 anybody to give me DNA. You know, we have them
22 volunteer basically. I explained to him what a
23 DNA sample is, you know, the Q-tip in the cheek
24 and that kind of deal, and he agreed to give it
25 to me voluntarily.

1 Q. I'm gonna show you what's been marked
2 as State's 169.

3 Do you recognize that item?

4 A. Yes, ma'am, it's the DNA sample from
5 Joshua Washington.

6 Q. And that's the sample that he
7 voluntarily gave that afternoon?

8 A. Yes.

9 Q. And aside from taking it, and placing
10 it in that bag and sealing it, did you
11 manipulate it, alter it, or change it in any
12 way?

13 A. No, ma'am.

14 (Court Reporter marks State's Exhibit
15 Number 169 as attached hereto.)

16 MS. JONES: and, Your Honor, at this time
17 the State moves 169 into evidence.

18 MS. TOLLEY: without objection.

19 THE COURT: 169 admitted without objection.

20 (State's Exhibit 169 admitted into
21 evidence.)

22 BY MS. JONES:

23 Q. So after everybody's out of the home,
24 did you have an opportunity to speak with Xavier
25 Polite on-scene at Eddings Point Road?

1 A. I did.

2 Q. And was he under arrest at that time?

3 A. No, he's detained just because, like I
4 said, we had just had the shooting, everybody
5 was detained besides the mom and the small
6 children.

7 Q. So David Glover, Joshua Washington,
8 Channon Preston, Xavier Polite were all
9 detained?

10 A. Yes, ma'am.

11 Q. When you say detained, what does that
12 mean?

13 A. They're in handcuffs not free to leave,
14 however, it doesn't mean you're going to jail
15 just because you're in handcuffs.

16 Q. And do you speak with Xavier on-scene
17 that day?

18 A. I did.

19 Q. Does he agree to speak with you?

20 A. Yes, ma'am.

21 Q. At any point does he appear not to
22 understand that you want to talk to him, and
23 what you want to talk to him about?

24 A. No, he was very forthcoming, agreed to
25 talk to me. It's recorded on bodycam footage.

1 Q Are you familiar with something called
2 Miranda rights?

3 A I am.

4 Q What are those?

5 Q. Did you .

6 A. It's basically the rights that every
7 United States citizen has. You know, they don't
8 have to speak to me, if they don't want to, they
9 can have a lawyer present. All rights that you
10 see in most movies.

11 Q. And did you advise Mr. Polite of these
12 rights?

13 A. I did.

14 Q. And was that also recorded on your
15 body-worn camera?

16 A. Yes, ma'am.

17 Q. And did he acknowledge he understood
18 these rights?

19 A. Yes, ma'am.

20 Q. Did he ever appear confused?

21 A. No, not at all.

22 Q. Did he ever appear to not understand
23 that you were speaking with him, and what you
24 were asking him?

25 A. No. He was very forthcoming. Once I

1 asked the question, he would give me an answer.

2 Q. Did his statement appear to be freely
3 and voluntarily given on-scene?

4 A. Yes, ma'am.

5 Q. And you mentioned that this was
6 recorded?

7 A. Yes, ma'am.

8 Q. I'm gonna hand you what has been marked
9 as State's 184.

10 Do you recognize that item?

11 A. Yes, this is my bodycam footage on-
12 scene.

13 Q. And was that taken off of your camera
14 that you had with you that day?

15 A. It was taken off the bodycam.

16 Q. And did you have an opportunity to
17 review that prior to trial?

18 A. I did, and I initialed it.

19 Q. And is that a fair and accurate copy of
20 the recording from your interaction with Mr.
21 Polite on-scene?

22 A. Yes, ma'am.

23 MS. JONES: Your Honor, at this time the
24 State moves 184 into evidence.

25 THE COURT: Any objection?

1 MS. TOLLEY: We'll just renew our previous
2 objection.

3 THE COURT: All right, I need counsel to
4 approach for a moment.

5 (Bench conference.)

6 MS. JONES: Judge, the State would move 184
7 into evidence.

8 THE COURT: All right, admitted subject to
9 objection. Thank you.

10 (State's Exhibit 184 admitted into
11 evidence.)

12 MS. JONES: And permission to publish?

13 THE COURT: Yes, ma'am.

14 MS. JONES: Thank you. And I believe it's
15 roughly 13 minutes.

16 THE COURT: Okay.

17 (Video being played for the Court.)

18 BY MS. JONES:

19 Q. What did you do next?

20 A. We went back to the Northern
21 Investigations Office.

22 Q. And was that your office at that time?

23 A. Yes.

24 Q. And why did you go back to Northern
25 Investigations?

1 A. It's a more controlled environment.
2 It's, you know, we're not doing an interview on
3 the side of the road with distractions going on.

4 We still have people just walking around.
5 It could be more of a one-on-one kind of
6 scenario, and at the same time we're still
7 gathering information from the actual scene
8 itself.

9 Q. Had Mr. Polite been developed into a
10 suspect yet?

11 A. I would say he was a person of interest
12 at this point.

13 Q. Okay. Does he agree to go back to the
14 Investigations office with you?

15 A. Yeah, voluntarily.

16 Q. And you-all go back there?

17 A. Yep.

18 Q. And do you speak with him there?

19 A. I do.

20 Q. Prior to speaking with him, he's
21 detained, he's a person of interest?

22 A. Yes.

23 Q. Do you, again, go through his Miranda
24 rights with him?

25 A. We did.

1 Q. And this time is it done orally, or
2 does he fill out the form?

3 A. We have a Beaufort County Sheriff's
4 Office Miranda form that we filled out, it's
5 more like the official Miranda form.

6 Q. Okay. Why wasn't a Miranda form filled
7 out on-scene?

8 A. Just because, you know, we took off
9 from the office straight on out there, you know,
10 not expecting to, you know, run into somebody on
11 our way, so the form just wasn't handy, so
12 that's why it's recorded on body-camera of me
13 giving him his warnings.

14 Q. Okay. I'm gonna hand you what's been
15 marked as State's 163.

16 Do you recognize that?

17 A. Yes, ma'am, this is our Miranda warning
18 form.

19 Q. And is that a copy of the form that was
20 shown to Xavier Polite that afternoon?

21 A. Yeah, it has his name, date of birth,
22 and where he initialed and signed it.

23 Q. And did you go through each of those
24 rights with the defendant? Did you go through
25 each of those rights with Mr. Polite?

1 A. Yes, ma'am.

2 Q. And did he acknowledge that he
3 understood his rights?

4 A. Yes, ma'am.

5 Q. And did he agree to speak with the
6 Sheriff's Office after being advised of his
7 rights?

8 A. Yes, ma'am.

9 Q. Did he ever ask for an attorney?

10 A. No, ma'am.

11 Q. Did he ever appear under the influence
12 of drugs or alcohol, or anything else?

13 A. No, just at one point he said he was
14 tired.

15 Q. All right.

16 A. Other than that, nothing.

17 Q. Did he ever appear confused?

18 A. No, ma'am.

19 Q. Was he able to respond to you when you
20 asked him questions?

21 A. Yeah, every question asked had a
22 rational answer coming back.

23 Q. Did he ever -- was he ever threatened
24 or promised anything or coerced into giving that
25 statement at the Investigations Office?

1 A. Absolutely not.

2 Q. Was this entire interaction with
3 arriving, and the interview inside, was that
4 recorded?

5 A. Yes.

6 Q. And the cameras were working that day?

7 A. Yes, ma'am.

8 Q. Did you have an opportunity to review
9 that recording prior to today?

10 A. I have.

11 Q. I'm going to show you 164.

12 Do you recognize that item?

13 A. Yes, ma'am, this is the interview of
14 Xavier Polite at the County Sheriff's Office.

15 Q. And you did review that prior to today?

16 A. Yes, ma'am, I initialed it as well.

17 Q. And does that appear to be a fair and
18 accurate recording copy of your interview with
19 Mr. Polite at Investigations?

20 A. Yes, ma'am.

21 Q. Does it appear to be altered or
22 manipulated in any way?

23 A. No, ma'am.

24 MS. JONES: Your Honor, at this time State
25 moves 163 and 164 into evidence.

1 THE COURT: Any objection?

2 MS. TOLLEY: Our continuing objection.

3 THE COURT: Let me get you-all to come up
4 for one second.

5 (Bench conference.)

6 THE COURT: Ladies and gentlemen, I'm gonna
7 send you out for a few minutes. Hold on for one
8 second.

9 Ladies and gentlemen, I'm gonna send you
10 back for a minute, there's something I'm gonna
11 have to take up outside of your presence.

12 I'll get you in here as soon as I can,
13 okay? Please don't talk about the case.

14 (Jury exits the courtroom.)

15 BAILIFF: the jury's cleared, Your Honor.

16 THE COURT: All right, thank you. All
17 right, we had an objection. You can stand down
18 if you want.

19 WITNESS: Yes, sir.

20 THE COURT: Just don't talk about your
21 testimony. We had a conference up here, and I
22 think it's been recorded, but just to recap as
23 the Court I want to say that 156 or 154, which
24 one's the Miranda form?

25 MS. JONES: 163.

1 THE COURT: Thank you.

2 COURT REPORTER: 163.

3 THE COURT: 163's gonna be admitted without
4 objection, but 164, Ms. Tolley renewed her
5 objection, based upon the fact that she doesn't
6 feel that it was freely or voluntarily given,
7 and so she objects to the statement being
8 admitted in its entirety coming in.

9 I already made a ruling that I have recited
10 on the record, and his rights were truly and
11 voluntary was given, and they complied with it,
12 and he was not pressured or coerced into making
13 this statement.

14 Now, there have been a whole bunch of
15 additional talk about the statement. One of the
16 things she wanted removed was the affidavit, and
17 we talked about that, was the fact that the
18 Defendant indicated that he feels like he's been
19 in jail for three years, and I understand that
20 that has been removed per her request.

21 MS. JONES: It has, Judge. Mr. Paulk --
22 there's a different place in the video where
23 Investigator Duncan repeats that, so we ask that
24 be removed. We're now working on that.

25 THE COURT: All right, and I thank you, and

1 I think that that's appropriate that it would be
2 removed.

3 I now understand that, Ms. Tolley. And
4 what I wanted to do is, you know, 'we've had some
5 discussions concerning this disk, and so what I
6 wanted to do is, I wanted you to tell me if
7 there's anything else, or anything else that you
8 thought needs to be redacted?

9 Of course, you're not giving up your
10 underlying objection to the disk in its
11 entirety, but now what I'm asking is, is there
12 anything else?

13 And I think you now have told me that you
14 had some concern about the subtitles?

15 MS. TOLLEY: That's correct, Your Honor.

16 THE COURT: All right. Well, I would
17 sustain your concern about the subtitles now,
18 and I will go on the record and say that the
19 subtitles I understand that they are not
20 actually transcribed by a court reporter, but
21 they are someone's interpretation of what is
22 being said on the tape or video.

23 And I think in this case that the best
24 evidence is, in fact, letting the jury hear what
25 those are. I'll hear the tape unaided by

1 subtitles because the subtitles, again, may or
2 may not be accurate, and I just feel that the
3 subtitles -- it's appropriate to exclude them.
4 I know that may take some time to do that, I'm
5 sorry.

6 If it had been brought to my attention
7 earlier, I could have made a ruling on this, but
8 it was brought to my attention before it was
9 placed -- and this is an important matter to the
10 State and also very important to the Defendant.
11 And so I'm going to rule that the subtitles
12 should come out. And so you can stand down
13 until he can get to work on that, okay?

14 Is that something that perhaps in the next
15 15 or 20 minutes to fix this, or --

16 MR. PAULK: 30 minutes, max.

17 THE COURT: Okay. We will be in recess
18 while they work on that.

19 (RECESS)

20 THE COURT: Solicitor, I'm just coming to
21 check on how things are going?

22 MS. JONES: So Mr. Palk says 26 minutes.

23 MR. PAULK: 26 minutes, Your Honor. It's
24 exporting right now. Right now it says 26
25 minutes remaining.

1 MS. JONES: And what we've agreed, Judge,
2 is, essentially, use the dummy disk right now,
3 because putting it on a disk is another 20 to 30
4 minutes, in addition to --

5 THE COURT: Sure.

6 MS. JONES: -- the 26. So we can play it
7 to the jury after those 26 minutes, and then
8 swap out the disk when it's actually done.

9 THE COURT: Okay, yeah, sure, that's fine.
10 So, basically, we're looking at 30 more minutes
11 before we can get the subtitles captions
12 removed, so we can then go and play that to the
13 jury; is that right?

14 MR. PAULK: Yes, sir, with the additional
15 redactions.

16 THE COURT: All right. All right, then
17 that's what we'll do. Thank you.

18 (RECESS)

19 MS. JONES: Judge, for timing --

20 THE COURT: Yes, ma'am.

21 MS. JONES: For timing, I can rework
22 Investigator Duncan's line of questioning, if I
23 need to, to help with timing.

24 THE COURT: Yeah, well, I don't think that
25 is necessary, but I appreciate that.

1 MS. JONES: I'm happy to do that if you
2 like.

3 THE COURT: So what you're saying is you
4 will go ahead and continue with your cross-
5 examination of him and then come back to the
6 video?

7 MS. JONES: I can.

8 THE COURT: Ms. Tolley, is that acceptable?

9 MS. TOLLEY: Yes, sir.

10 THE COURT: All right, let's try to go
11 ahead and do it. Let's get Mr. Polite in here.

12 MS. TOLLEY: Okay.

13 THE COURT: And let's try to do that.

14 MS. JONES: I'd like to use the restroom
15 really quickly. I thought I had 26 minutes.

16 MR. PAULK: Me too.

17 (RECESS)

18 **

19 **PROCEEDINGS CONTINUED**

20 THE COURT: Hey, Mr. Polite.

21 MR. POLITE: Hello.

22 THE COURT: The video that's being
23 redacted, so that the subtitles are removed is
24 going to take about another 26, maybe 25
25 minutes. And so what the Solicitor is planning

1 on doing is, to continue with her cross-
2 examination of this witness, and, hopefully,
3 circle back to the video, so that we won't have
4 any more down time, and get the jury back out
5 here. I think that accurately states where we
6 are, what we've discussed, and what we're gonna
7 do; is that correct, Solicitor?

8 MS. JONES: Yes.

9 THE COURT: Is that correct, Ms. Tolley?

10 MS. TOLLEY: That's correct.

11 THE COURT: All right, let's go ahead and
12 get the jury in here, and if you could take the
13 stand, you're still under oath.

14 WITNESS: Yes, sir.

15 BAILIFF: Your Honor, the jury's entering
16 the courtroom.

17 THE COURT: Thank you.

18 (Jury enters the courtroom.)

19 BAILIFF: The jurors are present, Your
20 Honor.

21 THE COURT: Thank you very much.

22 Ladies and gentlemen, we are ready to
23 continue with the direct examination of the
24 witness. Solicitor, yes, ma'am.

25 MS. JONES: Thank you.

1 THE COURT: Certainly.

2 BY MS. JONES:

3 Q. We were talking about how you spoke to
4 Mr. Polite at Investigations.

5 A. Yes, ma'am.

6 Q. Okay. We're gonna come back to that
7 later, so I want to move on.

8 Your investigation didn't end there, did
9 it?

10 A. No, ma'am.

11 Q. Okay. Did you -- you never responded
12 to 70 Stonewood though, did you?

13 A. No, I had my hands full with other
14 things going on during that time, with the
15 interviews and everything else.

16 Q. Did you have an opportunity though to
17 come into contact with the evidence in this
18 case?

19 A. I did. You know, being the case
20 officer I like to look at everything, even if I
21 didn't collect it, and go through it.

22 Q. So as the case officer you're familiar
23 with all the evidence that was collected in this
24 case?

25 A. Yes, ma'am.

1 Q. Did you come into contact with the
2 shell casings collected from [REDACTED] Stonewood?

3 A. Yes.

4 Q. Okay. Regarding State's 70 through 92,
5 you previously testified these are the .9mms.

6 What did you do with these shell casings?

7 A. I think it was a couple days
8 afterwards. I checked all the other evidence,
9 went up to their upstairs secure area, and I DNA
10 swabbed each shell casing individually.

11 Q. And were those swabs submitted for
12 analysis?

13 A. Yes, ma'am.

14 Q. And how long have you been in law
15 enforcement?

16 A. 12 years.

17 Q. And in those 12 years how many times
18 have you had a case where DNA has successfully
19 come back on shell casings?

20 A. I could say very rarely. The only time
21 I have personally seen it come back is from
22 another officer after they, you know, picked it
23 up, or some kind of transfer, it's never after a
24 shot's been fired.

25 MS. TOLLEY: Objection.

1 THE COURT: Yes, ma'am.

2 MS. TOLLEY: He's testifying like he's an
3 expert on this.

4 THE COURT: I'm gonna overrule that.
5 Go ahead.

6 MS. JONES: Thank you.

7 BY WITNESS:

8 A. Yeah, in my personal experience I've
9 never had DNA come back on a shell casing.

10 Q. But you still swab them just in case?

11 A. Yes, ma'am.

12 Q. Okay. I can take those back from you.
13 And you also swabbed some of the other casings
14 collected on-scene, didn't you?

15 A. Yes, ma'am.

16 Q. And when I say on-scene, I'm speaking
17 of the [REDACTED] Stonewood scene, because we do have
18 two scenes here. When evidence is collected in
19 a case, is it always relevant to the case?

20 A. No. We have to kind of go through an
21 investigation, and see what is relevant, what's
22 not. The thing with a crime scene is, we have
23 one shot to do a crime scene, and we try to
24 collect everything there, so we don't miss
25 anything.

1 Q. Okay. But you still had some .40
2 caliber casings too, didn't you?

3 A. I did.

4 Q. State's 93 and 94, I'm going to show
5 you those, and what did you do with those
6 casings?

7 A. Same thing, I swabbed them for DNA.

8 Q. And submitted those for analysis?

9 A. Yes, ma'am.

10 Q. What is unique about State's -- sorry,
11 State's 93, that shell casing?

12 A. Yeah, as we saw on some of the pictures
13 earlier, some of them look older. They don't
14 really look like they were freshly fired there.
15 I mean this was an older looking one.

16 Q. Okay. As opposed to the .9mm shell
17 casings, appeared to have been fresh?

18 A. Yeah.

19 Q. Okay.

20 A. On top of the ground, bright, shiny.

21 Q. Okay. Now, this Ruger .9mm, this gun
22 right here, State's Exhibit 6 --

23 A. Yes, ma'am.

24 Q. -- do you recognize that gun?

25 A. Yes, ma'am.

1 Q. Okay, and whose gun was that?

2 A. That was Corey Singleton's gun.

3 Q. Now, Chelsea Seronka previously
4 testified that -- and they're in here somewhere,
5 she swabbed that gun for DNA.

6 A. Yes.

7 Q. Why didn't you submit those for
8 analysis -- those swabs to the lab?

9 A. Just the simple fact that we knew whose
10 gun it was.

11 Q. Uh-huh.

12 A. According to the evidence, it was on
13 the porch at the neighbor's house that was away
14 from the crime scene. We made, you know, 100
15 percent concluded that is Corey Singleton's gun.

16 Q. You also -- hold on.

17 MS. JONES: My apologies. My apologies,
18 I'm trying to find the actual swabs.

19 THE COURT: No problem.

20 MS. JONES: Very good.

21 BY MS. JONES:

22 Q. We just mentioned those .40 caliber
23 casings. You said you swabbed those?

24 A. Yes, ma'am.

25 Q. Okay, can you identify those items,

1 please?

2 A. Yeah, those are the swabs from those
3 casings.

4 Q. And are those the actual swabs you took
5 of those casings?

6 A. Yes, ma'am.

7 Q. Those are the .40 caliber casings?

8 A. Yep.

9 Q. Did you -- aside from taking a swab and
10 sealing them in that bag, did you alter it,
11 manipulate it, or change it in any way?

12 A. No, ma'am.

13 (Court Reporter marks State's Exhibit
14 Number 173, as attached hereto.)

15 (Court Reporter marks State's Exhibit
16 Number 174, as attached hereto.)

17 MS. JONES: At this time State moves 173
18 and 174 into evidence.

19 THE COURT: Any objection?

20 MS. TOLLEY: Without objection.

21 THE COURT: Thank you.

22 (State's Exhibits 173 - 174 admitted into
23 evidence.)

24 BY MS. JONES:

25 Q. When I showed you State's 70 through

1 92, that's the .9mm shell casings from 70
2 Stonewood, you said that you swabbed those --

3 A. Yes, ma'am.

4 Q. -- as well?

5 I'm gonna show you now State's 175, 176,
6 177, 178. Do you recognize those items?

7 A. Yes, ma'am, these are the swabs from
8 those shell casings.

9 Q. Okay, and are those, again, aside from
10 actually collecting the swabs, placing them in
11 there and sealing it, did you manipulate, alter
12 or change it in any way?

13 A. No.

14 MS. JONES: Your Honor, at this time, State
15 moves 175 through 178 into evidence.

16 THE COURT: All right. Ms. Tolley?

17 MS. TOLLEY: Without objection.

18 THE COURT: All right, admitted without
19 objection.

20 (State's Exhibits 175 - 178 admitted into
21 evidence.)

22 MS. JONES: My apologies, I'm trying to
23 keep my numbers straight.

24 BY MS. JONES?

25 Q. Shell casings aren't the only things

1 that you swabbed, are they?

2 A. No, ma'am.

3 Q. But you actually swabbed this -- the
4 Tiffany blue, aqua blue Taurus handgun?

5 A. Yes.

6 Q. BCSO property number 172273?

7 A. Yes.

8 Q. Okay. And you swabbed that for DNA?

9 A. Yes, ma'am.

10 Q. And you collected those swabs and
11 submitted them into evidence?

12 A. Yes.

13 Q. And I'm going to show you now 170, 171
14 and 172, for the next few items we'll be talking
15 about.

16 A. Yep.

17 Q. So regarding 172, are those the swabs
18 from this Taurus handgun?

19 A. Yes, ma'am.

20 Q. And that's the actual DNA swabs you
21 took from this handgun?

22 A. Yes, ma'am.

23 Q. So aside from collecting it, did you
24 manipulate, alter or change them in any way?

25 A. No, ma'am.

1 (Court Reporter marks State's Exhibit
2 Number 172 as attached hereto.)

3 MS. JONES: Your Honor, at this time State
4 moves 172 into evidence.

5 THE COURT: Any objection?

6 MS. TOLLEY: No objection.

7 THE COURT: Admitted without objection.

8 (State's Exhibit 172 admitted into
9 evidence.)

10 BY MS. JONES:

11 Q. Because unlike the Ruger, we don't know
12 who owns this gun yet?

13 A. Correct.

14 Q. I can take that from you.

15 THE COURT: What was his response? I'm
16 sorry, I'm having trouble hearing him.

17 WITNESS: Oh, I'm sorry.

18 THE COURT: That's okay, what was his
19 response to the last question?

20 MS. JONES: Correct.

21 THE COURT: Okay, thank you.

22 MS. JONES: 172 was just submitted.

23 BY MS. JONES:

24 Q. Okay, so you also swabbed the Draco?

25 MS. TOLLEY: May we approach?

1 THE COURT: Sure.

2 (Bench conference.)

3 BY MS. JONES:

4 Q. Okay, you swabbed another gun involved
5 in this case too, didn't you?

6 A. Yes, ma'am.

7 Q. Okay. You swabbed, let's see, the
8 Beaufort County Sheriff's Office property number
9 172272, also known as the black Draco gun,
10 correct?

11 A. Yes, ma'am.

12 Q. Okay, and you swabbed all the areas of
13 this gun? Can you describe that?

14 A. Yes, ma'am, basically, the trigger, the
15 slide, the handle.

16 Q. Okay, hold on, I'm not gun savvy, so
17 the trigger?

18 A. The trigger, yep.

19 Q. Uh-huh.

20 A. The slide, basically, the part of that,
21 a little further up, that part, yeah.

22 Q. Okay.

23 A. The handle where you're holding it.

24 Q. Okay.

25 A. Also what you can all see now is the